Guiding Tools for Instructional Problem Solving (GTIPS)

Third Edition

This document was updated by Florida's Problem Solving/Response to Intervention Project, a collaborative project between the University of South Florida and the Florida Department of Education, Bureau of Exceptional Education.

Preface

The purpose of this guide is to assist districts and schools as they implement and support data-based decision making using a systematic planning and problem-solving process at multiple levels of operation: school level, grade level (pre-kindergarten, elementary school, middle school, and high school), classroom level, student subgroup level, and individual student level.

This guide aligns directly with Florida's implementation of a Multi-Tiered System of Support using response to instruction/intervention data within a data-based problem-solving process in every school. Also, the stage is set for schools to approach instructional decisions from a broader context of quality instruction, intervention, and assessment to address learning, behavioral, and mental health outcomes for all students.

Additionally, this guide addresses ways in which districts can assess the effectiveness of their Tier 1 curricula and instruction, as well as interventions and, in turn, use such data in various decision-making processes for students. Data reflecting the effectiveness of Tier 1 instruction and interventions are used to make instructional decisions for all students, not just those who may be struggling. Therefore, it is important that district and school leadership teams take an active role in examining curricular materials, instructional methodologies, the learning environment, and other practices across school settings to determine their impact on outcomes for students.

The Florida Department of Education views a system comprised of multiple tiers of support as an avenue to continue to work collaboratively to significantly improve the way in which outcomes for all students enrolled in Florida schools are addressed. Because of this, a continuum of only the most effective instruction, intervention, and supports are efficiently and seamlessly delivered to all students.

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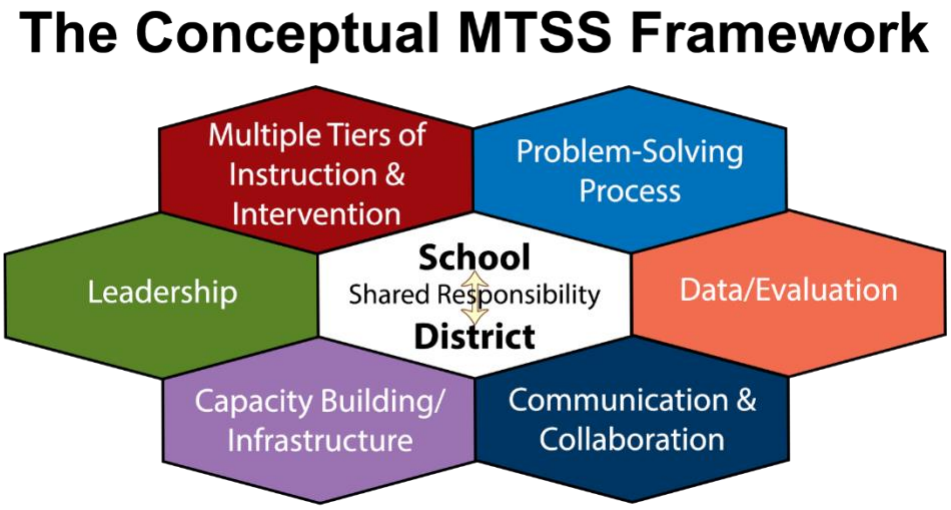
Introduction

A Multi-Tiered System of Supports (MTSS) is a term used to describe an evidence-based model of schooling that uses data-based problem solving to integrate and provide academic, behavioral, and mental health instruction and intervention. The integrated instruction and intervention are delivered to students in varying intensities (multiple tiers) based on data. Data-driven decision making seeks to ensure that district resources reach the right students and schools at the appropriate levels to accelerate the performance of ALL students to achieve and/or exceed proficiency.



A number of elements are associated with an MTSS that results in improved outcomes for students. These elements can be organized into the following six domains.

1. Multiple tiers of instruction and intervention — The three-tiered instructional/intervention model is a critical element of MTSS implementation. In a typical system, Tier 1 includes the instruction delivered to all students; Tier 2 includes supplemental instruction or intervention provided to students not meeting benchmarks; and Tier 3 includes intensive, small-group or individual interventions for students facing significant barriers to learning the skills required for school success. It is important to consider academic, behavior, and mental health instruction and interventions when examining this element.
2. Problem-solving process — The use of data-based problem solving to make educational decisions is a critical element of MTSS implementation. This includes the use of data-based problem solving for student outcomes across content areas, grade levels, and tiers, as well as the use of problem solving to address barriers to school wide implementation of MTSS. While several models for data-based problem solving exist, the four-step problem solving approach includes: 1) defining the goals and objectives to be attained, 2) identifying possible reasons why the desired goals are not being attained, 3) developing a plan for and implementing evidence-based strategies to attain the goals, and 4) evaluating the effectiveness of the plan.
3. Data/evaluation — Given the importance of data-based problem solving within an MTSS

model, the need for a data and evaluation system is clear. In order to do data-based problem solving, school staff need to understand and have access to data sources that align with the purposes of assessment. Procedures and protocols for administering assessments and using data allow school staff to use student data to make educational decisions. In addition to student data, data on the fidelity of MTSS implementation allow school leadership to examine the current practices and make changes to increase and improve implementation.

4. Communication and collaboration — Ongoing communication and collaboration are essential for successful implementation of MTSS. Many innovations fail due to a lack of consensus, to a lack of feedback to implementers to support continuous improvement, and to not involving stakeholders in planning. It is also important to build a structure for communicating and working with families and other community partners. These practices increase the likelihood that innovative practices will be implemented and sustained.
5. Capacity building/infrastructure — Schoolwide capacity and infrastructure are required to implement and sustain MTSS. This capacity and infrastructure usually include ongoing professional learning and coaching with an emphasis on data-based problem solving and multi-tiered instruction and intervention, scheduling that allows staff to plan and implement instruction and intervention, and processes and procedures teams to engage in data-based problem solving.
6. Leadership — Leadership is key to successful implementation of any large-scale innovation. The building principal, assistant principal(s), and school leadership team are critical to implementing MTSS at the school level. They engage staff in ongoing professional learning for implementing MTSS, plan strategically for MTSS implementation, and model data-based problem-solving for school improvement. The school principal also supports the implementation of MTSS by communicating a vision and mission to school staff, providing resources for planning and implementing instruction and intervention, and ensuring that staff have the data needed to make educational decisions.

Schools and districts that organize and operate as an MTSS use a structured, problem-solving process to make sound, data-based, instructional decisions, and ensure that the tiered supports necessary for all students to master standards are determined and delivered in response to what the data indicate will most benefit students. This process is applied at all levels of Florida's educational system and supports the mission of the State Board of Education. The mission of the State Board of Education, as stated in section 1008.31, Florida Statutes (F.S.), is to increase the proficiency of all students within one seamless, efficient system by providing them with the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities. It strives to maintain an accountability system that measures student progress toward the following goals:

- Highest student achievement
- Seamless articulation and maximum access
- Skilled workforce and economic development
- Quality efficient services

The role of the educational system is to prepare every student for life with a focus on college

and/or career readiness. To this end, it is the position of the Florida Department of Education that an MTSS represents a logic and set of beliefs, including the systematic use of a problem-solving process that must be integrated seamlessly into educational initiatives throughout Florida. Ideally, this integration should be evident within continuous school improvement efforts, student progression plans, leader and educator evaluation models, and the development of K–12 comprehensive evidence-based reading plans to provide the legal structure for the implementation of a multi-tiered system in districts across the state.

Needs Assessment

When implementing a large-scale innovation within a district or school, a needs assessment can help identify strengths and areas in need of development. *The Self-Assessment of MTSS Implementation (SAM)* (https://floridarti.usf.edu/resources/program_evaluation/sam/sam_revised_2021.pdf), is a needs assessment and progress monitoring tool to help district- and school-based leadership teams implement and sustain a Multi-Tiered System of Supports (MTSS). The *SAM* includes a guide for administration that provides descriptions and examples for each item.

Making Connections: Aligning Practices, Efforts, Commitments, and Initiatives

Florida's Seamless Educational System

The Florida Department of Education and districts throughout the state share the goal and responsibility of increasing the proficiency of all students within one seamless, efficient system (section 1008.31, Florida Statutes). An efficient and effective public education system is fundamental to Florida's ability to make significant social and economic contributions in our national and global marketplace. Evidence of a national emphasis on reforming public education to prepare students to be competitive in the 21st century global economy is found in federal legislation such as the Every Student Succeeds Act (ESSA) of 2015 and the Individuals with Disabilities Education Act (IDEA) of 2004. Two themes of innovation expressed in both ESSA and IDEA are supported by the adoption and implementation of a Multi-Tiered System of Supports (MTSS): adopt a decision-making process that is student centered and informed by data and establish multiple service and support options for students and families to account for the variability among U.S. students.

Data-based decision making, the use of evidence-based practices, and accountability for student performance are also embedded in important federal legislation that impacts education. Congress authorized the ESSA of 2015 to hold schools accountable for the educational outcomes of students. ESSA requires states to ensure that all students, including those who are disadvantaged, achieve predetermined levels of academic proficiency as determined through statewide assessments. Implementation of evidence-based instructional practices is mandated to maximize student performance and subsequently increase the percentage of students who demonstrate proficiency on statewide assessments. Like ESSA, the IDEA focuses on the use of data and research-based practices in the selection of curriculum and pedagogy. Schools must make decisions regarding how to respond to these mandates using all the available educational expertise, blending resources, and unifying efforts.

It is the position of the FDOE that implementing an MTSS represents a logic and set of beliefs that support many current federal and state requirements. Implementation of an MTSS framework can be a catalyst for student learning by supporting the implementation of services to improve the academic, behavior, and mental health outcomes for all students, including students identified as at risk for educational failure. MTSS also promotes embedded professional learning through an emphasis on evidence-based practices.

At the center of implementing an MTSS framework is the systematic use of a data-based problem-solving and decision-making process that must be integrated seamlessly into all systems planning, including school improvement plans, student progression plans, K-12 Comprehensive Evidence-based Reading Plans, Early Warning Systems, and leader and educator evaluation plans. This problem-solving process applied within an MTSS must be applied to all learners, which includes general education students from pre-k through graduation, students with disabilities, and advanced and gifted learners to elevate the efficacy of statewide improvement efforts and processes.

