Adequate progress are at risk for poor learning outcomes. The increasingly intense tiers (e.g., Tier 1, Tier 2, Tier 3) represent a continuum of individual student’s academic and/or behavioral needs within intervention tiers that vary in intensity. MTSS allows for the early identification of learning and behavioral challenges and timely intervention for students who are at risk for poor learning outcomes. The increasingly intense tiers (e.g., Tier 1, Tier 2, Tier 3) represent a continuum of supports.

Screenings administered to all students to identify strengths and weaknesses and identify those at risk for learning challenges (e.g., benchmarking)

Instruction provided by qualified personnel matched to student need - includes thoughtful planning for methods, materials, frequency, duration, and instructional grouping

Data from repeated assessments of achievement (e.g., progress monitoring) should be used to make further educational decisions such as changes to goals, instruction and/or services, as well as the decision to refer a student for an individual evaluation.

Lack of adequate progress

Adequate progress

District obtains parental consent for individual evaluation for eligibility determination

District completes evaluation within 60 days of receipt of consent to evaluate (or referral for review of a student with a disability)

Eligibility under category of “learning disability” must be determined in accordance with section 200.4(j) of State regulations

Consistent with sections 300.304-300.311 of the regulations implementing the Individuals with Disabilities Education Act (IDEA), the use of RtI strategies cannot be used to delay or deny the provision of a full individual evaluation.

Schools must communicate with parents (in writing) when a student requires instruction beyond what is provided to all students (e.g., “Tier 2 or 3” interventions). This written communication must include:

- The amount and nature of data to be collected along with general education services that will be provided;
- Strategies for increasing learning; and
- The parents’ right to request an evaluation for special education programs and services

Written referral or request for referral for special education evaluation consistent with section 200.4 of State regulations

Parent(s) may refer their child to the committee on special education (CSE) for an evaluation at any time.

If MTSS is providing appropriate support

Information from aptitude and achievement tests, parent input, teacher recommendations, and information about the student’s physical condition, cultural background and adaptive behavior should be carefully considered.

An eligible student may be classified in one of 13 disability categories defined in section 200.1(zz) of State regulations.

These documents are for illustration only. Please refer to Part 200 of the Regulations of the Commissioner of Education in New York State or the regulations implementing IDEA for detailed information on requirements for evaluations and eligibility determinations for students with disabilities. Additional information on implementing RtI within an MTSS framework is available at the New York State Response to Intervention Technical Assistance Center: https://nysrti.org/.
The determination of a student with a learning disability is based upon a comprehensive multidisciplinary evaluation.

Data based on the student’s response to research-based intervention is used as part of the individual evaluation information to determine if a student has a learning disability.

The CSE considers progress monitoring data that describes how a student responded to particular interventions of increasing intensity.

Student’s skill level and rate of learning relative to age/grade level standards or criterion-referenced benchmarks are considered.

Instructionally relevant evaluative data including curriculum-based measures regarding a student’s performance is considered.

Student information from the RtI process provides data-based documentation on whether the student has made sufficient progress to meet age or State-approved grade-level standards in the area of the suspected disability.

Teacher(s) providing RtI interventions participate in the CSE meeting to determine a student’s eligibility for special education.

Eligibility as a student with a disability must be based on the results of an individual evaluation which is administered in the student’s native language, not dependent on a single procedure, and administered by a multidisciplinary team.

The individual evaluation provides instructionally relevant information to determine a student’s eligibility or ineligibility for special education services.

The committee on special education (CSE) participated in a meaningful discussion of the student’s strengths and learning needs to determine eligibility for special education services.

The CSE determined that the determining factor for classification was not due to a lack of appropriate instruction in reading and math or limited English proficiency.

Parent participation and involvement in the CSE process is vital to the determination of eligibility and recommendation for special education services for a student with a disability.