

New Jersey Tiered System of Supports (NJTSS) Implementation Guidelines

New Jersey Department of Education, Division of Student Services

2019

Table of Contents

New Jersey Tiered System of Supports (NJTSS) Implementation Guidelines	0
New Jersey Tiered System of Supports Guidelines Introduction.....	2
Foundational Components of NJTSS: Effective District and School Leadership	7
Foundational Components of NJTSS: Family and Community Engagement	10
Foundational Components of NJTSS: Positive School Culture and Climate	13
Instructional Components of NJTSS – The Inner Triangle	15
High Quality Learning Environments, Curricula, & Instructional Practices	17
Data-Based Decision Making	22
Collaborative Problem-Solving Teams.....	24
Progress Monitoring	26
Staff Professional Development	27
NJTSS Connection to English Language Learners	29
Implementing Intervention and Referral Services through the New Jersey Tiered System of Supports	35
The Relationship between NJTSS and Special Education	41
Using Response to Intervention to Determine Eligibility for Special Education and Related Services	45

New Jersey Tiered System of Supports Guidelines Introduction

What is the New Jersey Tiered System of Supports (NJTSS)?

NJTSS is a *framework* compiled of core components for multi-tiered academic and behavioral supports designed to promote student achievement and success and response to intervention (RTI).

With a foundation of strong ***district and school leadership***, a ***positive school culture and climate***, and ***family and community engagement***, NJTSS is a framework for supporting students through a continuum of services provided through core programs and interventions; the use of data to drive decisions builds upon the Intervention and Referral Services (I&RS) process; the NJTSS framework provides schools with a structure for meeting the ***academic, behavioral, health, enrichment, and social and emotional needs*** of all students. NJTSS includes nine essential components that promote prevention and provide the interventions and enrichment that each and every child needs to achieve.

NJTSS aligns resources, from within schools, across school districts and within communities and counties, to provide the right interventions to the right students at the right times.

The ultimate goal is to provide instruction and behavioral supports that prepare every student for postsecondary education, career and life in the community. Through regular monitoring of student progress, along with data-based decision making by problem-solving teams and a continuum of supports and interventions based on student performance, NJTSS integrates the various teams and expertise in schools and communities to maximize the efficient use of resources and the effectiveness of interventions.

Who developed NJTSS?

NJTSS was developed in collaboration with New Jersey stakeholders, including educators and administrators from districts implementing an RTI/MTSS model, members of higher education, state stakeholder organizations, and parents.

What is the Purpose of the NJTSS Guidelines?

The NJTSS Implementation Guidelines were developed to provide a roadmap for schools and school districts to implement a model of a multi-tiered system of supports (MTSS). The guidelines reference tools and resources from national technical assistance centers and other states implementing RTI/MTSS. Tools developed in partnership with Rutgers University as part of the U.S. Department of Education-funded New Jersey Tiered System of Supports for Early Reading (NJTSS-ER) initiative (grant # H323A160012) are also included. The manual is part of the grant activities with a goal of scaling up MTSS implementation statewide.

The NJTSS Guidelines manual contains modules for each component of the system. Each module includes:

- A **definition** of the component;
- A **narrative description** of the component;
- **Best practices** taken from research and documents developed by states from across the nation;
- A **District Spotlight** that offers an example of how a New Jersey district implemented the component;
- **Key implementation tools** from the NJTSS-ER initiative and from other states that district and school leadership teams can use to assess their implementation status or to start the process; and
- **Resources** for further exploration.

The NJTSS Guidelines manual also addresses key topics relevant to successful implementation followed by a **Getting Started** tool described below. Tools and resources will be updated over time in the online version of the manual on NJDOE's NJTSS web page.

For additional materials, visit New Jersey's [Learning Resource Centers](#) (LRCs) which offer materials on loan for educators and parents regarding: RTI and MTSS models; instructional strategies to expand learning in the classroom; evidence-based interventions; culturally responsive instruction; and strategies for English learners. A listing of materials at each LRC is available on the LRC web page.

What is the Research Supporting NJTSS?

The multi-tiered system of supports (MTSS) model, on which NJTSS is based, provides a framework for addressing all students' needs through regular use of data to guide high quality implementation of instruction at varying levels of intensity (e.g., universal instruction provided to all students, targeted small-group instruction provided to students with moderate needs, and intensive individualized instruction). MTSS has evolved as a result of decades of educational research and innovations focusing on data-based decision making and early prevention/intervention.

Research from multiple domains has provided a strong foundation for MTSS.

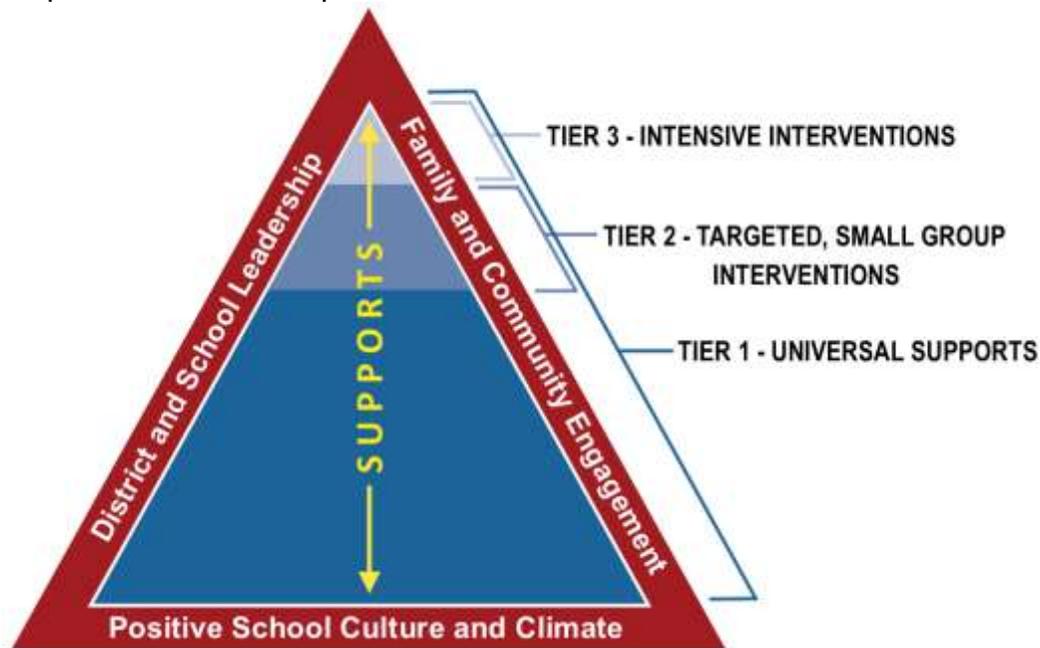
- Innovations in **data-based instructional decision making** from the 1970s (Ysseldyke & Sylvia, 1974) shifted the focus from unmalleable student **abilities** and presumed ability deficits to instruction guided by the assessment of student's skill strengths and weaknesses. Educational psychologists such as Deno (e.g., Deno & Mirkin, 1977) were instrumental in bringing attention to a need to gather immediate data on the effectiveness of instructional approaches to gauge their appropriateness for individual students.
- In the 1980s and 1990s, a **problem solving approach** to addressing skill needs arose in progressive educational environments in Iowa (Ikeda & Gustafson, 2002), Minnesota (Marsten, Muyskens, Lau, & Canter, 2003) and Pennsylvania (Kovaleski, Tucker, & Duffy, 1995) that served as a primary basis for an MTSS approach.
- Further attention to students' response to intervention over the past two decades (RTI; Fuchs et al., 2003; Glover & Vaughn, 2010; Vaughn, Linan-Thompson, & Hiskman, 2003) has required an **MTSS framework** to address a continuum of data-identified student needs.
- Innovations in the area of **early prevention** have also provided a foundation for the evolution of MTSS.
- In the mid-1990s, educators began to transport a public health model with **three levels of prevention** into schools (Shinn, Walker, & Stoner, 2002). Accordingly, a framework was developed for addressing a continuum of needs whereby all students receive universal Tier 1 instruction and, through screening and progress monitoring, additional service delivery needs are identified to support students with moderate (Tier 2) or intensive (Tier 3) intervention needs.

The need for MTSS approaches for data-driven instruction has been formalized through an emphasis in the No Child Left Behind Act (2001) on proficiency for *all* students, a focus in the Individuals with Disabilities Education Improvement Act (2004) on the use of a data-driven approach to assessing students' response to intervention, and attention in the Every Student Succeeds Act (2015) to the integration of systems in schools via multi-tiered student services.

What are the Essential Components of [NJTSS](#)?

The essential components of NJTSS are:

- Effective district and school leadership;
- Family and community engagement;
- Positive school culture and climate;
- High-quality learning environments, curricula, and instructional practices;
- Universal screening;
- Data-based decision making;
- Collaborative problem-solving teams;
- Progress monitoring; and
- Staff professional development.



This is a graphic representation of the nine essential components of NJTSS. The inner, instruction and assessment components are bolstered by three *foundational* components reflected in the outer triangle: effective school and district leadership committed to the implementation of the system; a positive school culture and climate that is conducive for learning; and family and community engagement.

The inner triangle represents the remaining six components and is very similar to many models of RTI. The inner triangle is divided into three tiers which represent a continuum of supports that include core programs and intervention to address academic, behavioral, social-emotional, and health-related needs that vary by level of intensity. Students may receive various levels of intervention during the year as the collaborative problem-solving team reviews progress monitoring data and applies data-based criteria to determine who



needs what intervention when. Core instructional and behavioral support programs and interventions are preventative, non-restrictive and fluctuate in intensity, frequency, and duration based on students' needs. A student may move throughout these tiers as his or her needs demand. The level of support may also differ for specific skills and content-areas. For example, a student may make sufficient progress in core instruction in English language arts but receive Tier 2 support in addition to core instruction for mathematics. Accommodations for students who are English learners or students with disabilities should be provided to a student as appropriate during core instruction (Tier 1) and during interventions (Tiers 2 and 3) and should not preclude a student from participating in core instruction. The three tiers of instruction and intervention represented by the inner blue triangle are described in detail in the module on "High quality learning environments."

Where should a district begin with implementation?

Every district in New Jersey is required to have core programs and some system of intervention and referral services (I&RS) in place. Whether a district has one system implemented district-wide, or a variety of processes for supporting students, in the words of a former curriculum assistant superintendent from a New Jersey school district, when implementing NJTSS: "**Start Where You Are.**"

- **Convene an existing, or new, representative district leadership team to determine the current status of the district's core programs and intervention systems with respect to meeting students' needs.** Begin with a district-level leadership team that is representative of the district and can guide the district in assessing what is needed to implement and maintain a cohesive system that engages all students, staff, families and community resources. This team should be equipped to lead efforts to align core programs, the I&RS process, and intervention supports and enrichment activities with NJTSS and to guide improvements to create a framework that is implemented districtwide and also meets the needs of each school and student.
- **With the team, review this manual.** The manual includes definitions of key components to help develop a common language in the district, best practices for each essential component and tools for implementation.
- **Implement using Getting Started with [NJTSS](#).** This tool was developed by the NJDOE, with input from stakeholders knowledgeable about and/or implementing MTSS and practices to support RTI, based on the principles of implementation science developed by the [State Implementation and Scaling-Up Evidence-Based Practices \(SISEP\)](#) center. The tool walks the team through an analysis of district and school-level data, procedures and processes to identify what is in place to support students and what is needed to implement NJTSS with fidelity.

Foundational Components of NJTSS: Effective District and School Leadership

Definition

Effective district and school leadership, for the purposes of implementing NJTSS, is the establishment of, or use of existing, district- and school-level leadership teams to support the implementation of the components of NJTSS with fidelity. School and district leadership teams are inclusive of administrators, educators and parents representing multiple content areas and support services, and stakeholders and they are culturally representative of the district and school populations.

The [Professional Standards for Teachers and School Leaders](#) provide a framework for effective leaders and the District Capacity Assessment (DCA) and State Capacity Assessment (SCA) provide a mechanism for using leadership teams to review student data and make decisions regarding interventions.

Description

District and building leadership teams are essential for providing direction and coordinating school personnel in various aspects of multi-tiered service delivery. They are responsible for the selection and application of protocols and procedures for student assessment, instructional/intervention practices, staffing, annual and long-term, fiscal and programmatic planning and establishing criteria for data-based decision making. Teams utilize a systems approach to analyze data at the district, school, grade, and classroom levels as well as data regarding individual students. Teams make decisions about the effectiveness of core programs and interventions and coordinate multi-tiered instruction/intervention services to students based on data-identified needs.