Important education practices, such as Communities, allow teachers the opportunity to create a model for high-quality instructional practices that contribute to an MTSS framework by matching the method of quality instruction to what data indicate students need. Other examples of how various initiatives are connected within a multi-tiered system, such as Florida's State Board of Education Strategic Plan, student progression plans, Florida's Part B State Performance Plan, District and School Improvement Policy, Florida Principal Leadership Standards, Florida Educator Accomplished Practices, Florida's reading and science, technology, engineering and mathematics (STEM) initiatives, and Universal Design for Learning are explored in this section.

Florida State Board of Education Strategic Plan

The Mission of the State Board of Education for the 2020-2025 term is to "…increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities." The goals of the Florida State Board of Education Strategic Plan are:

- Higher student achievement
- Seamless articulation and maximum access
- Skilled workforce and economic development
- Quality efficient services

The mission and goals of this plan are aligned with an MTSS framework in that increased proficiency of all students within a seamless system is achievable when the instructional support options are matched to student needs. Decisions about access to this continuum of increasingly intensive supports are made by use of a data-based problem-solving process. More specifically, implementation of an MTSS aligns with the Florida State Board of Education Strategic Plan in the following ways:

1. **Improving Quality of Teaching in the Education System**: Providing teachers with the skills to identify students at risk, to improve performance in the use of student-based data, and to improve performance in the delivery of evidence-based interventions.
2. **Professional learning:** Increasing the number of training opportunities throughout the state.
3. **Strengthening Foundation Skills**: Significantly improving the skills of students not performing at grade-level through an evidence-based system.
4. **Closing the Gap**: Significantly reducing disproportionality and improving performance for race and ethnic populations, students from low socio-economic environments, students with disabilities, and English language learners (ELLs).
5. **High School Graduation**: Improving performance of students and effectiveness of early intervention to improve future graduation rates.
6. **Aligning Resources to Strategic Goals**: Efficiently delivering services and deploying personnel, resources, and time allocation.

Student Progression Plan

Florida Statute 1008.25(2) requires each school district to develop and implement a student progression plan which includes policies and procedures that facilitate student achievement in English Language Arts, science, social studies, and mathematics. The establishment of a

comprehensive program for student progress must also include plans for informing parents of each student's academic progress and criteria for evaluating student performance towards reading proficiency goals. Students not achieving proficiency on the state's standardized English Language Arts or mathematics assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance. Finally, a district's student progression plan should ensure that the program of study, placement, promotion, reporting, retention, and assessment procedures are fair and comprehensive to support accountability for all students.

Ensuring a common methodology for using data to guide instructional planning and decision making is an essential feature of MTSS. When students are identified as "off track" or "at risk" for reaching their learning proficiency goals, decisions must be made to help those students accelerate their learning and reach learning goals. Districts adopting an MTSS framework in a context of student progression planning recognize that variability of performance exists among students. In turn, variability among educators and their needs for support also exist. A data-based delivery of support helps all students reach their learning proficiency goals while also balancing the limited resources with which a district can help all students be successful. A data-based problem-solving process is the cornerstone of MTSS. It is the process used to identify barriers to student success, develop instruction and intervention supports to remove those barriers, and evaluate the effectiveness of instruction and support provided. While state law provides accountability expectations for ensuring all students reach learning goals, an MTSS provides the framework for designing and allocating the matched supports each student would benefit from to reach proficiency goals.

Standards

In a multi-tiered system, standards represent what all students should know, understand, and be able to do to progress through the K-12 public school system. How those students reach those expectations, and what resources are used to help them reach those expectations, are the decisions that educators are faced with when attempting to ensure every student is successful.

Determining who needs additional supports, what types of support, and the duration needed to meet standards is facilitated by the use of a data-based problem-solving process. Some students will require supplemental instruction or intervention supports and a few may require intensive instruction or intervention supports to reach grade level proficiency goals. In short, standards represent the finish line, while tiered options for student supports represent the different learning paths that students might follow to reach the finish line.

Florida's Part B State Performance Plan, FFY 2019

Florida's Individuals with Disabilities Education Act (IDEA), Part B, State Performance Plan (SPP), consists of multiple Performance Indicators across three primary areas: (1) free appropriate public education (FAPE) in the least restrictive environment (LRE), (2) disproportionality, and (3) effective supervision of Part B services. The FDOE has a responsibility to support districts in achieving the performance targets for each indicator and for reporting progress annually to the United States Department of Education, Office of Special Education Programs (OSEP). Access *Florida's SPP and Annual Performance Report* on the U.S. Department of Education's website at https://sites.ed.gov/idea/spp-apr-letters.

Implementation of an MTSS assists districts in addressing applicable SPP indicators in primarily two ways:

- **Problem Solving:** The focus of this framework is to provide districts and schools with a blueprint for problem solving that addresses district, school, and student-level problems. The entire focus is on systems change and the process of implementing reform efforts that improve student performance, school climate, and family participation.
- **Program Evaluation:** Schools and districts can use data from MTSS implementation to identify areas that require targeted assistance and to document the effects of interventions implemented to address those areas. This framework can help districts and schools in addressing disproportionality in the identification of students with disabilities, their educational placements, their proficiency rates, and discipline.

The quality implementation of an MTSS directly impacts the student outcomes represented in the SPP indicators.

School Improvement and Support Plan

At the heart of an MTSS framework is the logic that differential needs exist, and therefore differential supports should align with what benefits students. The state system for School Improvement shares this same logic. Pursuant to Rule 6A-1.099811, Florida Administrative Code (F.A.C.), School Improvement Support Plan, schools demonstrating insufficient student outcomes may be provided differential supports to help "turnaround" those schools and improve student outcomes. An important feature of this law is recognition that school improvement success hinges on the success of district changes and improvements in operations designed to ensure school practices are sustainable and evaluated for effectiveness in producing desired student outcomes. The process of "turning around" a school follows a similar process as problem solving: Identify the discrepancy between current performance and desired performance, identify barriers preventing goal attainment (e.g., high quality instruction), develop a plan for reducing barriers (e.g., coaching, professional learning, instructional planning practices, etc.), and evaluate the success of school-based intervention to reach the desired goal. MTSS aligns with School Improvement policy in that both share a student-centered focus in which all system variables are aligned and organized to support effective student instruction and needs-based support at the classroom level.

Florida Educational Leadership Standards (Effective Date: 11/22/2022)

1. **Rule 6A-5.080, F.A.C., sets standards to establish Florida's expectations for effective school administrators. "These evidence-based standards form the foundation for school leadership preparation programs, educator certification requirements, for school administrators, and school administrator evaluation systems." The titles and descriptions of the eight standards are listed below. To read the role-based descriptors that further clarify and define the work required to demonstrate mastery of the standard, please read the full rule text at Rule 6A-5.080, F.A.C., The Florida Educational Leadership Standards.** Professional and Ethical Norms. Effective

educational leaders act ethically and according to professional norms to promote the academic success and well-being of all students.

2. Vision and Mission. Effective educational leaders collaborate with parents, students, and other stakeholders to develop, communicate, and enact a shared vision, mission, and core values to promote the academic success and well-being of all students.
3. School Operations, Management, and Safety. Effective educational leaders manage school operations and resources to cultivate a safe school environment and promote the academic success and well-being of all students.
4. Student Learning and Continuous School Improvement. Effective educational leaders enable continuous improvement to promote the academic success and well-being of all students.
5. Learning Environment. Effective educational leaders cultivate a caring, rigorous, and supportive school community that promotes the academic success and well-being of all students.
6. Recruitment and Professional Learning. Effective educational leaders build the collective and individual professional capacity of school personnel by creating support systems and offering to promote the academic success and well-being of all students.
7. Building Leadership Expertise. Effective educational leaders cultivate, support, and develop other school leaders to promote the academic success and well-being of all students.
8. Meaningful Parent, Family, and Community Engagement. Effective educational leaders utilize multiple means of reciprocal communication to build relationships and collaborate with parents, families, and other stakeholders to promote the academic success and well-being of all students.

The Florida Educational Leadership Standards (FELS) aligns closely to the six domains of MTSS to ensure effective school leadership and student support. This alignment ensures that school leaders are equipped to create supportive, data-driven environments that promote student success.

Multiple Tiers of Instruction and Intervention: The FELS emphasizes differentiated instruction and equal access to learning for all students, aligning with the tiered support system that provides varying levels of intervention based on student needs.

Problem-Solving Process: Both frameworks prioritize data-driven decision-making. The FELS focuses on using data to inform instructional practices, while MTSS employs a structured four-step problem-solving process to make educational decisions.

Data/Evaluation: The FELS and MTSS both stress the importance of continuous assessment and evaluation. The FELS requires leaders to use data to improve school performance, and MTSS relies on data to monitor the effectiveness of instruction and interventions.

Leadership: Effective leadership is a cornerstone of both the FELS and MTSS. The FELS outlines the roles and responsibilities of school leaders in fostering a positive learning

environment, while MTSS highlights the need for leaders to support and sustain the implementation of tiered supports.

Capacity Building/Infrastructure: The FELS includes standards for professional learning and resource management, which align with the focus on building the capacity of educators to implement and sustain a multi-tiered system of supports.

Communication and Collaboration: Both frameworks emphasize the importance of engaging families and communities. The FELS promotes stakeholder involvement in school improvement efforts, while MTSS encourages collaboration among educators, families, and community partners to support student success.

Florida Educator Accomplished Practices (FEAP)

The FEAP represent the main standards for effective educators. They represent the foundation for the State of Florida's teacher preparation programs, educator certification requirements, and school district instructional support appraisal systems. These educator standards are based upon 4 essential principles:

1. The effective educator creates a culture of high expectations for all students by promoting the importance of education and each student's capacity for academic achievement.
2. The effective educator demonstrates deep and comprehensive knowledge of the subject taught.
3. The effective educator exemplifies the standards of the profession.
4. The effective educator acknowledges that all persons are equal before the law and have inalienable rights, and provides instruction that is consistent with the principles of individual freedom as outlined in section 1003.42(3), F.S.

The FEAP are organized into two broad categories encompassing 6 standards of practice:

- Quality of Instruction
    - Instructional Design and Lesson Planning
    - The Learning Environment
    - Instructional Delivery and Facilitation
    - Assessment
- Continuous Improvement, Responsibility, and Ethics
    - Continuous Professional Improvement
    - Professional Responsibility and Ethical Conduct

Adoption and implementation of MTSS across a school district supports educators' demonstration of the FEAP in that the skills required of effective educators are the same skills necessary for supporting all students to reach the highest learning goals. The FEAP align with MTSS through the concepts of data-based decision making, data-based instructional design and delivery, homeschool communication and partnerships, the reciprocal relationship between classroom management and instructional design, and the role of educator as problem solver when barriers to student growth are evident. Differentiation of instruction, instructional design and modification, and analysis of student progress in response to instructional delivery content and methods all represent the intersection of a data-based decision-making process (i.e., problem solving process) and a three-tiered service delivery system. Having a clear understanding of what educators should know, understand, and be able to do to help students reach their highest

learning outcomes allows all other education professionals to identify their roles and responsibilities to implement and maintain effective educator practices in an MTSS framework.

Florida's K-12 Comprehensive Evidence-Based Reading Plan

Every year, school districts must submit a K-12 Comprehensive Evidence-Based Reading Plan for the specific use of the research-based reading instruction allocation for review and approval by Just Read, Florida!. The requirements of this state policy share many characteristics with the implementation of MTSS. This policy requires that decisions about student instruction and supports in reading and literacy be driven by data, that a sustainable coaching model be provided to educators with ongoing coaching, and that all educators be required to implement a differentiated instructional method based on student data. Moreover, districts are required to provide differentiated and appropriately matched intensity of supports to educators based on both student data and educator proficiency progress data. Within an MTSS framework, Tier 1 is critical to ensuring that problems are prevented or otherwise addressed early. The model advocated by the Florida Department of Education for literacy instruction recognizes the critical role of effective universal instruction and supports, the need for differential options to match student need, and the importance of ongoing data-based decision making to continuously monitor and improve student outcomes.

Universal Design for Learning (UDL)

Universal Design for Learning (UDL) is a "framework for designing curricula that enable all individuals to gain knowledge, skills, and enthusiasm for learning. UDL provides rich supports for learning and reduces barriers to the curriculum while maintaining high achievement standards for all to improve and optimize teaching and learning for all people based on scientific insights into how humans learn." (Center for Applied Special Technology, CAST). Universal Design is found in federal legislation such as the IDEA of 2004 and the Higher Education Opportunity Act.

The National Center on Universal Design for Learning has developed three evidence-based UDL principles for educators.

- Principle I — Provide Multiple Means of Engagement (the "why" of learning). Affect represents a crucial element to learning, and learners differ markedly in the ways in which they can be engaged or motivated to learn. Learning skills and strategies require sustained effort and persistence. Increasing relevance can help students sustain the effort and concentration needed to build self-regulation and self-determination skills.
- Principle II — Provide Multiple Means of Representation (the "what" of learning). Present information and content in a variety of media. Learners differ in the ways that they perceive and comprehend information that is presented to them. Instructional materials should be digital and flexible to support adjustments by the user (e.g., enlarging the text, converting text to speech, etc.). Curriculum content should be provided in text, graphic illustrations with descriptions, charts, captioned videos, and immersive formats.
- Principle III — Provide Multiple Means of Action and Expression (the "how" of learning). Learners differ in the ways that they can navigate a learning environment and express what they know. Options for how students express what they know should be provided. Examples include choices in writing, presentations, storytelling, and video production. Interactive, digital instructional materials can provide choices in how

students navigate curriculum content and move quickly between target information, background information, glossaries, etc.

During the planning process for addressing learning goals, UDL principles (options in engagement, representation, and expression) should be an integral part of the lesson plans and should be made available to all students in Tier 1 instruction. Technology-rich learning environments with digital instructional materials enhance the implementation of UDL. Within a problem-solving framework, instruction and assessments based on UDL principles should be provided during any intensive interventions to identify focused, learner specific UDL supports, and instructional scaffolds needed for rapid engagement, academic success, and increased learner independence (release of responsibility). The resulting information on effective UDL supports and instructional scaffolds of these UDL assessments should then be incorporated into Tier I to support these students in that setting as well as provide a focused and customized data-driven implementation of UDL in that school.

Integrating Student Improvement Initiatives While Implementing MTSS

With various federal, state, and district demands that exist targeting increased student outcomes and performance, state, districts, and school leaders can no longer attempt to implement or comply with each demand in isolation of the others. As schools and districts confront the challenges involved in building consensus, making connections, aligning efforts, developing an infrastructure, and responding to legislative requirements among all the various educational policies and procedures, it is essential that a comprehensive framework be used to guide the integrated implementation of all student/school improvement initiatives in a way that meets compliance with policy requirements, but also maximizes efficiency of operations and use of resources to (1) implement those policies and procedures with fidelity, and (2) evaluate effectiveness of those policies and procedures to produce desired student outcomes. The crucial point to understand is that successful implementation of an MTSS encompasses all general education initiatives that impact all students.

Therefore, leaders must help all educators acknowledge the need for change and ensure all students learn at high levels and take collective responsibility for achieving this shared purpose. This represents a shift from operating within departmental silos to depending on blended expertise and resources.

MTSS integrates the following:

- Student Outcomes
- School, Family, and Community Engagement
- UDL
- Florida Educational Leadership Standards and Florida Educator Accomplished Practices
- State Strategic Plan, ESSA, IDEA, School Improvement, and Student Progression

Improving Outcomes for All Students

Guiding Tools for Instructional Problem Solving, Third Edition illustrates a comprehensive way in which data-based problem solving is universally applied to decision making in Florida, including, **but not limited to**, decisions related to eligibility for special education services and supports. It is intended to:

- Guide the application of district- and schoolwide problem solving within a Multi-Tiered System of Supports (MTSS) as a system-wide school improvement model
- Provide districts and schools with the practical decision-making tools that maintain the integrity of the problem-solving process using response to instruction/intervention data
- Reinforce the purpose of effective instructional decision making to improve the effects of instruction for all students while acknowledging its role in evaluation and eligibility decisions related to special education

Foundational Beliefs

Florida's educators who are involved in the systematic implementation of an MTSS share the following beliefs about the ideal educational conditions for promoting student achievement. Using these beliefs to guide efforts is one way to ensure consistent movement toward maximizing student achievement.

1. Highly effective personnel deliver scientific, research-based instruction and evidence-based practices.
2. Curriculum and instructional approaches, aligned with standards, have a high probability of success for most students.
3. Instruction is differentiated, includes appropriate scaffolds and accommodations, and is based on UDL principles to meet individual learning needs.
4. Reliable, valid, and instructionally relevant assessments include the following:
    - **Screening Measures —** Assessment tools designed to collect data for the purpose of measuring the effectiveness of Tier 1 instruction and identifying students who would benefit from additional interventions and support.
    - **Diagnostic Measures —** Formal or informal assessment tools that measure skill strengths and weaknesses, identify skills in need of improvement, and assist in determining why a problem is occurring.
    - **Progress Monitoring Measures —** Ongoing assessment conducted for the purposes of guiding instruction, monitoring student progress, and evaluating instruction/intervention effectiveness.
    - **Formative Measures —** Ongoing assessment embedded within effective teaching to guide instructional decisions and provide indicators for scaffolding, accommodation, and/or accessibility solutions.
    - **Summative (Outcome) Measures —** Typically administered near the end of the school year to give an overall perspective of the effectiveness of the instructional program.
5. Ongoing, systematic problem solving is consistently used for all students from enrollment to graduation to make decisions across a continuum of student needs.
6. Student data are used to guide meaningful decision making.

7. Professional learning and follow-up coaching with modeling are provided to ensure effective instruction at all levels.
8. Actively engaged administrative leadership for data-based decision making is inherent to the school culture.
9. All students and their parent(s) are part of one proactive and seamless educational system.

Making System-Wide Changes

The most significant factor driving educational reform is the focus on improving outcomes for all students and not just those being considered for Exceptional Student Education (ESE) eligibility. To that end, the question becomes "What do we want students to know and be able to do?" Responding to this question requires educators to possess a complete understanding of the behavioral and academic expectations for students throughout the course of the academic year. To illustrate the broad range of students who benefit from being educated within a school culture of data-based decision making, consider the application of systematic problem solving to gifted and high-achieving learners. These students may also benefit from services beyond Tier 1 instruction and, therefore, require supplemental interventions for acceleration and enrichment purposes.

Rule 6A-6.0331(1)(e), F.A.C., requires that schools implement evidence-based interventions to address the identified area(s) of concern in the general education environment. These interventions must be developed through a problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, and monitor the effectiveness of the interventions. The intensity and instructional focus of the interventions should match student need, and interventions must be implemented as designed and for long enough to determine whether the interventions have had the expected effect, rather than for a predefined amount of time.

Per this rule, the local school district is responsible for developing and implementing a multi-tiered system of support, that integrates a continuum of academic, behavioral, and mental health interventions for students who need additional support to succeed in the general education environment using a data-based problem-solving process. This includes virtual settings. The provision of educational and behavioral evaluations, services, and support are included as permissible problem-solving activities.

It is important to note that "good" problem solving does not just "happen." It should be part of a school's or district's planning for system-wide changes to improve outcomes for students. Just "knowing what to do" is not sufficient, either. Effective implementation of change practices requires support so that practices are used effectively to achieve desired outcomes. This takes time, and schools and districts are encouraged to consider the importance and integration of the right people at the table, staff training and coaching, data systems that support decision-making, and the role of leadership to make change happen. Implementation science is the study of improvement methods that focus on how educational programs, practices, and processes can most successfully be implemented. The model considers effective practices, effective implementation *and* enabling contexts, to result in improved outcomes. It requires solving problems or addressing barriers that may arise during implementation efforts. Identifying the

variables that may be impeding improvement efforts allows schools and districts to make needed adjustments so that desired student outcomes are attained. Readers are encouraged to learn more about "implementation science" at the National Implementation Research Network's website: https://nirn.fpg.unc.edu/.

Consistent with implementation science, Rule 6A-6.0331, F.A.C., underscores a need for reconsidering professional learning for teachers and other school staff. Based on the provisions of this rule, teacher and staff learning should support the delivery of evidence-based instruction; academic, behavioral, and mental health interventions; and adaptive and instructional technology. When educators and stakeholders consider the question "What do we want students to know and be able to do?" improved academic, behavioral, and mental health outcomes result.