Team members are selected based on their knowledge and expertise. They include classroom teachers, special educators, curriculum leaders, content experts, school psychologists, administrators, and others. Family and community partners are involved in general planning discussions; they help with communicating information about NJTSS to parents. The participation of administrators is important for promoting buy-in and sufficient resource allocation to NJTSS implementation. Schools also typically have grade-level leadership that is responsible for reviewing student screening data and determining core instructional needs and the need for additional targeted interventions. Grade-level leaders typically make decisions based on monitoring the implementation of instruction and student performance relative to benchmark expectations both within and across classrooms within a grade level.

Best Practices

- Use of district and building leadership teams, with representation from administration, staff, students, families (including linguistically and culturally diverse) and community partners, that meet regularly and approach instruction and interventions in an integrated manner;
- Development of clear district and school vision and mission statements collaboratively by the leadership teams that describe a commitment to build capacity and to sustain the NJTSS framework;
- District and school use of implementation plans (e.g. ESSA Annual School Plan, [Quality Single Accountability Continuum \(QSAC\) improvement plan](#), [State Implementation and Scaling Up of Evidence Based Practices \(SISEP\)](#), [Early Childhood Technical Assistance \(ECTA\)](#)) illustrating coordination of core programs, interventions and supports across tiers;
- Provision of leadership from grade-level representatives such as Master Teachers and Lead Teachers;
- Involvement of district and school leadership in data collection and data analysis to make instructional decisions and to deliver high-quality services;
- Use of an approach to scheduling of personnel and instructional time to ensure student access to small group interventions in addition to core instruction, and teacher access to professional development activities;
- Provision of a supportive leadership style that fosters the development of effective teacher leaders with diverse backgrounds and expertise;
- Development and use of a plan for the transitioning to new leaders to promote sustainability;
- Involvement of district and school leadership in developing professional development opportunities and resources for teachers, school personnel, families and leadership;
- Adoption of shared responsibility and collaboration between the general education, special education, bilingual/ESL and support staff to ensure the needs of all students are met.
- Provision of training and support to promote a shared understanding of Least Restrictive Environment (LRE) and the relationship between NJTSS and special education.

District Spotlight

Staff at one New Jersey elementary school recognized a need to integrate instructional supports within their district. The superintendent recognized the problem as well after reviewing student achievement and discipline data and charged the assistant superintendent with implementing an MTSS approach. She pulled together a district-level leadership team composed of herself, the curriculum and pupil services directors, grade-level teachers, special educators, and reading specialists. Each member of the team was assigned a clearly-defined role in representing district-wide integration of assessments, data-based decision making, and multi-tiered interventions and supports. Leadership at each school included



administrators, general and special education teachers, and classroom interventionists. The district-level team facilitated the review and updating of core programs, assessment and intervention inventories, data-driven decision-making resources, structures (e.g., scheduling to afford intervention time), and professional development opportunities to guide MTSS implementation at each school. Together the district and school-level leaders developed a system for regularly reviewing instruction and intervention quality and student performance data relative to benchmark expectations at district-, school-, and grade-levels to plan for ongoing instructional needs.

Key Tools for Implementation

- [The District Implementation Map](#)
- [RTI Fidelity of Implementation Rubric and Essential Components Worksheet](#)
- [District Capacity Assessment](#)

Reference & Guidance Documents

- [Kansas Multi-Tier System of Supports- Building Leadership Team System Implementation Guide \(includes sample agenda and planning tools\)](#)
- [Unlocking Federal Funds: Making the Funds Received Under the Elementary and Secondary Education Act \(ESEA\) as Amended by the Every Student Succeeds Act \(ESSA\) work More Effectively for Student and Educators \(includes examples\)](#)
- [Local Stakeholder Engagement Under The Every Student Succeeds Act \(ESSA\): A Guide for District and School Leaders \(includes checklist\)](#)
- [Hubspot.net: School Communication Planning Guide](#)
- [Office of Teaching and Learning, Madison Metropolitan School District, Wisconsin \(February 2015\)](#)
- [ERS: Education Resource Strategies.org Designing Schools That Work \(May 2017\)](#)

Additional Tools & Templates

- [School Leadership Team Problem Solving/Response to Intervention Self-Assessment](#)
- [District Professional Development Plan \(PDP\) Template and Sample PDP](#)
- [School Professional Development Plan \(PDP\) Template and Sample School PDP](#)
- [Kern County Superintendent of Schools: School Communication Plan Worksheet](#)
- [Swift Master Scheduling Tool](#)

- [School Scheduling Tools \(June 2017\)](#)
- [School Design Scheduling Checklist \(June 2017\)](#)

Learning Modules

- [Kansas Technical Assistance System Network \(TASN\) Building Leadership Teams](#)
- [Success at the Core- Leadership Development](#)
- [State of New Jersey School Scheduling](#)

NJDOE Website Resources

- [NJDOE District Support Portal](#)
- [NJTSS Essential Components](#)
- [New Jersey Annual School Plan](#)

Foundational Components of NJTSS: Family and Community Engagement

Definition

Family and community engagement refers to ongoing participation of family and community members as partners in the design, implementation and sustainability of the NJTSS framework.

Description

Family and community partners are both informed and involved in general planning activities as part of leadership teams. Parents are provided with information about NJTSS and the impact of the framework on the education of their children. Universal screening, high quality learning environments with core and differentiated instruction that include Universal Design for Learning (UDL) and is aligned with New Jersey’s Student Learning Standards, data-based decision making, accommodations, and culturally responsive instruction are components of NJTSS that impact **every** child in a school. All schools should have clearly defined procedures for notifying parents in culturally and linguistically appropriate ways about universal screening processes, curriculum, assessment results, and all of the instructional supports and enrichment activities available to their children. In addition to participating in general planning discussions and activities, parents participate in

data-based discussions about their children’s progress and response to interventions provided. Both parents and community partners have opportunities for input regarding school and district level data and communicate information about NJTSS to other parents.

The Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA), two federal education laws, require engagement of families and other stakeholders as partners in educational programs and services, including 21st century afterschool programs. Schoolwide Title 1 schools and schools identified for comprehensive support complete New Jersey’s Annual School [Plan](#) which requires engagement of stakeholders as part of needs assessment, including data analysis, identification of interventions matched to school performance data, and implementation. Community partners (e.g., agencies, colleges and universities, businesses for structured learning experiences) can provide supports and interventions to students, families and educators as part of the array of interventions for NJTSS and help implement the Annual School Plan.

Best Practices

- Involvement of families, representative of the school population, and community partners in the development and implementation of the school vision and mission and implementation of the NJTSS framework;
- Regular assessment of family involvement in the school to identify strengths and needs and plan for [improvement](#);
- Involvement of parents in decision making about interventions and review of progress monitoring data with flexibility in scheduling meetings to facilitate their participation;
- Provision of opportunities for families to learn how to support their children’s learning at home;
- Identification of strategies and resources to accommodate cultural and linguistic differences and link families, staff and students to appropriate service providers and community partners for services, community-based instruction and cultural opportunities;
- Utilization of a parent involvement policy that supports implementation of the strategies contained in the [National Standards for Family School Partnership](#);
- Use of multiple means of culturally-responsive, ongoing communication that includes a review of district and school level performance and progress data; and
- Hosting of data sharing events for parents to discuss school, grade and content area level data; and
- Provision of school-level support for the district’s required special education parent advisory group (SEPAG).

District Spotlight

As part of implementing a multi-tiered system of support (MTSS) like NJTSS in Kindergarten through 5th grade reading, one district created a K through 5 family-engagement plan

outlining electronic and paper communications, data-sharing opportunities, parental participation in student planning meetings, and an ongoing professional development series. Accessible electronic and paper communications were dedicated to explaining:

- (a) the integration of assessments, data-based decision making, and multi-tiered instruction/intervention;
- (b) quarterly reports of progress at each grade level in implementing the framework and meeting student performance expectations; and
- (c) individual student reports on assessment results, data-based decisions, and the nature of interventions.

Parents of students who received intensive, Tier 3 support and/or parents of those who were identified as eligible for special education were invited to attend intervention planning meetings with problem solving team members. Three times a year, the district also offered families an opportunity to attend a data-sharing event where they presented updates on implementation and students' progress at each grade level. Finally, a professional development series offered throughout the year was dedicated to explaining components of MTSS and parental involvement at home to support students.

Another district was finding that typical forms of communication with parents (i.e. letters, conferences, meetings) were not as effective in some school buildings as in others. In addition to creating a webpage on the district website outlining specific information about their intervention system, the district took it one step further. The district made a calendar for the year outlining district-wide parent involvement meetings and relevant parent training. The district analyzed relevant trends and specific needs of students who attend the buildings with limited family involvement. Based on that information, the district created monthly parent trainings offered after school. The trainings were designed to help parents to gain knowledge in understanding sufficient student progress and how to better support their children academically. Parents were provided with easy to use resources. The popularity of the workshops grew over time as parents reported positive experiences.

Key Tools for Implementation

- [NJTSS Parent and Family Engagement Assessment Tool](#)
- [Family Engagement Assessment Tool for Schools](#)

Resources

- [USDE Family and Community Engagement Resources:](#)
- [Dual Capacity Building Framework for Family-School Partnerships](#)
- [Understood.org](#)

Foundational Components of NJTSS: Positive School Culture and Climate

Definition

The National School Climate Center defines school climate as the “quality and character of school life.”¹ A positive school culture and climate emphasizes positive, proactive, and preventive practices that result in a sense of physical and emotional safety for all students and foster optimal conditions for learning.

Description

A positive school climate is essential for facilitating effective NJTSS implementation. This involves clear specification of expectations at the school, classroom and student levels and activities designed to promote positive student and staff relationships and an environment conducive to learning. Instruction and school activities are provided as part of a comprehensive approach to promoting positive social norms and relationship building. Students and school staff are afforded opportunities to provide regular feedback regarding the effectiveness of programs and interventions, needs to improve the system and actions to promote and maintain a positive climate.

Best Practices

- Provision of a clean, safe, welcoming and accessible physical environment for all students that is culturally responsive;
- Assessment of school culture and climate using multiple sources from the perspectives of staff, students and families (e.g., [NJ School Climate Survey](#), indicator checklists, disciplinary referral data, etc.);
- Implementation of [Positive Behavioral Supports in Schools \(PBSIS\)](#), tiered supports for behavior, to establish school environments that have clearly defined and articulated expectations, transitions, routines and behavioral interventions for students;
- Provision of instruction on social and cultural norms, relationship building, and behavioral expectations infused into curricula and daily routines;
- Implementation of regular activities that are planned specifically to foster positive school climate and community building;
- Use of clear communication between staff and administrators that is reciprocal and occurs frequently;

¹ [School Climate Guide for District Policymakers and Education Leaders](#), National School Climate Center, 2009.

- Use of supportive behaviors (e.g., listening, helping, expressing caring, etc.) by staff toward students and towards each other;
- Ongoing recognition of student and staff contributions to the school community;
- Regular hosting of school safety team meetings; and
- Deliberate use of strategies to include students with disabilities and promote cultural competence and inclusive practices across all tiers of intervention.
- Provision of opportunities for student and staff input into planning and decision making (e.g., through feedback discussions, focus groups, surveys, etc.);
- Use of scaffolds (e.g., visuals, coaching, teachable moments, pre-correction, etc.) to support positive choices by students;

District Spotlight

To address school climate concerns, one New Jersey school district expanded the membership and meeting schedule of their school safety/school climate teams and designated the district Anti-Bullying Coordinator as the lead to ensure consistency across the schools. Each school safety/school climate team annually collected data from school staff, parents, and students on the New Jersey School Climate Survey (NJSCS). Each school team analyzed the NJSCS data for their school and identified areas in need of improvement in each domain. Each school then developed a plan to implement strategies to address identified areas with goals, action steps and a process to monitor progress. Schools used the PBSIS framework to implement a set of multi-tiered activities (school, classroom and student levels). The school safety/school climate teams met monthly to execute this plan, make adjustments as needed, and monitor their progress. Data included additional surveys, office conduct referrals, in-school and out-of-school suspensions and HIB incidents. A noticeable difference in school climate occurred during the year as measured by survey data, and behavioral incidents resulting in removal from the classroom or the school were reduced in most schools. (Note: A schoolwide Title 1 school might use their Annual School Plan to address school climate and culture issues to improve student performance on accountability indicators (e.g., academic growth, chronic absenteeism).

Key Tools for Implementation

- [New Jersey School Climate Survey](#)
- [Self-Assessment for Positive Behavioral Supports in Schools Implementation Planning](#)

Resources

- [NJDOE School Climate Web Page](#)
- [NJDOE Positive Behavioral Supports in Schools Web Page](#)

- [NJDOE Social and Emotional Learning Web Page](#)
- [School Climate Guide for District Policymakers and Education Leaders](#)

Instructional Components of NJTSS – The Inner Triangle

Universal Screening

Definition

Universal screening involves assessing *all* students to identify their performance relative to benchmark expectations. It includes administering reliable brief assessments that measure specific skills (e.g. phonological awareness) or behaviors that are highly predictive of future outcomes (e.g., Glover & Albers, 2007; Jenkins, 2003). The purpose of universal screening is to identify whether students are at or above benchmarks or if they are at risk for poor learning or behavioral outcomes.

Description

Universal screening is conducted with all students several times per year (typically in the fall, winter, and spring) to determine student performance relative to defined benchmarks. Screening assessments measure skills or behaviors that are predictive of future performance, to differentiate between students who are likely to fall below, meet, or exceed desired expectations. Screening data are used to identify whether changes are necessary to core instruction (for example, if more than 80% of students are below benchmark), which students may require additional intervention, and which students might benefit from more challenging instruction. Universal screening assessments have documented reliability and validity in making screening decisions. Refer to *Unlocking Your Federal Funds* for information on how federal funds may be used for costs associated with implementing screening systems (e.g., screening measures, the professional development necessary for all teachers to administer them and professional development on how to analyze results and make decisions about which students need intervention).

Within the NJTSS framework, *all* students are screening to identify their performance relative to benchmark expectations. In addition, in accordance with N.J.S.A. 18A:40-5.3, each district in New Jersey must ensure that “each student enrolled in the school district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using a screening instrument selected pursuant to section 2 of this act no later than the student's completion of the first semester of the second grade.”

New Jersey experts and practitioners in reading instruction and identification and interventions for reading difficulties developed [The New Jersey Dyslexia Handbook](#) that

includes a flow chart on page 19 for educators to use in the development of a process for conducting universal screening and screening for dyslexia that complies with New Jersey laws and aligns with NJTSS or any RTI model or MTSS.

Best Practices

- District leadership teams review their inventory of screening tools, including alternate assessments for students who need them, to determine if they are valid and reliable for the purpose of screening and to ensure that they are administered to all students more than once per year to identify students who are at risk for learning and behavioral difficulties;
- Screening is conducted to determine students' performance in the areas of reading, mathematics, and behavior;
- Screening tools are administered in accordance with test protocols in both English and the students' native language when appropriate and available;
- Skill focused assessments are in place that are reliable and valid for the purpose of screening all students to determine skill needs;
- Staff are trained in administering and scoring screening assessments and analyzing the results;
- There are clearly defined cut scores for determining performance relative to benchmarks;
- The timing and frequency of administration are appropriate for identifying service delivery needs (screening) as opposed to tools for determining student responsiveness (progress monitoring);
- The assessments are contextually and developmentally appropriate for the school's population; and
- The school conducts meetings with parents to review the Universal Screening protocol and how results are used to determine who needs interventions.

District Spotlight

Green Hills Public Schools realized that their K to 3 students were not reading as well as they would like. They began to use DIBELS Next screening assessments each fall, winter, and spring to determine the percentage of students meeting benchmark expectations in the areas of phonemic awareness (First Sound Fluency, Phoneme Segmentation Fluency), phonics (Nonsense Word Fluency), and Fluency (DIBELS Oral Reading Fluency). They found that this was useful for determining in the fall and winter whether there were class-wide needs for instructional changes (e.g., less than 80% of students met benchmark expectations) and/or whether individual students could benefit from small-group intervention in the assessed areas.

Key Tools for Implementation

- [Universal Screening Mapping and Analysis Tool for Early Reading](#)
- [The New Jersey Dyslexia Handbook](#)
- [Universal and Dyslexia Screening Flowchart](#)

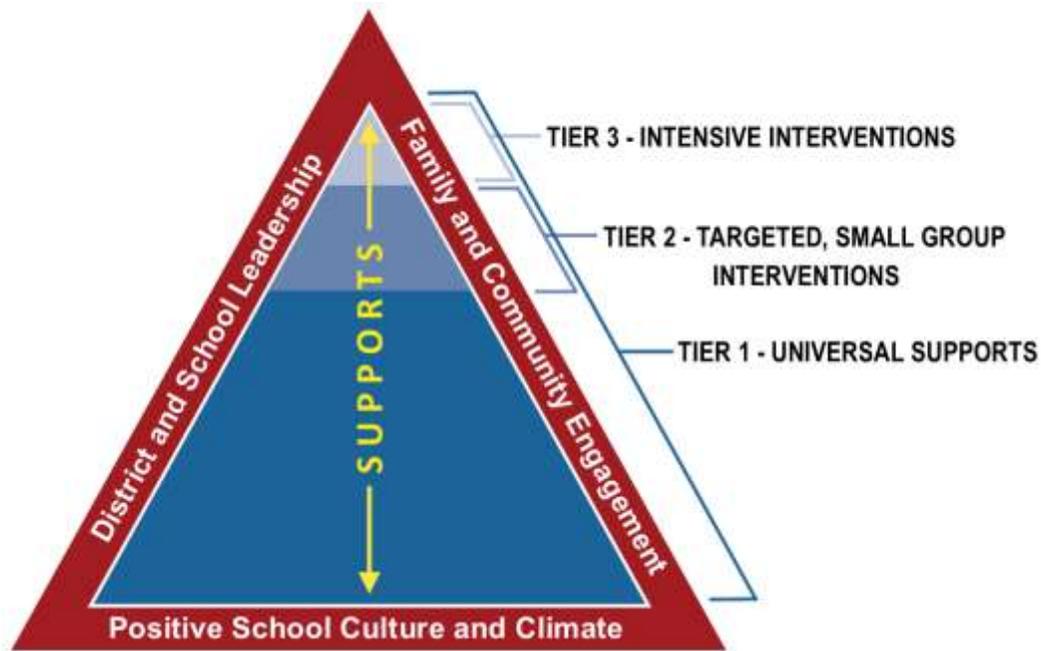
Resources

- [Center on Response to Intervention: Universal Screening](#)
- [RTI for English Language Learners: Appropriately Using Screening and Progress Monitoring Tools to Improve Instructional Outcomes](#)
- [National Center on Intensive Intervention: Academic Screening Tools Chart](#)
- [National Center on Intensive Intervention: Behavior Screening Tools Chart](#)
- [RTI for ELLs](#)

High Quality Learning Environments, Curricula, & Instructional Practices

Definition

High quality learning environments, curricula, and instructional practices involve providing service delivery within a three-tiered model that focuses on preventing learning difficulties, intervening when students need it and providing enrichment opportunities. The model is inclusive in that instruction and supports in the classroom, supplemental education, special education and bilingual/ESL education are included within the three tiers.



Description

Represented by the inner triangle in the NJTSS graphic, this component refers to core instruction and supports for specific skills offered at three tiers varying by intensity.

Tier 1- Universal Supports

Tier 1, represented by the large dark blue section at the bottom of the triangle, focuses on core whole-group and differentiated small group instruction in New Jersey Student Learning Standards in all classroom (including bilingual classrooms and ESL programs), delivered with fidelity by trained teachers with the support of other professionals. In Tier 1, universal screening is conducted where students are screened two or more times a year in literacy math, and behavior to determine which students in each classroom are on track, which students need additional support and which students may require enrichment activities. Collaborative problem-solving teams, made up of teachers (general education, ESL and special education), the principal, the guidance counselor and other specialists, develop decision criteria, review the screening data and make decisions about the appropriateness of Tier 1 in meeting the majority of students' needs. When less than 80% of students are meeting benchmark expectations, Tier 1 instruction and curricula are altered and/or supplemented. Teachers are provided with strategies and supports to meet the needs of their students based on data.

Tier 1 also represents practices conducted to establish school-wide behavioral expectations and the communication of these expectations to all students and their families and all school staff. [Positive Behavior Supports in Schools \(PBSIS\)](#) (Follow the link to the project web site for more information and an array of tools and strategies that may be implemented at Tier 1 within a PBSIS framework to address behavior at the school, classroom and student levels).



Tier 2 – Targeted, Small Group Interventions

Tier 2, represented by the medium blue section in the middle of the inner triangle, includes additional evidence-based supports and interventions that are provided in small group settings in addition to Tier 1 (a group size of 3 to 5 students is recommended) for students who perform below benchmark expectations on universal screening. These interventions are typically provided 3 to 5 days a week by an interventionist, reading specialist or other staff member, or by classroom teachers during an intervention period scheduled in addition to core instruction. Interventions are focused on developing skills and increase in intensity, frequency and duration based upon the review of data during regular progress monitoring intervals. The foci for Tier 2 interventions are typically determined by diagnostic assessment conducted as a follow-up to universal screening. There may be adaptations of supports and interventions based on an individual student's performance using data that are reviewed during frequent progress monitoring intervals.

Tier 3 – Intensive Interventions

Tier 3, represented by the small light blue section at the top of the inner triangle, includes the most intensive level of evidence-based supports and intervention. Tier 3 interventions are provided for individual students or small student groups (2 to 3 students) who are significantly below benchmark expectations and/or those for whom tier 2 is insufficient in meeting their needs. Tier 3 interventions are more intensive, typically provided more frequently (daily) than interventions at Tier 3. As with Tier 2, Tier 3 interventions are typically provided by an interventionist, reading specialist or other staff member, or by classroom teachers during an intervention period scheduled in addition to core instruction. There may be adaptations of supports and interventions based on an individual student's performance using data that are reviewed during frequent progress monitoring intervals.

Refer to *Unlocking Your Federal Funds* for information on how federal funds may be used for costs for instructional supports and interventions (e.g., supplementary instructional materials, intervention teachers, interventions specific to the needs of English learners, data systems to monitor progress and professional development for educators on implementation and analysis of data).

Best Practices

All Tiers

- District/schools provide Tier 1, 2, and 3 supports and interventions along a continuum based on individual student needs that are always changing, as opposed to labeling students as “Tier 1, Tier 2, or Tier 3 students” or “RTI students”
- Accommodations for students with disabilities and students who are English language learners are provided to students who need them at all three tiers of instruction and support;

- A student may move in and out of interventions throughout the year based on progress monitoring data;
- The school/district establishes and trains collaborative problem-solving team members and others to use data-driven decision-making criteria that govern when students begin and exit a Tier 2 or Tier 3 intervention;
- Qualified and appropriately trained educators and support personnel who have high expectations for all students provide instruction and supports at all tiers;
- Students with disabilities are provided Tier 1-3 supports and interventions. If a disability is suspected, a student is referred to special education at any time; however, referral or determination that a student has a disability does not mean that the student must receive instruction in another environment. Additional supports based on a disability are provided in the general classroom and during any intervention period based on the determinations of the IEP team.
- *Collaborative problem-solving teams use universal screening and progress monitoring data for data-based decision making* to determine which students need and no longer need interventions; and
- *Staff professional development* in implementation of all tiers of the system is provided (See also Staff Professional Development below).

Tier 1

- Instruction includes research-based practices including use of: universal design for learning, flexible grouping, guided reading, explicit instruction, differentiation, cooperative learning, modeling, opportunities for guided practice, enrichment opportunities, active responding, regular feedback, and positive behavioral supports;
- Instruction is culturally responsive;
Tier 1 includes Bilingual and English as a Second Language programs and services;
- When Universal Screening indicates that less than 80% of students are meeting benchmark expectations, Tier 1 instruction and curricula are altered and/or supplemented.

Tier 2

- Tier 2 small group interventions are provided in addition to core instruction (Tier 1) for some (10 to 15%) students focused on specific academic or behavioral skills and utilizing research-based practices, including those identified above;

Tier 3

- Tier 2 interventions involves increased frequency and duration of instruction on targeted academic or behavioral skills relative to Tier 2;
- Individualized instructional strategies are provided for students based on data-identified needs.