Problem Solving within Florida's Multi-Tiered System of Supports

MTSS involves regular, systematic, and objective use of data to most efficiently allocate and evaluate resources at all levels of the system and, most importantly, improve learning and outcomes for all students. Data-based problem solving within an MTSS enables teams to address problems and achieve goals from the broader district level to the more narrowly focused level of the individual student. To ensure efficient application of resources, schools begin with the identification of trends and patterns using schoolwide and grade-level data. If data indicate that Tier 1 instruction is insufficient (resulting in too few students meeting expectations), adjustments are objectively and systematically made and monitored. Students for whom Tier 1 instruction alone remains insufficient, are provided targeted, supplemental, or intensive interventions at increasing levels of intensity.

The four critical parts of the on-going problem-solving cycle as a consistent way of work for teams are as follows:

1. **Define the problem** by determining the difference between what is expected and what is occurring. Ask, "What specifically do we want students to know and be able to do when compared to what they currently know and are able to do?"

2. **Analyze the problem** using data to determine why the issue is occurring. Generate hypotheses (reasons why students are not meeting performance goals) founded in evidence-based content area knowledge, alterable variables, and instructionally relevant domains. Ask, "Why is/are the desired goal(s) not occurring? What are the barriers to the student(s) knowing and doing what is expected?" Gather assessment data to determine valid/non-valid hypotheses and establish a performance goal.
3. **Develop and implement a plan** driven by the results of the team's problem analysis by linking validated hypotheses to instruction/intervention. The hypotheses should lead to evidence-based instructional decisions, and the intervention selected or designed should directly reduce or eliminate those barriers. Plan development should include how the students' progress will be monitored and how intervention fidelity will be supported. Ask, "What are we going to do?"
4. **Measure response to instruction/interventions** by using data gathered from progress monitoring at agreed upon intervals to evaluate the effectiveness of the planned intervention(s). Progress-monitoring data should directly reflect the targeted skill(s). Ask, "Is it working? If not, how will the instruction/intervention plan be adjusted to better support the students' progress?" Team discussion centers on how to maintain or better enable learning for students.

While not an exhaustive list, the following information describes essential components of a highly functioning MTSS as well as considerations for data-based problem solving at each of the tiers.

Universal Instruction – Tier 1

- Evidence-based, high-quality, general education instruction and support
- Screening and/or benchmark assessments for all students
- Data collection informs instruction
- If Tier 1 instruction results in less than 80% of students meeting expectations, engage in Tier 1 problem solving

Supplemental Instruction – Tier 2

- Supplemental instruction and intervention are provided based on data that indicate for *some* students, the evidence-based, high-quality, Tier 1 instruction and support are insufficient
- Interventions and progress monitoring are targeted to specific skills to remediate or enrich, as appropriate
- Progress monitoring occurs more frequently than at the Tier 1 level to ensure that the intervention is working
- Supplemental interventions are aligned with Tier 1 instruction
- If more than 20% of students are receiving support at this level, engage in Tier 1 problem solving

Intensive Instruction – Tier 3

- Intensive instruction and interventions based on individual student needs and aligned with Tier 1 instruction
- Students may need prolonged interventions to meet grade level expectations

- Progress monitoring occurs more frequently than at Tier 2 to ensure maximum acceleration of student progress
- If more than 5% of students are receiving support at this level, engage in Tier 1 and Tier 2 problem solving

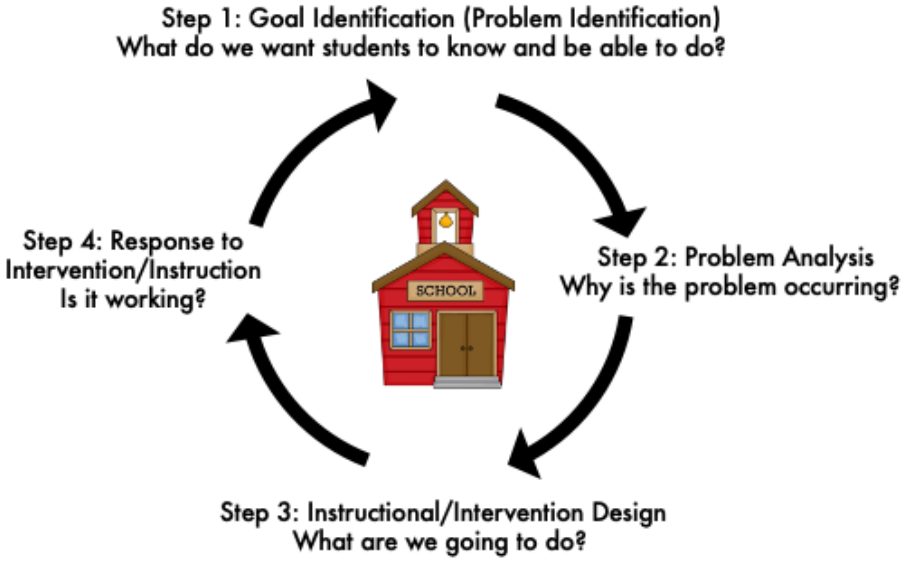
Continuous Improvement: The Problem-Solving Process

Steps of the Problem-Solving Process

Regardless of whether teams are examining the sufficiency of Tier 1instruction or determining the need for more intensive supports for groups or individual students (Tier 2 and Tier 3), they should engage in a data-based problem-solving process. School teams can use *Problem Solving/RtI Worksheet* (https://floridarti.usf.edu/resources/gtips/PS-RtI_Worksheet.pdf) to systematically address the steps of problem solving. The components within the worksheets capture many of the elements addressed in Rule 6A.6-0331., F.A.C.. The school team members are prompted to use critical thinking skills to apply the four steps of problem solving effectively.

Florida's model includes a four-step problem solving process. The four steps of are:

- **Step 1: Goal Identification (Problem Identification)** – What exactly is the problem or discrepancy between the current performance and expected performance?
- **Step 2: Problem Analysis** – Why is the problem occurring?
- **Step 3: Intervention Design and Implementation** – What exactly are we going to do about it?
- **Step 4: Response to Instruction/Intervention** – Is the plan working?



Within this cyclical process, the problem is defined as the discrepancy between the expected level of performance and the current level of performance. Hence the existence of a discrepancy is defined, in part, by the difference between expected and current performance as opposed to any former discrepancies, such as the discrepancy between ability and achievement. Central to problem solving is an analysis of factors that impede performance beyond those that may (or may not) reside within the learner. As a result, all factors that impact learning (i.e., instruction, curriculum, environment, and learner variables) are considered through the analysis of student

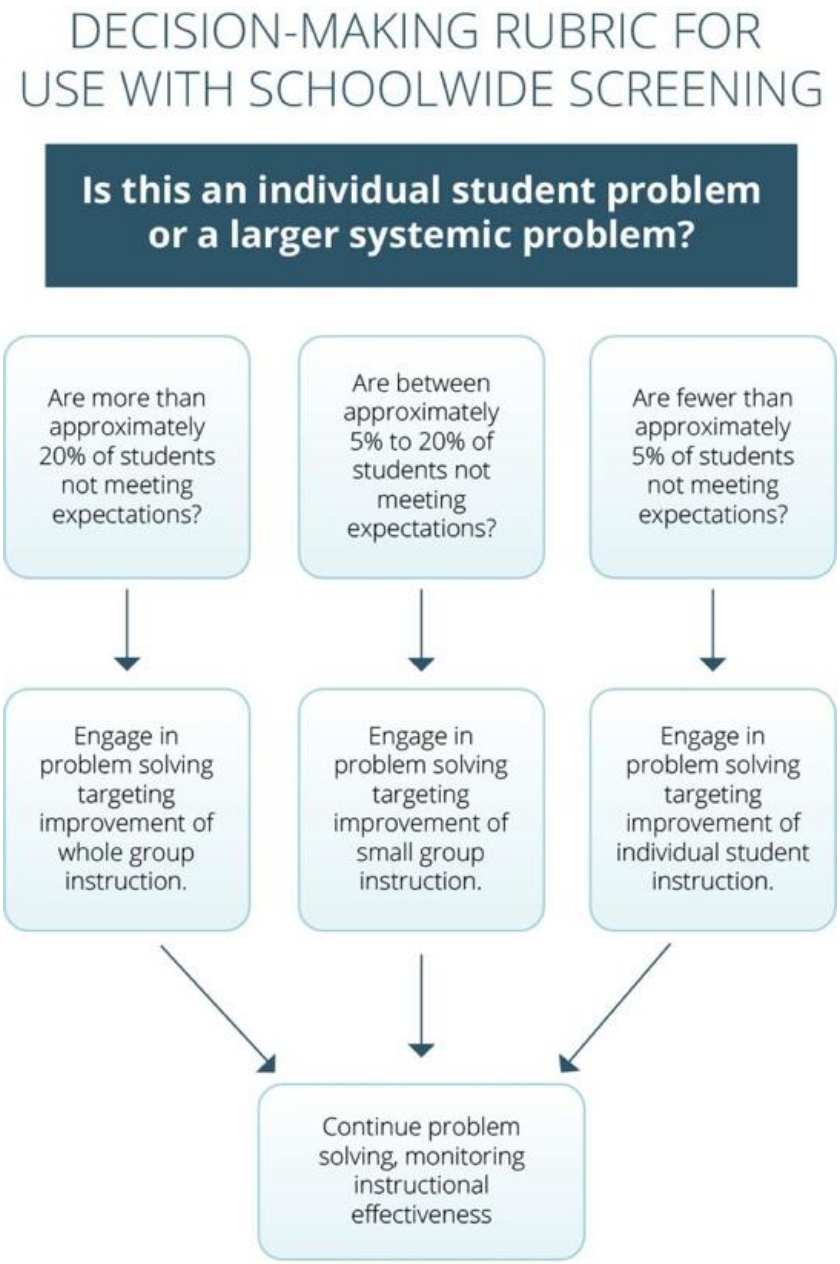
performance data when assessing the effectiveness of instruction/intervention and determining students' instructional needs.

Goal Identification (Problem Identification) (Step 1):

During goal or problem identification, teams consider academic and behavioral standards to clarify what students are expected to know and be able to do as well as data to determine peer performance in relation to these expectations.

Consideration must be given to the percentage of peers demonstrating performance similar to the targeted student, as the response may lead to the hypothesis that the issue is related to instructional, curricular, or environmental variables. As demonstrated below in the Decision-Making Rubric for Use with Schoolwide Screening, when 20% or more students show similar problems, it is likely that intervening at the group or core/universal level will result in the greatest improvement for the most students through efficient use of available resources.

Conducting a gap analysis can help teams determine at which Tier they should intervene (regardless of whether the student receives ESE services). Teams must ask, "Is it a large group problem, a small group problem, or an individual student problem?" More importantly, by identifying the percentage of students with similar problems, educators can determine if class-wide instruction should be the focus or if individual/small groups of students would benefit from targeted, supplemental intervention. The Decision-Making Rubric for Use with Schoolwide Screening can assist teams in determining how to focus their problem solving. If the discrepancy between the benchmark and peer group performance is large and the discrepancy between peer group performance and the student's performance is minimal, it would not be appropriate to automatically determine that the student would benefit from ESE. Nor would it be appropriate, in this example, to assume that we would only be focusing on an individual student. The Gap Analysis section of the *Problem Solving/RtI Worksheet* (https://floridarti.usf.edu/resources/gtips/PS-RtI_Worksheet.pdf) further illustrates this thinking.



The *Decision-Making Rubric for Use with Schoolwide Screening* shown above begins by asking the overarching question: Is this an individual student problem or a larger systemic problem?

Then the following specific questions are posed:

- Are more than 20% of students not meeting expectations? If so, then engage in problem solving targeting improvement of whole group instruction.
- Are between 5% to 20% of students not meeting expectations? If so, then engage in problem solving targeting improvement of small group instruction.
- Are fewer than 5% of students not meeting expectations? If so, engage in problem solving targeting improvement of individual student instruction.

Regardless of the scenario, continue problem solving and monitoring instructional effectiveness.

Problem Analysis (Step 2):

During problem analysis, the team addresses the question, "Why is the problem occurring?" Teams develop hypotheses or educated guesses to explain why the problem is occurring and predict what might prevent the problem from occurring in the future. Hypothesis statements are structured as "The problem is occurring because _____." Subsequently, prediction statements are written as "If _____ would occur, then the problem would be reduced." Data are collected to confirm or reject the hypotheses that were developed. During this phase, it is important to determine if the problem reflects a skill deficit (i.e., "can't do") or motivation deficit (i.e., "won't do"). In addition to looking at student skill deficits, it is imperative that educators do their due diligence to look at curricular, instructional, or environmental factors that can inhibit students' success. For information on problem analysis and, more specifically on hypotheses development, see the *Problem Solving/RtI Worksheet* at https://floridarti.usf.edu/resources/gtips/PS-RtI_Worksheet.pdf.

Instructional/Intervention Design and Implementation (Step 3):

During instructional/intervention design and implementation, the team focuses on "What are we going to do about it?" Specifically, the Problem Solving/RtI Worksheet guides teams through the process of identifying who is responsible for intervention plan implementation, what will be done, when will it occur, and where will it occur. Components of the comprehensive intervention plan found in the Problem Solving/RtI Worksheet also include a support plan, that may include relevant training for the individual responsible for implementing carrying out the intervention or a consistent period for someone to check in with the individual and offer coaching and support. Other components include intervention documentation (see the *Intervention Documentation Worksheets* at https://floridarti.usf.edu/resources/gtips/intervention_documentation_worksheets.pdf) to ensure fidelity of implementation and monitoring the plan to determine student rate of progress.

Response to Instruction/Intervention (Step 4):

Evaluating the students' actual response to the instruction/intervention is a critical component of this model. Data review and analysis are used to determine if the plan is working. For Step 4, the Problem Solving/RtI Worksheet guides the team through careful review of graphed data to determine if there has been a positive, questionable, or poor response to intervention.

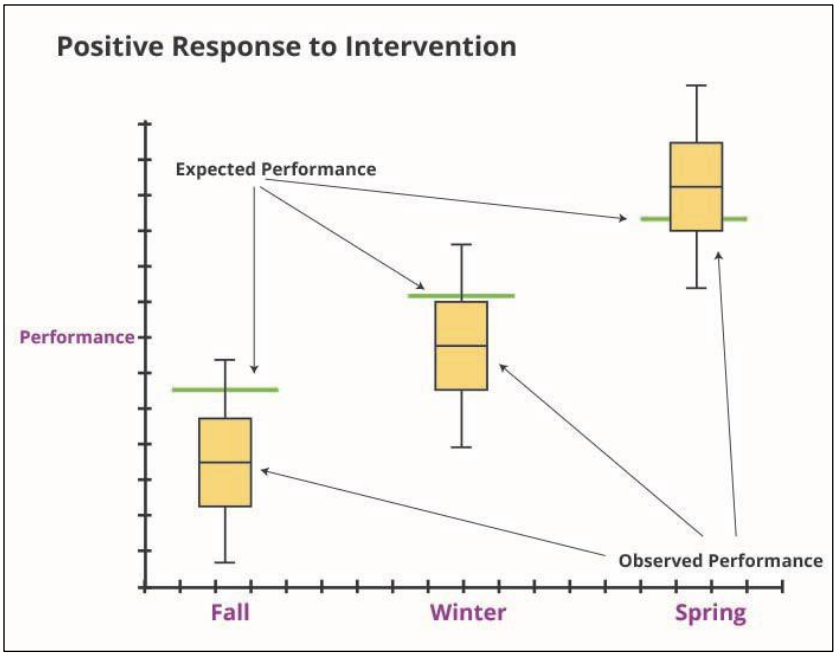
Decision Rules

Subsequent instructional decision-making varies based on the whether the student response is positive, questionable, or poor. Individual student and group examples are described and illustrated below.

Positive Response to Intervention (RtI)

RtI is considered positive when the gap between expected performance and observed performance is closing. Ideally, the point at which the target student will "come in range" of grade-level expectations — even if it is the long range — can be extrapolated or estimated. Under positive response conditions, the current instruction/intervention may be continued with the same or increased goal. Alternatively, the current level of instruction/intervention may be faded gradually to determine whether the same level of intensity of instruction is necessary for student success. See the illustrations below for individual and group decision rule examples of positive response.

Decision Rule for *Positive* Response – Group of Students



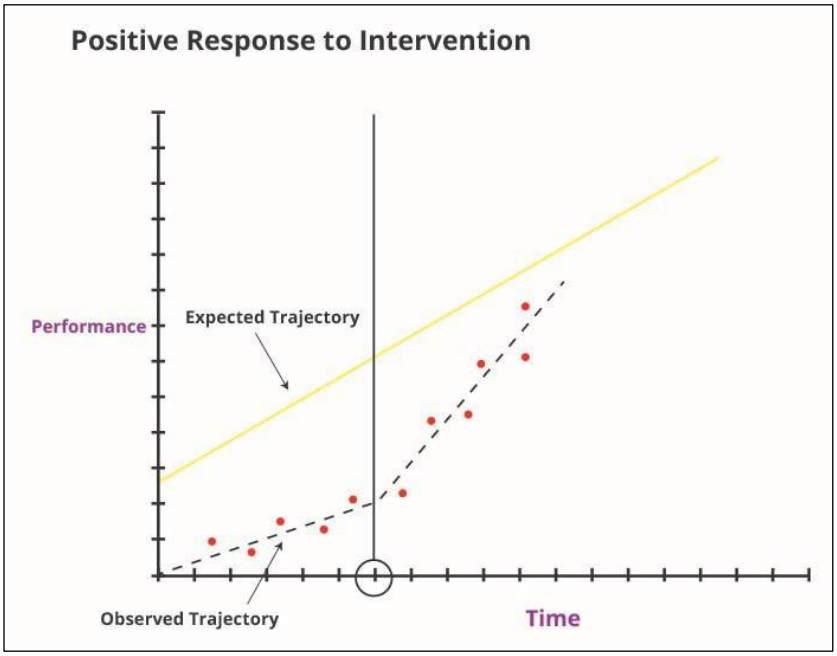
Positive Response

- Gap is closing.
- Point at which target student(s) will "come in range" of target can be extrapolated—even if this is long range.

Potential Actions

- Continue intervention with current goal.
- Continue intervention with goal increased.
- Gradually fade intervention to determine if student(s) have acquired functional independence.

Decision Rules for *Positive* Response – Individual Student



Positive Response

- Gap is closing.
- Point at which target student(s) will "come in range" of target can be extrapolated—even if this is long range.

Potential Actions

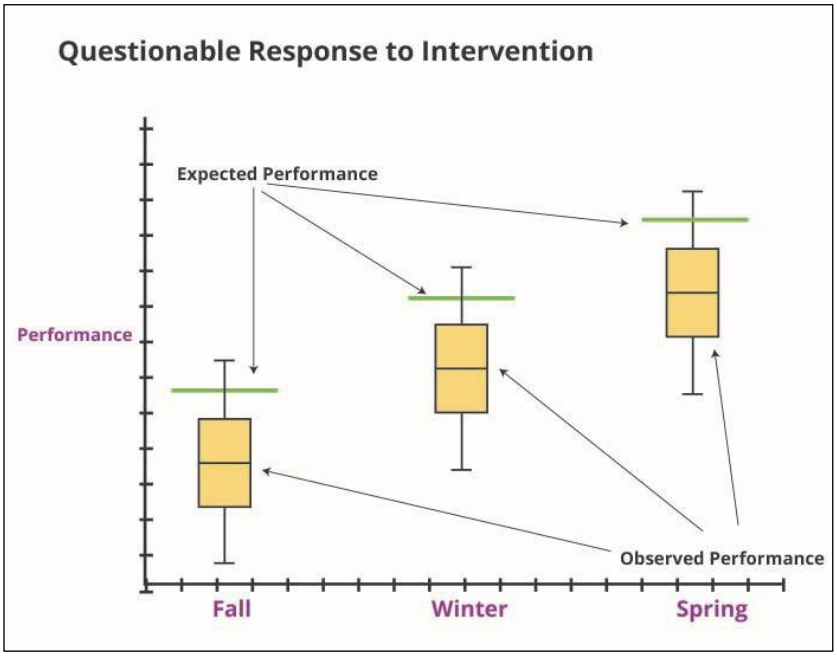
- Continue intervention with current goal.
- Continue intervention with goal increased.
- Gradually fade intervention to determine if student(s) has acquired functional independence.