District Spotlight

One district was interested in better coordinating high quality instruction/intervention across each of the three tiers within their district. They started in the area of elementary reading. Across all elementary grades, student performance indicators indicated that too few students met expectations in the area of phonemic awareness, phonics, and comprehension. They reviewed existing core instructional practices across schools, and found that although they covered reading fluency well, students might benefit from additional systematic instruction in other early reading skills. They utilized the University of Oregon's Consumer Guide to Analyzing Core Reading Programs to analyze components of their core programs and identify areas where additional instructional foci were needed. In addition, they reviewed their inventories of all small group and individual student reading interventions to determine whether (a) they were research-based in content and approach and (b) they covered each of the areas of need identified by student performance data. Resources from the National Center on Intensive Intervention were helpful for guiding this effort. Throughout this process, they realized that they had too many fluency interventions (and that they could train teachers well in only one or two), and that they needed additional interventions focusing on phonemic awareness, phonics, and comprehension. Further, they realized that some interventions did not provide a systematic scope and sequence and that they were not intensive enough to support all students. The district leadership team developed a system for monitoring practices at each Tier on a regular basis to determine whether instruction and interventions were implemented as intended. They regularly made adjustments to training and teacher support as needed.

Key Implementation Tools

- [Core Instruction Analysis Tool for Early Literacy.](#)
- [The District Implementation Map](#)
- [RTI Fidelity of Implementation Rubric and Essential Components Worksheet](#)

Resources

- [Center on Response to Intervention: Multi-Level Prevention System](#)
- [National Center on Intensive Intervention: Literacy Strategies to Support Intensifying Interventions](#)
- [National Center on Intensive Intervention: Mathematics Strategies to Support Intensifying Interventions](#)
- [Positive Behavioral Intervention & Supports \(PBIS\) Technical Assistance Center: MTSS](#)

Data-Based Decision Making

Definition

Data-based decision making involves systematic analysis of data within multiple levels of instruction and interventions to identify students' strengths and areas of need, appropriate interventions and determine the effectiveness of interventions.

Description

Data-based decision making involves analyzing screening and progress monitoring data to determine how to best address students' skill needs. Data are considered within multiple levels (school-wide, grade-level, classroom, individual students) to determine the effectiveness of instruction/intervention. Clearly-specified, data-based decision rules are used to guide intervention selection and modification, the need for movement between tiers of support, and students' response to instruction/intervention. Data are organized, maintained and displayed using an online student database that enable school teams to make school wide, grade-level, class-wide, and individual student decisions.

Best Practices

- Use of data drawn from multiple sources (screening, classroom assessments, progress monitoring, state assessments, language proficiency assessments, etc.) at multiple levels (school-wide, grade, class, individual student) to set goals, identify the need for intervention and monitor progress;
- Use of formative assessment to guide differentiation, as needed;
- Use of data tracking and analytic tools that enable school personnel to access current information and trend data easily;
- Application of decision rules that clearly define movement between tiers and determine whether interventions are effective or need to be modified;
- Use of disaggregated data by demographic variables to determine group trends/needs;
- Use of data by collaborative problem-solving teams to evaluate whether evidence-based interventions are available and provided in all areas where student data indicate a need for support;
- Consideration of core instructional needs before allocating resources to interventions (e.g., class-wide need less than 80% of students are at benchmark);
- Use of progress monitoring data for determining when to refer students to the Child Study Team and by the IEP team when students with disabilities may need additional supports or more inclusive opportunities.

District Spotlight

A collaborative problem-solving team in one district realized that too many first-grade students might be receiving reading fluency interventions, when other early reading skills may have been the source of their difficulties. The collaborative problem-solving team developed data-based decision rules for screening to better align students' skill needs with interventions. For each student, they collected screening data on oral reading fluency (total correct words read) and reading accuracy (the number of words read correctly out of total words read). They then analyzed the data to determine whether the median (middle) student oral reading fluency score and/or median accuracy score was below benchmark, indicating the need for changes to either class-wide fluency instruction (if the median fluency score was below benchmark but the median accuracy score was above benchmark) or to class-wide decoding/phonics instruction (if the median accuracy score was below 93%). When class-wide instructional changes were not enough to meet all students' needs, they used data to place some students into intervention groups for fluency instruction (when only their fluency score was below benchmark) or decoding/phonics instruction (when their accuracy was below 93%).

During the first year of NJTSS implementation, another district found that many of the school staff did not have prior training in data-based decision making. There was confusion pertaining to: the difference between percentiles and percentages, the difference between normative assessments and criterion assessments, the typical rate of growth standards and procedures for setting appropriate target goals. The district utilized their Child Study Team (CST) members to train instructors and other staff members in small groups. Members of the CST had training in assessment use and interpretation and data-based decision making; therefore, they were able to assist staff and clarify any areas of confusion. The training was reviewed by the district supervisor to ensure the same training was presented to all buildings.

Key Tools for Implementation

- [NJTSS Student Intervention Profile & Progress Monitoring Worksheet](#)

Resources

- [Center on Response to Intervention: Data-Based Decision Making](#)

Collaborative Problem-Solving Teams

Definition

Collaborative problem-solving teams are groups of administrators; general, special education, and bilingual/ESL teachers; service providers/interventionists; and other staff with complementary expertise who guide the use of data to inform decisions about instruction and intervention at each tier of the NJTSS model. They comprehensively study and address the academic, behavioral and health needs of students. . .

Description

Although school leadership varies as a function of personnel resources, problem solving teams are typically responsible for reviewing student data and applying specific data-based decision rules to create instruction/intervention plans for individual students. They coordinate support for students with common needs. They review both the implementation of interventions and progress monitoring data collected over time to determine students' response to intervention. Problem solving teams work to improve the quality of intervention implementation, and they make changes to interventions when needed based on individual students' performance. When implementing NJTSS or another RTI or MTSS model, the collaborative problem-solving team may fulfill the requirements of the I&RS team. Parents are included when discussing data and interventions for their children and community providers may offer intervention and support opportunities to complement district services and increase family accessibility.

Best Practices

- Teams review data from multiple sources;
- Teams apply benchmark/cut scores for instructional and intervention decisions;
- Team members (i.e., administrators; general, special education, and bilingual/ESL teachers; service providers/interventionists; and other staff are selected based on their complementary expertise in making data-based decisions about instruction and intervention; and
- Teams have a meeting schedule and a pre-planned agenda with clearly defined roles and responsibilities for each member.

District Spotlight

One elementary school utilized student screening data to gauge the effectiveness of core instruction and to identify students in need of additional intervention; however, staff did not have a systematic approach for coordinating students' ongoing needs within intervention

groups. The school staff decided to redefine the function of their problem-solving team to better (a) coordinate monitoring of intervention implementation quality; (b) systematically track individual students' response to intervention over time; and (c) make changes to individual students' intervention planning based on the implementation and student performance data. Team members included the school psychologist, general and special education classroom teachers, bilingual/ESL teacher and interventionists. Together, they were able to use data on an ongoing basis to guide instructional decisions.

School leadership and staff in another school found that their problem-solving teams spent most of their time discussing individual student problems. A typical meeting consisted of discussing only one student for about 45 minutes. During the 45 minutes, the team spent about 40 minutes discussing all of the concerns with the student and only about 5 minutes discussing how they were going to address the student's needs. Furthermore, the concerns were anecdotal and broad. For example, one teacher described a student's difficulty with reading comprehension using classroom examples without specific assessment data on comprehension or prerequisite skills (e.g., phonics and reading fluency). The problem-solving team was unable to develop a strategic plan based on broad concerns. The district created a Problem-Solving Guide that included checklists to ensure the team was considering important factors when discussing students' needs. Furthermore, the guide included descriptions of meetings protocols and norms. The district also introduced a software system that enabled teachers to electronically submit initial requests for intervention services along with student baseline data and defined target areas of need. The problem-solving teams were able to utilize the information obtained in the request forms to spend much less time on the problem-identification portion of the meeting and majority of the time on the problem-solving discussion. Discussions shifted to determining appropriate target goals based on baseline data and evidence-based interventions that matched the target areas of concern.

Resources

- [RTI Action Network: Build Support](#)
- [State Implementation & Scaling-up Evidence-based Practices Center](#)
- [National Implementation Research Network](#)

Progress Monitoring

Definition

Progress monitoring, which involves regularly assessing student performance through brief assessments, is used to determine students' rate of improvement or response to intervention and to evaluate the effectiveness of instruction (Center on Response to Intervention).

Description

Progress monitoring is used for students receiving Tier 2 or 3 support to determine students' response to intervention. Individual students' progress is determined by administering multiple forms of the same assessment at intervals frequent enough to make decisions about the impact of intervention (e.g., weekly). Districts and schools establish criteria for the number of data-points required to make decisions (e.g., 7 to 8 data points). Progress monitoring assessments allow for repeated measurement of the same skills/behaviors utilizing a common scale of measurement (e.g., number of words read correctly during a weekly oral reading fluency assessment). Progress monitoring assessments have documented reliability and validity in making decisions about student growth/progress over time.

Best Practices

- Progress monitoring tools and procedures used are valid and reliable for their intended purpose, implemented accurately and measure incremental growth and, when applicable, take language proficiency data into account; an established timeline is provided for monitoring student progress; data are reviewed at regularly scheduled meetings;
- Action plans for improving student performance are reviewed and revised as needed with the I&RS team;
- Progress towards IEP goals is measured using regular progress monitoring data rather than only utilizing teacher impressions or data from infrequent achievement tests.
- Progress monitoring is reviewed for students with disabilities and individualized adjustments to instructional approaches are documented within the student's learning plan.

District Spotlight

One school district utilized screening assessments to assess first-grade students' reading performance three times a year. To determine individual students' response to intervention,

they decided that they needed to adopt more regular assessment practices. They began collecting oral reading fluency assessments weekly for students receiving intervention to determine students' fluency (total words correct) and accuracy (words correct out of total words read). They then considered for individual students whether multiple data points met or exceeded growth rates needed to achieve their end-of year performance goals. Measuring student performance over time on the same scale enabled the staff to determine whether changes were required to the fluency and/or decoding interventions that students received to keep them on track.

The problem solving team from another school district noticed that teachers and interventionists all had different perspectives about the use of student data to monitor progress. The district supervisor researched progress monitoring alternatives and found that effective assessment methods took into account the content area, skills targeted for intervention, and grade-level for each student. The district developed a simple guide to outline grade-level expectations for progress monitoring by content area and target skills. The guide included rules for making decisions from multiple data points. For example, the guidelines indicated that, in monitoring a student's rate of progress over eight weeks, teachers should graph students weekly performance relative to a goal line drawn between the student's baseline score and his or her desired performance at the end of eight weeks. They indicated that intervention should only be discontinued if four consecutive datapoints plotted for the student's progress are at or above the goal line. The guide provided staff with a reference and starting point for making data-based intervention decisions. It also helped administrators to ensure that teachers were accountable for monitoring students' performance relative to expectations

Key Tools for Implementation

- [NJTSS Student Intervention Profile & Progress Monitoring Data Worksheet.](#)

Resources

- [Center on Response to Intervention: Progress Monitoring](#)
- [RTI Action Network: Progress Monitoring Within a Response-to-Intervention Model](#)

Staff Professional Development

Definition

Darling-Hammond, in a recent report published by the Learning Policy Institute (2017), defined professional development as “structured professional learning that results in changes in teacher practices and improvements in student learning outcomes.” In New

Jersey, professional development is intended to increase educator effectiveness in teaching [New Jersey's Student Learning Standards](#) and preparing students for success after high school, and it is based on the [New Jersey Professional Learning Standards](#). Specific to implementing NJTSS, professional development includes learning opportunities to gain knowledge and understanding of all components of NJTSS and how to implement them with fidelity to support **all** students in the areas of academics, behavior and health. These opportunities include access to resources, high-quality coaching, training and technical assistance, participation in learning communities, and mentoring.

Description

Implementation of NJTSS requires the ongoing development of skills in the use and integration of assessments, data-based decision making, and high-quality instruction and interventions. Each school district develops individual, school-level and district-level professional development plans where knowledge and skill development in these areas can be addressed. Professional learning communities and job-embedded coaching are successful methods to develop these skills. Professional development regarding the implementation of NJTSS and specific academic and behavioral interventions may be included in the [Annual School Plan](#) for schools receiving Title 1 and/or the [Bilingual Plan](#) for schools receiving Title 3 funds to meet needs identified in a school's needs assessment. Engaging general, special, and bilingual educators, as well as providers of interventions in development of these plans facilitates a coordinated continuum of instruction and interventions and enables staff members to coordinate their individual responsibilities within the larger system of student support.