Questionable Response to Intervention

RtI is considered questionable when the rate at which the gap is widening slows considerably but is still widening, or when the gap stops widening but closure does not occur. The student(s) response to instruction/intervention is considered poor if the gap continues to widen with no change in rate of progress after the instruction/intervention is implemented with fidelity.

When the response is questionable, the first question to be asked is one of instruction or intervention implementation fidelity: "Was the instruction or intervention implemented as intended?" If not, then supports to increase implementation fidelity are put in place. A variety of tools are used to measure intervention implementation fidelity and may include both qualitative and quantitative methods such as direct observations, self-reports, checklists, and intervention-specific tools. If implementation fidelity is demonstrated, then the intensity of the current instruction/intervention may be increased for a brief period. If the rate of progress improves, then instruction is continued at a more intense level. If the rate does not improve, then a return to Steps 1 and 2 of problem solving is necessary. See the illustrations below for individual and group decision rule examples for questionable responses.

Decision Rule for Questionable Response – Group of Students



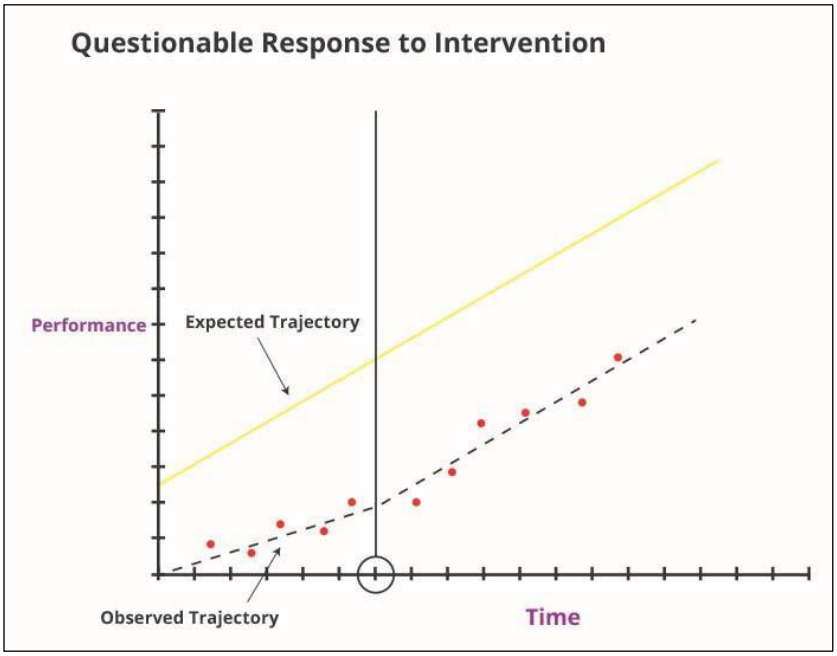
Questionable Response

- Rate at which the gap is widening slows, but the gap is still widening.
- Gap stops widening, but closure does not occur.

Potential Actions

- Was instruction or intervention implemented as intended?
- If no, employ strategies to increase implementation fidelity.
- If yes, increase intensity of current instruction or intervention for a brief period and assess impact. If the rate improves, continue. If the rate does not improve, return to problem solving.

Decision Rule for Questionable Response – Individual Student



Questionable Response

- Rate at which the gap is widening slows, but the gap is still widening.
- Gap stops widening, but closure does not occur.

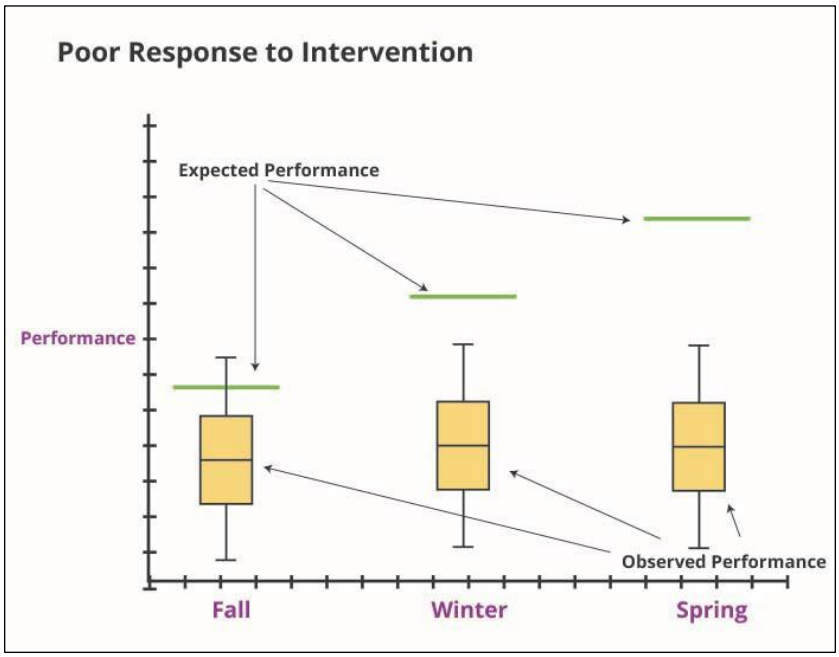
Potential Actions

- Was intervention implemented as intended?
- If no, employ strategies to increase implementation fidelity.
- If yes, increase intensity of the current intervention for a brief period and assess the impact. If the rate improves, continue. If the rate does not improve, return to problem solving.

Poor Response to Intervention

When RtI is poor, the same question of implementation fidelity is asked. Again, if implementation fidelity is problematic, supportive strategies to increase implementation fidelity are employed. If implementation fidelity is good, then the steps of problem solving are retraced, asking: "Is the instruction/intervention aligned with the verified hypothesis, or are there other aligned interventions to consider?" (Intervention Design), "Are there other hypotheses to consider?" (Problem Analysis), and "Is the problem identified correctly?" (Problem Identification). See the illustrations below for individual and group decision rule examples for poor responses.

Decision Rule for *Poor* Response – Group of Students



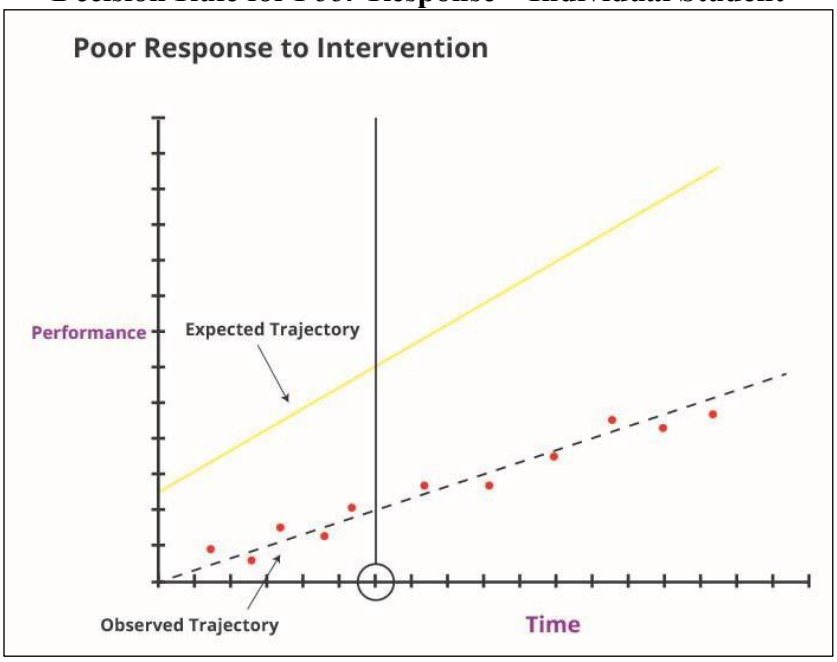
Poor Response

- Gap continues to widen with no change in rate.

Potential Actions

- Was instruction or intervention implemented as intended?
- If no, employ strategies to increase implementation integrity.
- If yes,
    - Is instruction or intervention aligned with the verified hypothesis? (Intervention Design)
    - Are there other hypotheses to consider? (Problem Analysis)
    - Was the problem identified correctly? (Problem Identification)

Decision Rule for *Poor* Response – Individual Student



Poor Response

- Gap continues to widen with no change in rate.

Potential Actions

- Was intervention implemented as intended?
- If no, employ strategies to increase implementation integrity.
- If yes,
  - Is intervention aligned with the verified hypothesis? (Intervention Design)
  - Are there other hypotheses to consider? (Problem Analysis)
  - Was the problem identified correctly? (Problem Identification)

Applying Problem Solving Across Tiers

The application of the problem-solving cycle across the three tiers is an essential component of a functional system. The underpinning idea is that the level of support a student requires to be successful exists on a continuum. The continuum includes students needing no support beyond the differentiated Tier 1 curriculum and instruction to those who would benefit from extraordinary support. Tiered resources are arranged along that continuum such that students have access to instruction/intervention at a level of intensity corresponding with what data indicate they need. There are *Imperative Questions for Problem Solving with an MTSS* for teams to address to guide discussions about the effectiveness of instruction at each tier. (https://floridarti.usf.edu/resources/gtips/Imperative_Questions_ProblemSolving-MTSS.pdf)

Tier 1: Schoolwide Universal, Tier 1 Instruction

To what extent are all students provided with well-delivered, evidence-based instruction and curriculum that effectively achieves the desired outcomes? How is this verified?

What assessment tools or processes are used to identify student needs and the students' response to learning supports provided?

Is universal, Tier 1 instruction effective?

- What percent of students are achieving standards/benchmarks/expectations (80% or more)?
- What percent of students in subgroups are achieving standards/ benchmarks/expectations (80% or more)?
- When addressing an individual student's needs, what percent of students in their subgroup are achieving benchmarks/standards/expectations (80% or more)?

If universal, Tier 1 instruction/curriculum is not effective:

- Is the schoolwide instruction appropriately matched to what data indicate would benefit students?
- Do systems or structures need to be changed to promote more effective instruction?
- Are resources and assistance provided to educators for implementation fidelity?

To what extent is the school-based leadership team engaged in Tier 1-level problem solving to increase the effectiveness of Tier 1 instruction?