Best Practices

- Provision of instructional coaching that includes modeling and performance feedback to support the development of high-quality instruction and implementation of interventions with fidelity;
- Integration of ongoing professional development related to the curriculum and whole- and small-group instruction and evidence-based interventions selected by the school or district for Tiers 1 to 3;
- Use of professional learning communities;
- Provision of opportunities to showcase instructional or support strategies or practices that have data demonstrating student success to staff and families within the school or in other schools within the district;
- Scheduling of continuous professional development specifically designed to educate staff on Professional Learning Standard 2 – Learning Differences - to build capacity for selecting and implementing accommodations and supports, differentiation, Universal Design for Learning, sheltered English instruction, culturally responsive teaching, using data to select and monitor interventions, and knowledge to support all students, including students with disabilities, in the general education classroom; and
- Provision of professional learning opportunities to address changes in both federal and state regulations that guide instruction and assessment of **all** student groups.



Key Implementation Tools

- [Annual School Plan](#)
- [RTI Fidelity of Implementation Rubric and Essential Components Worksheet:](#)
- [Building Professional Learning Communities: Uses of PLC Aid](#)
- [District Professional Development Plan \(PDP\) Template and Sample PDP](#)
- [High Quality Professional Development \(HQPD\) Checklist](#)
- [UDL Walkthrough](#)

Resources

- Darling-Hammond, L., Hyer, M. E., Gardner, M. (2017). [Effective Teacher Professional Development](#). Palo Alto, CA: Learning Policy Institute.
- [School Professional Development Plan \(PDP\) Template and Sample School PDP](#)
- [New Jersey's Annual School Plan](#)
- [NJDOE Calendar of Events](#)
- [NJDOE District Support Portal](#)
- [NJTSS Essential Components](#)
- [NJDOE Professional Development](#)
- [NJPSA CAR Model](#)

NJTSS Connection to English Language Learners

How Does NJTSS Relate to ELLs?

When considering how NJTSS will benefit English Language Learners (ELLs), language proficiency always needs to be at the forefront. New Jersey uses the WIDA English Language Development (ELD) Standards instruction of ELLs and the ACCESS for ELLs assessment to determine language proficiency levels of ELLs. The standards promote language use in academic contexts (academic language or the “language of school”). The chart below, “Levels of English Proficiency,” lists the six levels of language proficiency or performance definitions.

Levels of English Proficiency

Level	Description
6 – Reaching	<ul style="list-style-type: none"> • specialized or technical language reflective of the content areas at grade level • a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse as required by the specified grade level • oral or written communication in English comparable to proficient English peers
5 – Bridging	<ul style="list-style-type: none"> • specialized or technical language of the content areas • a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays or reports • oral or written language approaching comparability to that of proficient English peers when presented with grade level material
4 – Expanding	<ul style="list-style-type: none"> • specific and some technical language of the content areas • a variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related sentences or paragraphs • oral or written language with minimal phonological, syntactic or semantic errors that do not impede the overall meaning of the communication when presented with oral or written connected discourse with sensory, graphic or interactive support
3 – Developing	<ul style="list-style-type: none"> • general and some specific language of the content areas • expanded sentences in oral interaction or written paragraphs • oral or written language with phonological, syntactic or semantic errors that may impede the communication, but retain much of its meaning, when presented with oral or written, narrative or expository descriptions with sensory, graphic or interactive support
2 – Beginning	<ul style="list-style-type: none"> • general language related to the content areas • phrases or short sentences • oral or written language with phonological, syntactic, or semantic errors that often impede the meaning of the communication when presented with one- to multiple-step commands, directions, questions, or a series of statements with sensory, graphic or interactive support
1– Entering	<ul style="list-style-type: none"> • pictorial or graphic representation of the language of the content areas words, phrases or chunks of language when presented with one-step commands, directions, WH-, choice or yes/no questions, or statements with sensory, graphic or interactive support • oral language with phonological, syntactic, or semantic errors that often impede meaning when presented with basic oral commands, direct questions, or simple statements with sensory, graphic or interactive support

When implementing any tiered system for ELLs, the students' language proficiency always



needs to be considered; when assessing ELLs' performance in school, a distinction must be made between their academic achievement and their academic language proficiency." (WIDA RT12). The way in which ELLs perform in school and academically is directly related to their academic language proficiency. This must be taken into account when interpreting assessment results and intervention practices. In other words, is the student experiencing difficulty because he/she doesn't understand the content or doesn't possess the **academic language** to access the content?

The Tiers

Culturally responsive instruction involves the teacher making connections to the students' background experiences. The first step in this process, though, is knowing the experiences of the students so that the teacher can make connections. An example is: if you are reading a story about a skunk saving a bear from the hunter, the teacher needs to know if the students know what a skunk is and what they do. If not then the teacher must build the requisite knowledge. Sometimes students might not see the connection so it up to the teacher to help students recognize the similarities. In addition, culturally responsive teaching allows the students' voices to emerge.

Tier 1

High quality Tier 1 instruction means that **all teachers** who are working with ELLs know how to make content comprehensible and know how to differentiate assignments and assessments for the students at different proficiency levels across all language domains (listening, speaking, reading writing). Some examples of appropriate techniques include: culturally responsive instruction, using visuals, gestures, acting-out, and hands-on activities, allowing students to use native language (L1), providing word walls, anchor charts, sentence frames and starters, a buddy, differentiated rubrics and extra time to complete assignments.

Core instruction for ELLs is high-quality instruction that includes the [WIDA English Language Development Standards](#), as well bilingual instruction, English as a Second Language (ESL), and/or sheltered instruction ([an approach to making content comprehensible for ELLs](#)). Please visit the NJDOE website for a [description of program types](#).

Instruction at Tier 1 is for **all** students, but ELLs may require scaffolds and supports to access this instruction. These [scaffolds](#) and supports must be based on ELLs' language proficiency levels based on the performance definitions above. For example, if an ELL is performing at a Level 1, he/she may only be expected to respond [using words or pictures](#).

Tier 2

Any interventions at Tier 2 must consider ELLs' language proficiency and should be culturally *and* linguistically responsive. This can be accomplished by looking at instruction through a "cultural lens; connecting content to students' background knowledge and culture"; (Irvine, 2009). If this learning environment is provided at Tiers 1 and 2, very few ELLs would require Tier 3 support. (WIDA RT12) ELLs' progress needs to be monitored both academically **and linguistically**; progress towards language proficiency always needs



to be considered. One way in which language progress and proficiency can be measured is through various WIDA tools, such as the WIDA performance definition rubrics for [speaking and writing](#), [reading and listening](#), as well as the [WIDA MODEL assessment](#).

Do not wait for ELLs' oral language to develop fully before providing [reading interventions](#).

Tier 3

If a culturally and linguistically responsive learning environment is provided at Tiers 1 and 2, very few ELLs would require Tier 3 support. (WIDA RTI2) ELLs' progress needs to be monitored both academically and linguistically; progress towards language proficiency always needs to be considered. Support at this level must be provided by a teacher who is knowledgeable about second language proficiency, academic language, and language acquisition.

Tier 3 intervention needs to be provided by a well-trained specialist such as a bilingual education or an ESL teacher with a strong background in literacy, or a learning disability teacher who has a strong background with and understanding of the [educational needs of ELLs](#).

For some example scenarios, please see: [The Colorin Colorado Website](#).

WIDA's "Necessary Conditions for ELLs to Experience the Benefits of a Responsive RTI System"

- Use innovative practices and reforms in all tiers with a focus on enrichment, increased comprehensibility, and meaningfulness rather than remediation.
- Customize RTI systems according to a school or district's individual needs, and select multiple and different practices for the multiple tiers of support. Implement these practices in a cohesive, contextualized, and comprehensible way from a sociocultural perspective.
- Make certain that all educators are aware of the research on what practices, strategies, approaches, and interventions work with whom, by whom, and in what contexts (Klingner & Edwards, 2006).
- Ensure that students receive culturally responsive, appropriate, quality content and language instruction that is evidence-based at all levels.
- Provide *linguistic supports* when assessing students' content knowledge.
- Provide time for team members to plan for students' instruction, resulting in instruction and intervention strategies that are cohesive, authentic and meaningful, and connected to the core curriculum.
- Include approaches that focus on complex sociocultural phenomena and better address students' unique educational contexts.
- Look not only at classrooms, but also at languages and outside social/educational settings for insights into students' performance.
- Recognize the need for both appropriate ELL literacy instruction as well as academic language instruction across content areas.
- Differentiate at all tiers of support according to students' academic language proficiency



levels.

Essential NJTSS Components and ELLs

Effective district and school leadership

Leaders in the school may support the language development of ELLs through a “Can Do” approach. [The Can Do Descriptors \(https://www.wida.us/standards/CAN_DOs/\)](https://www.wida.us/standards/CAN_DOs/) include what teachers and administrators can do to support ELLs. They also highlight what ELLs **can do** at various stages of language development as they engage in teaching and learning in academic contexts. School and district leaders can familiarize curriculum committees with the Can Do Descriptors to align them with the district’s curriculum.

Leaders in the school need to adopt a school-wide approach to developing cultural and linguistic competence. The leaders set the cultural environment so they must model acceptance and inclusion and encourage teachers to tap into the students cultural and linguistic strengths and find ways to incorporate them into the classroom. Principals, vice principals, and administrators in a school should view ELLs using an asset-based approach. This approach recognizes that ELLs have linguistic, cultural, experiential, and social and emotional potential that contributes to their language and academic development. School leaders should convey this message to all staff.

Family and community engagement

School leaders, teachers, and staff need to recognize and acknowledge the importance of ELLs’ home language and culture. ELLs’ families and their involvement may be affected by any of the following factors: living situation (e.g., separation of family members where some family has immigrated to the United States while other family members may have remained in the student’s home country; some ELLs may be required to work outside of the home and/or take care of younger siblings; ELLs may be “unaccompanied minors” where they have been sent here at a very young age alone to escape dangerous conditions in their native country.)

Positive school culture and climate

A welcoming school environment that respects ELLs’ culture and languages and one in which ELLs feel like they belong in the school and are part of the school community are essential to success. Such an environment can be created by capitalizing on their resources, backgrounds, and experiences.

High-quality learning environments, curricula, and instructional practices

ELLs’ language programs and services ([bilingual](#), ESL) are part of Tier 1 instruction and must be core. ELLs should be exposed to the same core instruction as all other students. However, activities, outcomes and assignments need to be differentiated and scaffolded based on language proficiency.

Universal screening

For ELLs, this must measure both academic and language proficiency/development. Any screening tools developed for English speakers must be adapted for the needs of ELL. Sometimes assessments are not culturally responsive so students may not have the background knowledge to demonstrate comprehension. ELLs are often less fluent yet may understand what they are reading. ELLs should not be hindered when the teacher feels that the student understands but may not be able to respond in complete sentences.

Sources of data to accompany screening results to determine the need for and nature of intervention may include:

- Intake interviews in home language and English;
- Previous schooling information;
- School demographic data;
- Grade level meeting notes;
- Academic achievement data;
- ACCESS for ELLs® scores;
- School records (cumulative folders);
- Title program data;
- Cultural information; and
- Community organizations.

Caution: assessment results could be affected by ELLs' language and culture. **Whenever possible, screening should be conducted in both languages.**

Data-based decision making

Analysis of screening results and progress monitoring data should consider the language proficiency level of the student. The data that is reviewed for ELLs needs to include:

- language proficiency data for listening, speaking, reading, and writing and how this relates to academic performance; and
- multiple sources of data

Collaborative problem-solving teams

Teams should include information and insights from multiple perspectives, including ESL/bilingual staff in order to provide input from both the academic side and language side.

Progress monitoring

Assessments that are administered must include ones that measure language development across the four language domains of listening, speaking, reading, and writing, such as the [WIDA MODEL](#).

Use tools that evaluate both native language literacy and English literacy. Both screening and progress monitoring measures should be able to demonstrate they are valid and reliable for ELLs' outcomes.

Staff professional development

Topics for professional development for all staff working with ELLs include:

- Second language acquisition;
- Sheltered instruction; and
- the [WIDA English Language Development Standards](#).

ESL and bilingual teachers should participate in professional learning communities and/or grade or content area team meetings as well as professional development on programs or materials the school is introducing in classrooms.