How are parents and students involved or engaged in selecting and implementing universal learning supports?

How do teams determine when student(s) will require supplemental and more intensive, individualized instruction/intervention?

Tier 2: Supplemental Instruction/Intervention

What specific supplemental instruction/intervention is planned to improve the performance of students who would benefit from additional instruction and support in addition to and aligned with universal supports?

Consider these six key components when planning supplemental interventions and supports:

- Amount of additional academic-engaged time needed
- Focus of the intervention and support
- Specific academic or mental health support
- Method and frequency of progress monitoring assessments
- Evidence of fidelity of implementation
- Sufficiency of learning support

How is the supplemental instruction/intervention implemented and integrated into Tier 1?

- Academic-engaged time – How much more time is provided?
- Curriculum/Program/Method – What is used?
- Personnel – Who provides the learning support? Are the highest levels of expertise and skill matched to the students with the most significant needs? How is assistance to educators provided to ensure fidelity of implementation?
- Time and setting for small group intervention – What is the setting?? How often and for how long (i.e., times per week, minutes per session)?

- Parents – How are the students' parents involved or engaged in supporting the intervention?

How effective is the supplemental instruction/intervention for groups of students who would benefit from additional support?

- What assessments are used for ongoing data collection aligned with universal learning supports so that impact on learning outcomes is measurable?
- How frequently are data collected? How frequently are the data analyzed by the team?
- How are the student's parents engaged in the progress monitoring and analysis of student engagement, level of performance, and rate of progress?
- How does the team determine whether the instruction/intervention is effective?
- If the learning support is ineffective (poor or questionable student response), how does the team monitor and assist with implementation fidelity?
- How will the team determine if student(s) will require more intensive, individualized support?

Tier 3: Intensive Individualized Intervention

What specific intensive individualized learning supports are planned to improve the rate of progress of the individual student in addition to and aligned with universal and supplemental learning supports?

Consider these seven key components when planning individualized interventions and supports:

- Amount of additional academic-engaged time needed
- Reduction of group size
- Narrowed focus of the learning support
- Specific instructional/behavioral/mental health strategies
- Method and frequency of progress monitoring assessments
- Evidence of fidelity of implementation
- Sufficiency of learning support

How is the intensive, individualized learning support delivered and integrated with Tier 1 and Tier 2 instruction/intervention?

- Academic-engaged time – How much more time is needed?
- Curriculum/Program/Method – What does the student need?
- Personnel – Who provides the intervention? Are the highest levels of instructional expertise and skill matched to the student with the most significant needs? How is assistance provided to ensure fidelity of implementation?
- Time and setting for instruction – Where does the intervention take place and when?
- Parents – How are the students' parents involved or engaged in supporting Tier 3 support?

How effective is the intensive, individualized intervention for the student?

- What assessments are used for ongoing data collection aligned with Tier 1 instruction so that impact on learning outcomes is measurable?
- How frequently are data collected? How frequently are they analyzed by the team?

- How, and to what degree, are the student's parents involved or engaged in the progress monitoring and analysis of the student's level of performance and rate of progress?
- How unique is the student's response in comparison to peers?
- How does the team determine whether the intervention is effective?
- How does the team determine what adjustments may be needed?
- If the intervention is ineffective (poor or questionable student response), how does the team monitor and assist with implementation fidelity?
- If the intervention was delivered with fidelity and is ineffective, how are decisions made to adjust the design or delivery?

Critical Guiding Questions for Problem Solving at Every Tier

The critical questions used at Tiers 2 and 3 are extensions of the basic guiding questions used in Tier 1. Problem Identification and Goal Setting, or Step 1 of the problem-solving process for Tier 1, is key to ensuring integration across the tiers while simultaneously ensuring a balance between effectiveness and efficiency of using resources to provide **matched** supports to all students.

In short, the goal(s) identified in Step 1 of Tier 1 should be the same overall goals used to drive analyses and decision making at Tiers 2 and 3. The following are the *Critical Guiding Questions* (https://floridarti.usf.edu/resources/gtips/Critical_Guiding_Questions.pdf) that would be considered for students identified as needing additional supports in addition to Tier 1 improvement plans, organized in the order of the cyclical problem solving process:

Step 1 - Define: What is the problem?

- What do we expect students to know, understand, and do as a result of universal learning supports?
    - Are there students for whom the Tier 1 learning supports are ineffective? (How sufficient is Tier 1?)
    - Is there any disproportionality in academic, behavior, and/or mental health outcomes (i.e., race, ethnicity, disability, grade level, class distribution, English language learner status, etc.)?
    - Are more than 20% identified for additional supplemental learning supports (i.e., Tier 2)? If yes, does the Tier 1 improvement plan address this?
    - Are more than 5% identified for intensive learning supports (i.e., Tier 3)? If yes, does the Tier 1 improvement plan address this?
- Are there groups of students for whom Tier 2 and Tier 3 learning supports currently being provided are not sufficient?
    - Are there any students represented in multiple groups (e.g., demonstrating needs in academic, behavior, and mental health domains)?
    - Has the team considered the function and/or type of the problem?

Step 2 - Analyze: Why is it occurring?

- Since the Tier 1 and/or supplemental learning supports are NOT sufficient for either a group of students or an individual student, what barriers have or could have precluded students from reaching expectations?
    - Are hypotheses focused on alterable factors?

    - Are data available to validate hypotheses?
    - Is there a clear understanding of the situations (i.e., antecedents) that result in the outcomes being achieved for the group/student who is not meeting expectations?

Step 3 - Implement: What are we going to do about it?

- What instruction and supports will be used?
    - Are the instruction, strategies, and learning supports being designed or planned matched to the function and specific needs of the student(s) and related Tier 1 expectations?
    - Are there any standard protocols or generic approaches that might be beneficial for use?
    - Are there students for whom intensive or complex needs require individualized learning supports?
- What resources (initial and ongoing) are needed to support implementation of the plan?
- How will sufficiency and effectiveness of Tiers 2 and 3 learning supports be monitored over time?
    - What additional data will be collected to monitor progress of instruction and learning supports designed to improve targeted and specific skills/behaviors needed to help the student(s) meet Tier 1 goals?
    - Do improvements in student(s) progress monitoring data result in improvements in Tier 1 outcome data for those same students? In other words, what impact has Tier 2 and/or Tier 3 had on improving student outcomes in Tier 1 expectations?
- How will fidelity be monitored over time?
    - What educator practices will be monitored to ensure fidelity of learning supports are delivered as planned/designed? How long/often will this monitoring occur?
    - Are the tools used to monitor fidelity of the specific interventions appropriately selected and matched to the area of concern?
- How will "good," "questionable," and "poor" student responses to learning supports be defined?
    - Are the specific or narrow goals of Tiers 2 and 3 aligned with ensuring to help the student(s) reach their overall Tier 1 goals? That is, if the students make progress in response to Tier 2 or 3 learning supports, is there an increase in performance at Tier 1?

Step 4 - Evaluate: Is it working?

- Have planned learning supports at Tiers 2 and 3 been effective?
    - Does the team have a set of guidelines to structure a common approach to analyzing the data (e.g., "decision rules")?
    - If students' progress in response to Tier 2 or Tier 3 learning supports demonstrates a "good" response, and there is no increase in Tier 1 performance, what decision(s) will the team make?
    - If students' progress in response to Tier 2 or 3 services demonstrates "questionable" or "poor" responses, is there adequate fidelity of implementation of the learning supports? If yes, or no, what decisions will the team make?

The effectiveness of each tier of instruction must be regularly monitored to ensure the strength of the entire system. The problem-solving process is a recursive, self-correcting, ongoing

methodology used for effective decision making at all levels within the system. This logic and theme of data-based decision making is embedded in a variety of existing structures such as school improvement, student progression (including student progress monitoring plans and IEP present levels and goals), reading plans, positive behavior support, standards implementation, and district policies and procedures.

Team Engagement

Parent Involvement

Parent involvement in education has been widely reviewed and found to be highly linked to student learning and achievement. Reporting data to parents and involving them in decision making is critical for student success, and it is a requirement of both the Every Student Succeeds Act (ESSA) and the IDEA. Schools must help facilitate parent understanding and involvement in this decision making.

Parental involvement is a key component for having an effective Multi-Tiered System of Supports (MTSS) within a school. Schools need to include parent communication and input in all phases of the problem-solving process. Some districts have reported benefiting from reviewing their current parent involvement policies to ensure that they are in line with IDEA and ESSA. Suggestions regarding what level of involvement and communication should take place during the problem-solving process at each tier are provided in the following paragraphs.

Before each school year starts, a plan should be developed for informing parents about using data-based problem solving within an MTSS. Districts and/or schools may wish to download or create parent handouts or brochures, such as Florida's MTSS brochure for parents or parent video (https://player.vimeo.com/video/49760122), which outline what MTSS looks like within their school. A description of the school's data-based problem solving and MTSS should be included in the school's handbook. Student services personnel, such as a school psychologist, school social worker, or school counselor, can share additional information with parents as needed. Display boards, video clips, and PowerPoint presentations can be used to help describe these concepts and benefits to children at teacher-student orientation meetings.

Various kinds of information should be shared with parents depending upon what level of support is being provided to their child. Specific to Tier 1 instruction, data reflecting student progress within the Tier 1 academic and/or behavioral curricula should be shared with parents of all students. During parent-teacher conferences, graphs of student progress should be provided with explanations regarding student performance. Strategies, materials, and technology tools for home instruction also should be shared. Also, parents may want to use a participation form to help them record notes during problem-solving meetings. A *Parent Participation Notes* example can be accessed at https://floridarti.usf.edu/resources/gtips/Parent_Participation_Notes.pdf.

The progress of students receiving Tier 2 supplemental instruction, in addition to the Tier 1 academic and behavioral curricula should be monitored more frequently. Reports of student progress also must be shared with parents more frequently at this level. Obtaining parent input and engaging parents at this phase is critical for student success. Parents should be offered specific support regarding skills that need improvement. It might be helpful to provide parents with written documentation of what data have been collected, the intervention plan(s) put in place to improve skills, and how the plan(s) are monitored. For students receiving additional support through tutoring, schools should make efforts to communicate with the parents and tutor to help bridge the understanding of deficit skills and evidence-based interventions that are being used to address the areas of concern. This helps to ensure that the supplemental intervention being provided is aligned with the Tier 1 instruction and supports.