Key Implementation Tools

- [RTI for English Language Learners: Appropriately Using Screening and Progress Monitoring Tools to Improve Instructional Outcomes](#)

Implementing Intervention and Referral Services through the New Jersey Tiered System of Supports

Definition

Intervention and referral services (I&RS) refer to a coordinated system in every school for planning and delivering intervention and referral services to assist students experiencing learning, behavior or health difficulties and for staff who experience difficulty addressing said needs (*N.J.A.C. 6A:16-8.1(a)*).

Narrative

Schools in New Jersey have a long history of examining and supporting service provision for all students using the general education curriculum and determining additional intervention needs under the guidance of the Intervention and Referral Services (I&RS) team. In response to a need for intervening early and the need for a systematic approach to instructional interventions, the NJDOE adopted regulations establishing intervention and referral services (*N.J.A.C. 6A:16-8*). NJTSS is a framework that schools can use to fulfill the I&RS requirements to ensure the right interventions are provided to students at the right time.

The diagram below, Figure 1, illustrates the relationship between I I&RS and NJTSS.

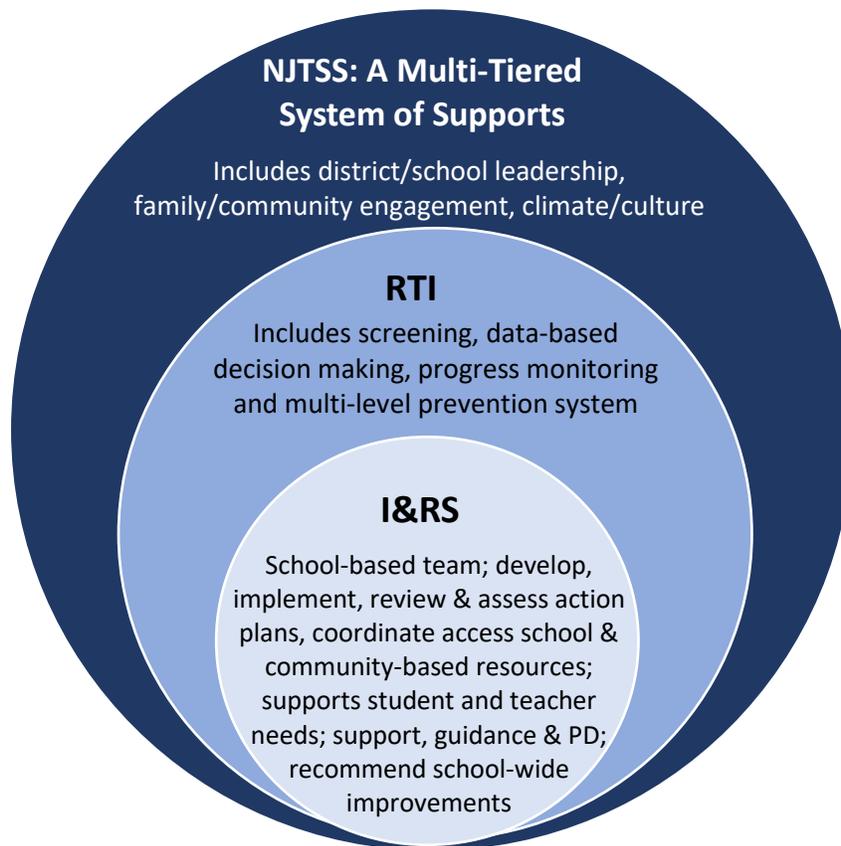
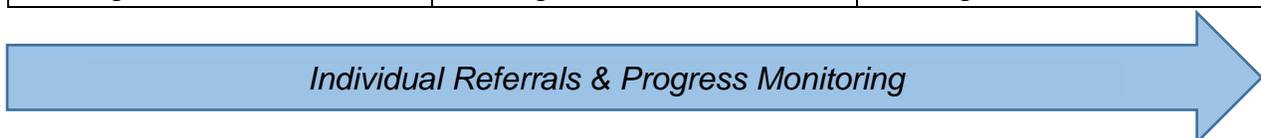


Figure 1: I&RS, RTI and NJTSS

NJTSS builds upon traditional I&RS procedures by utilizing universal screening as a means of identifying the extent to which existing core practices support the majority of students and whether select students may benefit from additional intervention. Universal screening is scheduled two to three times per year for **all** students to determine students’ performance relative to benchmark expectations and which students require additional support or intervention, typically in the areas of literacy, mathematics, or behavior. . The NJTSS collaborative problem-solving team reviews screening data, develops and applies decision rules to determine who needs support and intervention, and also reviews individual referrals to determine intervention needs (as is done for traditional intervention and referral services). This diagram illustrates embedding intervention and referral services into the NJTSS framework:

September	December/Jan	May/June
Universal Screening	Universal Screening	Universal Screening
Data-Based Decision Making	Data-Based Decision Making	Data-Based Decision Making



I&RS regulations require schools to identify learning, behavior and health difficulties of students through the collection of appropriate data; use collected data to implement action plans for students experiencing difficulties that utilize appropriate school and/or community resources; review and assess action plans to determine if identified outcomes are being achieved, and modify to better achieve goals, as appropriate; and, at a minimum, annually review I&RS action plans. Using NJTSS meets those requirements as data-based decision making is an essential component and an action/intervention plan is developed once the collaborative problem-solving team reviews the data, applies the decision rules, and connects students to the right interventions. As noted previously, NJTSS builds upon traditional I&RS procedures by utilizing universal screening as a means of identifying the extent to which existing core practices support the majority of students, whether select students may benefit from additional intervention, and which instructional and intervention practices can be implemented at each tier to support students' needs. . NJTSS includes regularly scheduled progress monitoring and data-based decision making by the collaborative team to move students in and out of interventions – a more formalized approach to what an I&RS team may do already.

Throughout the development and implementation of I&RS action plans, it is important that the I&RS team engages parents and families. An integral component of the NJTSS framework, family and community members are . contributors in the development and monitoring of intervention plans and provision of student support. Community partnerships are also encouraged as sources for academic, behavior, health and social-emotional interventions for both students and their families. NJTSS should be used as a mechanism to implement I&RS requirements, not as a separate system of support.

The table below outlines the I&RS requirements in *N.J.A.C. 6A:16-8* and how NJTSS supports implementation of these requirements.

I&RS Requirements	How NJTSS Components Align with I&RS
Local Boards of Education must establish and implement a coordinated system in every school for planning and delivering intervention and referral services to assist students experiencing learning, behavior or health difficulties and for staff who experience difficulty addressing said needs (<i>N.J.A.C. 6A:16-8.1(a)</i>).	<i>Effective district and school leadership</i> is a foundational component of NJTSS necessary to put in place the framework with supports and interventions for academics, behavior and health. District and school leadership teams are established to implement and evaluate the effectiveness of the intervention system.

I&RS Requirements	How NJTSS Components Align with I&RS
Boards of Education must choose the appropriate multidisciplinary team approach to implement services (<i>N.J.A.C. 6A:16-8.1(a)</i>).	<i>District and school leadership</i> must determine the appropriate staffing to develop a <i>collaborative problem-solving team</i> in each school. The collaborative problem-solving team may be the multi-disciplinary team required under the I&RS regulations. The team reviews data, assists in selecting appropriate assessment tools, develops decision rules for interventions and reviews progress monitoring data.
I&RS must be provided to students in general education; and may be provided for students determined to need special education programs (<i>N.J.A.C. 6A:16-8.1(a)1-2</i>).	<i>High-quality learning environments, curricula and instructional practices</i> that support all students and provide interventions when needed are essential to NJTSS. Tier 1 support and Tier 2 and 3 interventions may be provided to any student. Child study teams may use data from interventions to determine the need for referral and as part of the determination of eligibility (<i>N.J.A.C. 6A:14-3.4(h)4ix and 6</i>).
Identify learning, behavior and health difficulties of students through the collection of appropriate data (<i>N.J.A.C. 6A:16-8.2(a)1-2</i>).	The <i>collaborative problem-solving team</i> (NJTSS team) uses <i>universal screening</i> data from all students to determine the extent to which existing core practices support the majority of students and whether select students may benefit from additional intervention. Universal behavioral screening may be conducted to determine behavioral needs or teachers may determine using universal behavioral supports who needs additional interventions. Progress monitoring data is gathered at specified intervals to determine the effectiveness of interventions and when interventions are no longer needed.

I&RS Requirements	How NJTSS Components Align with I&RS
<p>Use collected data to implement action plans for students experiencing difficulties that utilize appropriate school and/or community resources (N.J.A.C. 6A:16-8.2(a)3).</p>	<p>Collaborative problem-solving teams (NJTSS teams) utilize data-based decision making to develop and implement intervention plans for students experiencing difficulties.</p> <p>The three tiers within the inner NJTSS triangle represent an array of supports and interventions to meet students' needs and may include interventions within the school and within the community.</p>
<p>Provide professional development, support and guidance to school staff who identify learning, behavior and health difficulties (N.J.A.C. 6A:16-8.2(a)4).</p>	<p>Collaborative problem-solving teams (NJTSS teams) work as professional learning communities and engage in embedded <i>professional development</i> based on their needs such as, curriculum development, data-based decision making and implementation of evidence-based interventions with fidelity. <i>District and school leaders</i> support the continuing professional development of staff to implement NJTSS as well as interventions and supports.</p>
<p>Actively involve parents or guardians in the development and implementation of intervention and referral services action plans (N.J.A.C. 6A:16-8.2(a)6).</p>	<p>Family and community engagement is a foundational component of NJTSS. Facilitating the involvement of families in decision making, developing intervention plans, and monitoring progress promotes family engagement in learning and increases opportunities for practicing skills.</p>
<p>Coordinate the access to and delivery of school resources and community-based services to achieve outcomes in I&RS action plans (N.J.A.C. 6A:16-8.2(a)7-8).</p>	<p>District and school leadership teams and collaborative problem-solving teams align resources and create a continuum of supports and interventions that includes interventions within the school and within the community.</p>

I&RS Requirements	How NJTSS Components Align with I&RS
<p>Maintain records of all requests for assistance and all intervention and referral services action plans and all related student information (N.J.A.C. 6A:16-8.2(a)9).</p>	<p>District and school leadership teams determine the policies and procedures for maintaining records related to intervention plans and should ensure all staff are trained in the policies and procedures.</p>
<p>Review and assess action plans to determine if identified outcomes are being achieved, and modify to better achieve goals, as appropriate. (N.J.A.C. 6A:16-8.2(a)10).</p>	<p>Collaborative problem-solving teams (NJTSS teams) conduct progress monitoring and make decisions, based on student data, about the effectiveness of core practices and interventions and modify the intervention plans as needed.</p>
<p>At a minimum, annually review I&RS action plans, and if necessary, make recommendations to the principal for improving school programs and services, as appropriate (N.J.A.C. 6A:16-8.2(a)11).</p>	<p>Collaborative problem-solving teams review intervention plans regularly to monitor progress.</p>

Best Practices

- Utilization of NJTSS implementation tools to align and coordinate the procedures and function of district and school intervention and referral services within the NJTSS framework;
- Integration of I&RS team requirements into the function of the collaborative problem-solving team; and
- Development of a plan for sustained and appropriate parental engagement across the tiers of service delivery.

Resources

- [NJDOE Intervention and Referral Services](#)

The Relationship between NJTSS and Special Education

A common area of confusion for schools implementing NJTSS is the relationship between this multi-tiered system of support and special education. Implementation of the NJTSS framework is compatible with, and well-aligned to, the requirements of the Individuals with Disabilities Education Act (2004). NJTSS is designed to provide a continuum of both academic and behavioral supports to all students ranging from schoolwide prevention practices to intensive individualized interventions.

NJTSS is designed for prevention, intervention and enrichment in the areas of learning, social-emotional, behavioral and health needs. NJTSS, New Jersey's MTSS, includes the foundation principles of Universal Design for Learning which is an instructional design framework that is based on a notion that all students are varied in their learning needs and therefore instruction must be flexible to ensure learning of all (Meyer, Rose, & Gordon, 2014). Some of the potential benefits of NJTSS, when implemented with fidelity, are the following:

- Prevention of inappropriate and excessive referral to special education;
- Reduction of disproportionality in special education;
- Avoidance of excessive loss of instructional time due to frequent disciplinary referrals to the office as well as a potential reduction in both in-school and out-of-school suspensions;
- An increase in the inclusion of students with disabilities in general education classrooms, general education interventions, and all other school and community environments for as much of their school day as possible.

Data collected from screening, assessment, and progress monitoring measures associated with the NJTSS framework can assist the collaborative team in making more informed decisions regarding the presence of a disability, therefore avoiding an overabundance of referrals to the Child Study Team (CST). Also, the data collected in the tiered intervention process may be utilized to better inform the CST evaluation process if a disability is suspected.

At any tier of instruction and support, if a disability is suspected, the data should be reviewed, and the student should be referred to the Child Study Team. Implementation of NJTSS with fidelity, however, offers multiple opportunities for support and interventions so that special education services are part of the array of supports and interventions available to students with disabilities at any or all three tiers of instruction and intervention. With NJTSS, or any RTI or MTSS framework, a special education program is no longer the only way for a child to receive small group or intensive academic or behavioral interventions.

The intention of NJTSS is to provide interventions and services in general education so students do not have to be eligible for special education classification and related services in order to receive the supports necessary to facilitate their educational success. NJTSS promotes the use of evidence-based practices and research-based strategies during core instruction and small group interventions which offer students who are struggling, as well as students with disabilities, integrated and extended learning opportunities based on their individual performance.

If a child has an IEP, a strong intervention system offers the IEP team an array of options for providing services within the general education classroom and small group environments. Special education does not represent a specific tier. The IEP team may extend the frequency, and/or duration of an intervention and/or add individualized supports; however, removal from the general education environment may not be necessary. This approach increases the opportunities for students with disabilities, after they are determined eligible for services, to be educated with typical peers with support.

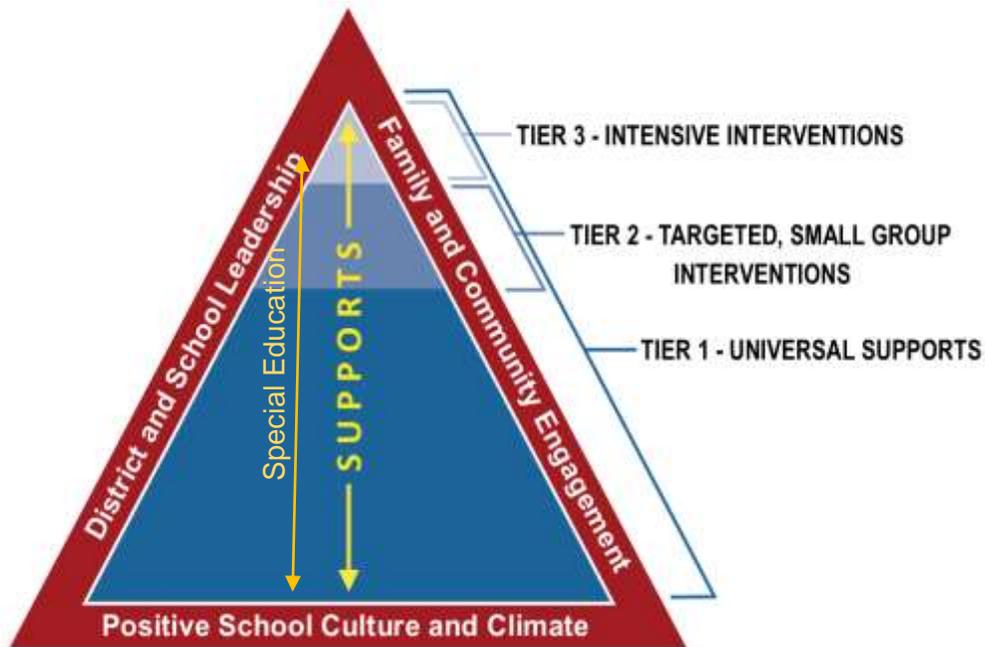
Below are some key assumptions about NJTSS and how special education is integrated within the framework:

- NJTSS is not a special education program. It is a general education framework into which a continuum of supports, accommodations, modifications and interventions for all students can be embedded into the general education classroom and environment.
- Special education is not a place, it is a legal protection and array of services that can be provided to supplement instruction and intervention at any of the three tiers of support within the NJTSS framework to students who are eligible in one of the 14 categories delineated in N.J.A.C.:6A:14-3.5.

- NJTSS does not replace Special Education and Related Services – it integrates special education services into a continuum of supports for all students. (see Diagram A)
- NJTSS is not a way to delay referral for special education. When it is suspected that a child has a disability, a referral should be made to the Child Study Team in accordance with N.J.A.C.:6A: 3.3. NJTSS provides valuable information and supports to potentially avoid unnecessary referrals to CST but cannot replace or delay a referral.
- A goal of NJTSS is for students with IEPs to receive instruction and support at every tier. Students with IEPs may be educated in the general education classroom receiving the same Tier 1 support as general education students as well as the supports and services in their IEPs if the IEP team determines that is the appropriate placement. The IEP team may also determine that a student with an IEP will benefit from continuing in small group interventions with typical peers (Tier 2) with or without individualized supports (Tier 3). Tier 3 is not special education in the NJTSS model. Tier 3 represents an increase in the frequency, intensity and/or duration of interventions to meet a student’s individual needs. This could include a separate class or separate program (ex. basic skills instruction in a small group for math for a student identified with a writing disability); however, it is not limited to those environments. For a student with an IEP, the decisions involve the IEP team.
- When determining placement for a student with an IEP, before deciding that services will be provided in a special education resource room or self-contained class, just as in any school, the IEP team must consider:
 - 1) whether the student can be educated satisfactorily in a regular classroom with supplementary aids and services;
 - 2) a comparison of the benefits provided in a regular class and the benefits provided in a special education class; and
 - 3) the potentially beneficial or harmful effects which a placement may have on the student with disabilities or the other students in the class (N.J.A.C: 6A:14-4.2(a)8).”
- Students with IEPs may meet criteria to exit or enter a tiered support intervention during the school year. When considering changing the level of support, the case manager should be notified, as an IEP meeting may be necessary.
- Students with IEPs should participate in universal screening. Accommodations and alternate assessments should be provided in accordance with the IEP. It is strongly recommended that Child Study Team members are part of the collaborative teams, so they can ensure that all CST members are familiar with the screening and progress monitoring tools when planning and designing IEPs. Data from screening and progress monitoring provides valuable information for discussion at annual reviews and for reevaluation.

- The array of supports and interventions provided within the NJTSS framework should include supports for teachers, in alignment with current requirements for intervention and referral services. For a child with a disability, these may be included in the IEP if the student requires them in order to successfully access the least restrictive environment.
- Child Study Teams, special education teachers, and other service providers are vital to the implementation of NJTSS because of their expertise in instructional and behavioral strategies and assessments, accommodations, supports, interventions and the provision of consultation to educators on behalf of all students.
- The school/district collaborative team, which should include Child Study Team input and expertise, may develop guidelines for movement between intervention tiers as well as criteria for determining the point at which a student's lack of response to interventions should trigger a referral to the CST.
- Families are a key partner in school success, including implementation of NJTSS and special education. Engaging families early on when a student may need intervention can build positive relationships that are established if referral to the CST is necessary and provides family members with a base of knowledge to fully participate in determining if an evaluation is needed, and, if necessary, eligibility and IEP development. The following suggestions for engaging families are provided:
 - Engage parents/guardians early in the NJTSS process to discuss intervention options, timelines, and available interventions;
 - Explain to parents their right to request a CST evaluation with clarity and provision of informational resources such as Parental Rights in Special Education (PRISE);
 - Work collaboratively with parents and proactively schedule follow-up meetings to monitor progress;
 - Document the process and steps followed to engage each family (i.e. phone logs, emails, data reports provided, resources provided, etc.).
- Data collected throughout the intervention process may be used to assist in determining eligibility for special education and related services due to the presence of a specific learning disability when it is determined that CST evaluation is warranted. NJTSS can provide valuable data regarding the referred student's response to intervention (RTI) which is a method to determine eligibility per N.J.A.C.:6A:14-3.4(h)6. Evidence-based models like the Patterns of Strengths and Weaknesses (PSW) model for the assessment of SLD are another method to collect data to assist in the determination of eligibility. The section of this document entitled, Guidance for using a Response to Intervention (RTI) model or Multi-tiered System of Support (MTSS) to Identify Students with Learning Disabilities, was developed to assist districts with the process discussed in N.J.A.C.:6A:14-3.4 and to offer districts guidelines for developing protocols for this purpose.

Diagram A:



RTI model depiction based on Brown-Chidsey and Bickford (2016).

Key Tools for Implementation

- [RTI-Based SLD Identification Toolkit](#)

Reference and Resources:

- Brown-Chidsey, R. & Bickford, R. (2016). *Practical handbook of multi-tiered systems of support: Building academic and behavioral success in schools*. New York: Guildford Press.

Using Response to Intervention to Determine Eligibility for Special Education and Related Services

Definition

Response to Intervention (RTI) is defined by the National Center on Response to Intervention as a practice that integrates assessment intervention within a school-wide,

multi-level prevention system to maximize student achievement and reduce behavior problems. While NJTSS utilizes the three-tier prevention logic of RTI, it differs from RTI in that it also integrates the core components of Multi-Tiered Systems of Support and builds upon Intervention and Referral Services (I&RS) to give schools structure to meet the needs of all students. In other words, RTI is one of the core practices embedded within the NJTSS framework.

It is essential that an established RTI process be present and implemented for all students in a school before that process can be utilized to determine eligibility for special education and related services. While this may seem obvious, it is important to emphasize that, in order to begin using the RTI model for determination of eligibility for special education and related services under the category of “specific learning disability,” a multi-tiered model of support should be in place to support all students, regardless of eligibility status. In other words, if the interventions provided exist solely to identify students, then failure to be eligible for special education would result in a loss of supports, and the student will continue to struggle.

Narrative

On September 6, 2016, NJ Governor Chris Christie signed legislation, [A-2566 /S496](#) (Jasey, Wimberly, Ruiz, Turner), which establishes a Response to Intervention (RTI) initiative in the Department of Education (DOE) to support and encourage school districts in the implementation of an RTI framework. Under the law, the DOE is required to develop and establish an initiative to support and encourage the use of an RTI framework by districts to promote the achievement of all students. This initiative shall include the dissemination of information and guidance to districts regarding the development and implementation of an RTI framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral challenges. The DOE is also required to disseminate information and guidance to districts regarding the use of an RTI framework as a methodology to identify students with specific learning disabilities in accordance with the Individuals with Disabilities Education Act (IDEA). However, the law expressly states that the information and guidance provided to districts must make clear that an RTI framework is not a substitute for classification of a student as eligible for special education and related services.

The law requires a district’s RTI framework have the following elements:

- 1) High quality research-based instruction in the general education setting;
- 2) Universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges;
- 3) Multiple levels of evidence-based interventions that are progressively more intense, based on the student’s responsiveness; and
- 4) Continuous monitoring of student progress.

Once these elements are in place, a student is receiving evidence-based interventions within this tiered system, and documentation of progress monitoring is regularly collected and reviewed, then the information gathered may be used to support evidence-based

decision making to determine if a student is eligible for special education and related services under the category of specific learning disability.

Prior to Child Study Team Referral:

Schools implementing RTI should have a process for routinely reviewing all students' progress through district-level and building-level universal screening tools. Although screening measures are brief, they can provide information regarding which students are at risk due to academic skills that may be below grade level. These tests can help teachers identify students that may need Tier 2 and Tier 3 interventions. Also, screening tools can assist teachers and collaborative problem-solving teams in making decisions regarding how to differentiate instruction based on students' current skill sets and in identifying interventions that are matched to students' needs.

Once it is determined that Tier 2 and/or Tier 3 interventions are needed, the RTI team should develop an Intervention Plan which identifies the desired outcomes for the student and details the programs, accommodations, modifications or other services that are determined to be helpful to the student. The Intervention Plan is designed to modify the student's program with the purpose of improving the student's school performance. Once finalized, the Intervention Plan should be shared with the parents/guardians and should be reviewed by the RTI team regularly and within the timeframes identified in the plan. According to the NJDOE Resource Manual for Intervention and Referral Services, I&RS, an Intervention Plan that is developed by an I&RS team should, at a minimum, include these critical components:

- 1) Student's name (if appropriate to the issue)
- 2) Date the request for assistance was made
- 3) Date of the meeting
- 4) Names of all participants in the meeting
- 5) Target behavior(s)/skill(s) addressed in the plan
- 6) Anticipated behavioral and/or academic outcomes
- 7) Selected strategies for achieving the behavioral/academic outcomes to correct the problem(s)
- 8) Resources and support necessary to achieve the outcomes
- 9) Persons responsible for each strategy and for obtaining resources and providing support, with timelines for completion
- 10) Beginning, follow-up, and ending dates for the plan or other benchmarks

The follow-up dates and benchmarks (see above: critical component 10) are essential in determining the effectiveness of the selected interventions. While the collaborative team may want to decide upon a general timeframe in which to judge the effectiveness of an intervention, the timelines associated with the Tier 2 and/or Tier 3 intervention plan will depend upon individual factors such as the type of intervention selected and the skill that is being addressed. For example, a first grader receiving an intensive reading intervention may require 6-8 weeks before reasonable determinations can be made regarding its

effectiveness whereas a high school student with disruptive classroom behavior and an individualized behavior plan may only require 3 weeks.

Tier 2 and Tier 3 interventions are distinguished from one another in several ways. It is important that the intervention(s) selected is/are given enough time to be effective before a determination is made regarding whether or not an adjustment to the intervention plan is warranted. While collaborative teams often ask for guidelines regarding the length of time and the optimal group size for Tier 2 and Tier 3 interventions, the answer to this inquiry varies depending on the research article referenced and on the school environment itself. Harlacher et al. (2014) addressed this question with a clear statement on the distinction between Tier 2 and Tier 3:

Although there are guidelines for group size and time, the main difference between Tier 2 and Tier 3 is the increase in intensity of support. While there are guidelines for group sizes and duration for Tier 2 and Tier 3, the difference is a contextual one, as schools will provide instruction at a higher frequency, for a longer duration, for more minutes during instructional sessions, and in smaller groups at Tier 3 relative to what is in place at Tier 2.

Before a referral is made to the Child Study Team, the collaborative team must allow enough time to pass for judgments to be made regarding the student's response to the intervention and if adjustments should be made to the intervention plan. It is important to note that, with an RTI model, the first intervention plan created may need multiple adjustments before the student demonstrates appropriate skill development and growth. In other words, if an intervention is not effective within the allotted time delineated in the intervention plan, adjustments are made and another round of intervention is provided as opposed to simply referring the student to the Child Study Team because the initially selected plan was not determined to be sufficient.

Referral to Child Study Team (*see also Tier 2 and Tier 3*):

Each district should establish criteria for students receiving Tier 2 and Tier 3 interventions that consistently defines when the student is "not responding" to the interventions and progress is "not sufficient." At this point, a referral should be made to the Child Study Team for evaluation. It is important to note that RTI cannot be used to delay the evaluation of a student suspected of having a disability nor can it be used as a substitute for the determination of eligibility for special education and related services. The procedural safeguards guaranteed under IDEA as well as NJ Administrative Code must still be followed. Establishing an RTI program, therefore, does not eliminate the districts obligation to identify students with disabilities and provide special education and related services to those students.

If an evaluation is conducted, the district should include in the meeting notice that RTI performance data will be used as part of the evaluation planning process and to inform the determination of eligibility. According to N.J.A.C. 6A:14-3.4(f), at least two assessments must be completed by at least two members of the Child Study Team. If an RTI program is in place, the team may also use the RTI data gathered to inform the evaluation plan. The



CST may now discuss what additional assessment information would be relevant to determine eligibility for special education and related services.

Determination of Eligibility for Special Education and Related Services:

In making the determination that a student is eligible for special education and related services under the category of SLD, the *N.J.A.C. 6A:14-3.4(h)4* states that the documentation of the determination of eligibility shall include the following:

- A statement of whether the student has a specific learning disability
- The basis for making that determination
- The relevant behavior noted during the observation
- The relationship of that behavior to the student's academic performance
- Educationally relevant medical findings
- The determination concerning the effects of environmental, cultural, or economic disadvantage
- Whether the student achieves commensurate with his or her age
- The instructional strategies utilized and the student-centered data collected with respect to the student (see Data based decision making and Progress Monitoring)
- Whether there are strengths and weaknesses, or both in performance and achievement relative to one of the following areas that require special education and related services: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving.

Best Practices

The use of the RTI process to identify students with specific learning disabilities represents a shift from a reactive approach to one in which support is provided to a student at the first indication of academic difficulty.

Prior to Child Study Team Referral:

- Districts cannot use RTI as a substitute or a delay to classify a student as eligible for special education and/or related services. The classification and the determination of eligibility for special education and related services must be done in accordance with existing federal and state laws and regulations. The development and implementation of an RTI program does not eliminate a District's responsibility to locate, refer, identify, evaluate, and/or determine eligibility of its students.
- If a school district would like to extend the time allotted to complete the CST evaluation, they may do so if the parent consents in writing (see *N.J.A.C. 6A:14-3.4(h)6iii*).
- Some districts that utilize the RTI model choose to create an RTI team, while others use a well-trained Intervention and Referral Services (I&RS) team to make RTI decisions. Regardless, the team will review and assess the effectiveness of the

intervention plan and will modify the intervention plan if needed to achieve the desired outcomes. These functions are compatible with the functions of I&RS found in N.J.A.C. 6A:16-8.2, and any policies and procedural documents developed by a school district should follow these required functions at a minimum.

Referral to Child Study Team:

- Districts utilizing RTI to determine eligibility for special education and related services should establish, as part of their policies and procedures, the following:
 - The roles and responsibilities of each team member in gathering and analyzing data
 - The procedures for making the Child Study Team referral and the management of RTI data in the evaluation process
 - The content-specific, evidence-based measures utilized to make decisions and monitor progress
 - A methodology for determining a student's rate of progress
 - A consistent framework for determining what additional assessments need to be conducted
 - The frequency of progress monitoring
 - The criteria to be utilized in determining "insufficient progress"
 - May include the rate of progress and the timeframe(s)
 - May establish a percentile or utilize multiple measures
 - Be specific with regard to each evidence-based intervention
 - Consistent methods for handling individual situational factors that may lead the team to extend timelines or modify criteria.

Determination of Eligibility for Special Education and Related Services:

- In order to determine the existence of a SLD, it should be determined that the student continues to have a significant academic skill deficit even after receiving effective instruction in the general education classroom and the provision of targeted and/or intensive evidence-based intervention.
- Once a student is referred for a Child Study Team evaluation, the presence of a specific learning disability can be documented through a variety of performance data collected during the provision of the evidence-based tiered interventions. Assessment includes direct measures of learning used to inform instruction and intervention as well as multiple data points taken over time. This information may include, but is not limited to, the following:
 - Universal screening assessments
 - Progress monitoring
 - Diagnostic assessments
 - Student work samples
 - Classroom observations
 - Benchmarking data, and more.
- Universal screening data is used in conjunction with additional data sources in making decisions and is *not sufficient on its own* to determine eligibility.
- Multiple data sources must be used in determining eligibility and performance on a single assessment is not enough to identify a specific learning disability.



- The finding of an academic skill deficit in one of the eight categories should not be made based on any one measure. Instead, one of the measures should demonstrate a skill deficit when compared to state and/or national benchmarks or norms.
- Districts utilizing the RTI framework or a Multi-Tiered System of Support like NJTSS should develop guidelines to assist teachers and collaborative team members in selecting and analyzing appropriate data sources and reliable assessment measures.
- N.J.A.C. 6A:16-8.2(a)1-2 states that one of the functions of the ***Intervention and Referral Services (I&RS)*** process is to identify learning, behavior and health difficulties of students through the collection of appropriate data. The use of universal screening measures can inform this mandated process with valuable data.
- The N.J.A.C does not prohibit the use of a Pattern of Strengths and Weaknesses (PSW) approach to identifying a Specific Learning Disability. The 2004 Individuals with Disabilities Education Improvement Act (IDEIA) and regulations published in 2006 require states to adopt criteria for determining whether a child has a specific learning disability, and these regulations permit the use of “alternative research-based procedures” in determining eligibility (IDEA, 20 U.S.C.§ 1414 (b)(6)(A).
- The use of a research-based PSW approach can also be utilized in conjunction with the RTI method for SLD identification. Again, if a district chooses to utilize such an approach, it is important that the procedures and criteria are clearly documented in the district’s special education policy and/or handbook. The PSW procedures should be based upon research regarding the cognitive processes involved in student learning and how that leads to the determination of eligibility under the category of SLD.

Considerations for IEP Development:

- Once eligibility for special education and related services is determined, the information gathered regarding the skill deficits and relative strengths that are demonstrated by the student can now be used to inform all aspects of a student’s IEP. For example, more data on student performance can be used to create clear and informative Present Levels of Academic Achievement and Functional Performance (PLAAFP) which in turn can assist in the creation of specific, measurable, attainable, relevant, and timely (SMART) Goals and Objectives for the student’s IEP.
- The methods of progress monitoring used during the RTI process can also be utilized to measure progress towards the aligned IEP Goals and Objectives.

District Spotlight

After implementing an RTI program in their elementary schools, one district decided it was an appropriate time to begin utilizing RTI as a method to determine eligibility for special education and related services. After the Child Study Team and district interventionists were trained, they provided supports and additional professional development to teachers in data collection, progress monitoring, and data analysis. The district utilized their computer-based progress monitoring tools to determine district guidelines for calculating a gap-analysis that indicated “insufficient progress.” District-wide protocols, problem-solving worksheets, and data analysis forms were created to promote consistency in determining eligibility based upon the gap-analysis criteria. While the district continued to use a discrepancy-based model for some of their initial evaluations, individual students were selected to pilot the RTI eligibility protocols. This determination was made based upon the information provided by the RTI team and at the initial evaluation planning meeting, with parental consent, it was agreed to continue to track student RTI data towards determination of eligibility. After one year of using RTI to determine eligibility for a small sample of students, the district scaled up their process and applied the same program and criteria to all applicable students.

Key Tools for Implementation

- [RTI-Based SLD Identification Toolkit](#)

Reference & Guidance Documents

- Flanagan, D.P. & Alfonso, V.C. (Eds.) (2011). *Essentials of Specific Learning Disability Identification*, Hoboken, NJ: Wiley Publishing.
- Flanagan, D.P., Ortiz, S.O. & Alfonso, V.C. (2013). *Essentials of Cross Battery Assessment, Third Edition*, Hoboken, NJ: Wiley Publishing.
- Harlacher, J.E., Sanford, A.K., & Nelson, N. (2014). [Distinguishing Between Tier 2 and Tier 3 Instruction in Order to Support Implementation of RTI](#). *Education Faculty Publications and Presentations*, 132.
 - <http://www.rtinetwork.org/essential/tieredinstruction/tier3/distinguishing-between-tier-2-and-tier-3-instruction-in-order-to-support-implementation-of-rti>
- Schultz, E.K., Simpson, C.G. & Lynch, S. (2012). Specific Learning Disability Identification: What Constitutes a Pattern of Strengths and Weaknesses? *Learning Disabilities*, 18(2), 87-97.
- VanDerHeyden, A.M. & Burns, M.K. (2010). *Essentials of Response to Intervention*, Hoboken, NJ: Wiley Publishing.
- California Department of Education: [Core Component 10: Disability Determination](#)

<https://www.cde.ca.gov/ci/cr/ri/corecomp10.asp>

- Colorado Department of Education: [Guidelines for Identifying Students with Specific Learning Disabilities](#):
 - https://www.cde.state.co.us/cdesped/ta_sld_evaluation_eligibility
- Kentucky Department of Education: [Specific Learning Disabilities Eligibility Guidance Document](#):
<https://education.ky.gov/specialed/excep/Documents/SLD%20Eligibility%20Guidance%20Document.docx>
- New York State Education Department: [Identification of Students with Disabilities within a Multi-tiered System of Support Flowchart](#):
<http://www.p12.nysed.gov/specialed/publications/documents/identification-of-students-with-disabilities-flowchart.pdf>
- Article Entitled: [IDEA 2004 and the Evaluation and Eligibility for Specific Learning Disabilities](#):
<https://www.greatschools.org/gk/articles/evaluation-and-eligibility-for-specific-learning-disabilities/>
- National Research Center on Learning Disabilities: Information Digest
[Responsiveness to Intervention: An SLD Determination Resource](#):
<https://files.eric.ed.gov/fulltext/ED543483.pdf>

Learning Modules

- [Pennsylvania Training and Technical Assistance Network \(PaTTAN\) module on RTI/SLD Determination](#)
- [RTI and Learning Disability \(LD\) Identification Part I: Regulatory Requirements](#)
- [RTI and Learning Disability \(LD\) Identification Part II: OSEP Policy Letters](#)