The progress of students receiving Tier 3 intensive interventions should be monitored most frequently. Parents should be invited to participate in problem-solving meetings to analyze their child's progress (response to the Tier 3 interventions) and help make decisions about their instruction. Schools should encourage parents to document and share information about services provided outside of the school day. Parents should also be provided with detailed graphs and clear explanations of their child's response to instruction/intervention over time. If the team involved in problem solving is considering the need for evaluation procedures to potentially access ESE services, parents also must be informed of their procedural due process rights under IDEA.

Parent Involvement within an MTSS

Involving multiple stake holders, including parents, is a key component for having an effective system of supports within a school. Schools should include parent involvement and input in all steps of the data-based problem-solving process. Schools and parents benefit when parents are routinely provided information about how they can be involved and participate in this process. The following is an example of what level of involvement and communication should take place respective to the level of tiered instruction.

Tier 1

Activity: Preparation for opening of school

How to Involve Parents:

- Develop a campaign to inform the public regarding data-based problem-solving process within an MTSS.
- Include clear description of data-based problem-solving process within an MTSS in school handbook (parent and/or student).

Activity: Initiation of school year

How to Involve Parents:

- Send parent brochure or handout home to all parents reviewing processes initiated within the system to address supports provided to all students.
- Disseminate information through conferences, websites, newsletters, and/or open houses to facilitate parents' understanding of the problem-solving process and its benefit to their student(s).
- Consider using resources, such as a PowerPoint, video, or a display board at an open house or student orientations.

Activity: Universal screenings

How to Involve Parents

- Provide data reflecting student progress within the Tier 1 curriculum for all parents at their request.
- Conduct parent/teacher conferences during which student data will be shared, and which strategies, materials, and technology tools for home instruction are offered.

Tier 2

Activity: Teams (content area, grade level, etc.) meet to identify students to receive targeted supports

How to Involve Parents

- Obtaining parent input is critical. Solicit input from parents when appropriate.

Activity: Documentation of progress

How to Involve Parents

- Continue to send home reports and continuous progress monitoring data reviewed by team.
- Involve parent in the intervention process. (Note: If teaching a targeted skill, the parent should know about this and be guided in helping their student at home to the extent the parent is willing and able.)
- Consider providing the parent a copy of the *Parent Participation Notes* (https://floridarti.usf.edu/resources/gtips/Parent_Participation_Notes.pdf) to the parent as a way of helping them understand and document what support is being provided to their student.
- Consult with parent regarding any tutoring services the student may be receiving.

Tier 3

Activity: Team meets to review progress and make instructional decisions.

How to Involve Parents

- Invite parents to participate in meetings and/or receive any of the data the team uses with a summary of the meeting in writing.
- Encourage the parent to use the *Parent Participation Notes* (https://floridarti.usf.edu/resources/gtips/Parent_Participation_Notes.pdf).

Activity: Decisions that result in a student spending more time in intensive instruction than typical peers

How to Involve Parents

- Continue to communicate with parents and present them information on intervention plans and progress monitoring.
- If a team is considering the need for an evaluation, communicate this need to the parents using the data collected during the intervention process and solicit consent from parents.

Educator Involvement

Effective leadership is a vital component for a school to be successful within a multi-tiered system. Collaboration among administrators, content area specialists, data specialists, and other school and district staff should represent instructionally relevant team membership. Problem-solving teams should be identified or created and used to address problems at various levels (school level, grade level, class level, subgroup level, or student level) and may include various members, depending on the issue or concern. Though referred to with a wide variety of names, any team engaged in problem solving is considered a problem-solving team. Level of expertise,

skill, and knowledge will determine the members of these teams, rather than title. Additionally, members of the problem-solving team will need to have a shared consensus regarding a clearly stated purpose of engaging in problem solving: to increase student learning, as is continually verified by students' positive response to the instruction/interventions being provided.

The makeup of the team engaged in problem solving varies depending on the purpose and level of the problem solving. Membership for effective problem solving at the school or grade level should include individuals who are knowledgeable about expected schoolwide (or grade level) academic and behavioral performance and rate of progress and have an in-depth understanding of the specific challenges in the school. Members include, but are not limited to, administration, grade-level representation, intervention specialists (academic and behavioral), problem solving facilitators, school psychologists, intervention support personnel, parents, and data coaches.

Problem-solving teams at the individual student level should always include the parents of the student. Team members should be included according to their knowledge of the student; grade-level expectations; the problem-solving process; evidence-based academic, behavioral, and mental health interventions; progress monitoring; and diagnostic assessment to inform instruction. Members, who should be added depending on the student's needs, include:

- the school administrator
- a general education teacher
- a special education teacher
- a school psychologist
- someone knowledgeable in reading, math, and/or behavior
- student service representatives
- a problem-solving facilitator
- data coaches

When forming team membership at all levels of the framework, consider the following example: If the student would benefit acceleration or enrichment in one or more areas to remain engaged in the curriculum, then the specialist for gifted learners is an important member of the problem-solving team. Administrators should consider all potential resources for staff, such as fine arts teachers, media specialists, etc. Depending on the nature of the problem, anyone the school employs may be identified as a valuable resource. Administrators should also consider existing teams, such as grade-level teams, that should engage in systematic problem solving at the Tier 1 and Tier 2 levels.

Responsibilities

The general role of the problem-solving team is to focus on improving outcomes for students. To accomplish this task, the problem-solving team will need to have certain responsibilities. An effective problem-solving team begins by reviewing student performance data at the whole school, grade, class, and subgroup levels. When reviewing the data, it is important to identify any trends that may demonstrate an area of concern. Once an area is identified, the problem-solving team develops hypotheses as to why the problem is occurring. Once a team has verified one or more hypotheses, an intervention plan will be created to improve the area of concern. It will be essential to consider the resources available at the school and how best to use them. The problem-solving team will review the effectiveness of the intervention and adjust as needed.

Refer to the section Continuous Improvement: The Problem-Solving Process for detailed descriptions of problem solving at each of the four steps in the process.

For meetings to be effective, problem-solving teams should consider the frequency and duration of their meetings as well as the roles and procedures used during the meetings. For instance, a school-level problem-solving team may not need to meet as frequently as a grade- or individual-level team. It is also important to have a structured format that is consistently used during meetings to ensure that the time is spent efficiently. Problem-solving team meetings should conclude each occurrence with a written plan that outlines not only the intervention plan, but also the ongoing responsibilities of each of the team members. As many members of the team as possible should be proficient in using the problem-solving process so that the discussion and decision-making can be effectively facilitated.

Special Education Eligibility Decisions

Using Information Gathered During Problem Solving

There are multiple state board rules that require school districts to use a problem-solving process. They include:

- *General Education Intervention Procedures, Evaluation, Determination of Eligibility, and the Provision of Exceptional Student Education Services* (Rule 6A- 6.0331, F.A.C.)
- *Exceptional Education Eligibility for Students with Specific Learning Disabilities* (Rule 6A-6.03018, F.A.C.)
- *Exceptional Education Eligibility for Students with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services* (Rule 6A-6.030121, F.A.C)
- *Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities* (Rule 6A-6.03016, F.A.C.)

School districts in Florida must use a problem-solving process that determines how a student responds to scientific, research-based interventions when determining whether that student is, or continues to be, eligible for special education. The primary catalyst for these changes came from the 2004 reauthorization of IDEA and the corresponding regulations issued in 2006. Specifically, section 300.307 of Title 34, Code of Federal Regulations (C.F.R.), allows a state education agency to adopt criteria to identify students in the category of specific learning disabilities (SLD) using a process that determines how a student responds to evidence-based interventions and requires school districts to use the established criteria.

Using information on how a student responds to evidence-based instruction and intervention when determining whether a student is eligible for special education services shifts away from identifying and diagnosing characteristics that are internal to the student and moves to identifying effective instruction and intervention for the student. The central question is: "What about the interaction of the curriculum, instruction, learner, and learning environment should be altered so that the student will learn?" The question is not: "What about the student is causing the performance discrepancy?" This redefines the target as the determination of those conditions that enable learning, rather than identifying disabling conditions. When using a student's response to intervention as a basis for special education eligibility decisions, teams ask the following questions:

- What is the discrepancy between the student's level of performance and the peer group and/or grade-level standards?
- What is the student's educational progress as measured by rate of improvement?
- What are the instructional needs of the student?

There are many advantages to using data collected within a multi-tiered system to support eligibility decisions over more traditional models of disability identification, including the following:

- Student learning and outcomes are addressed proactively. The monitoring of student progress is early and frequent, which allows for evidence-based instruction and intervention to be delivered as soon as possible.

- The delivery of evidence-based instruction and intervention reduces the number of students who require resources through special education due to ineffective instruction and/or a mismatch between the instruction, curriculum, environmental conditions, and the student's needs.
- Staff members spend their time focusing on finding what works for students and the conditions under which they are most successful instead of attempting to identify problems that are inherent to the student and presumed to be stable across environments and across time.
- Eligibility determinations are based more emphatically on educational need. Those with the greatest need are given the most support.
- Problem solving continues while students receive special education services, and the school team continues to work to provide instruction and interventions that result in the student achieving expectations. The team continues to make regular and ongoing instructional decisions based on data, including when special education services may no longer be necessary.

Consent and Evaluation Requirements When Determining Eligibility

The integration of a problem-solving framework in State Board of Education (SBE) rules has promoted new ways of thinking about addressing outcomes for all students. Because Rule 6A-6.0331(1), F.A.C., *General Education Intervention Procedures, Evaluation, Determination of Eligibility, Reevaluation and the Provision of Exceptional Student Education Services*, permits districts to conduct academic and behavioral evaluations when planning interventions in the general education setting, districts must clarify when parental consent is required and how to determine completion of the evaluation procedures when students are referred for an evaluation to determine eligibility for special education.

The following questions and answers are intended to clarify requirements regarding consent and evaluation:

What is an evaluation to determine eligibility for special education and related services?

Many parents and professionals use the term "evaluation" to mean a test, or battery of tests, that are scheduled and administered on a given date. Although an evaluation may include specific assessment instruments, in the context of the IDEA and corresponding Florida State Board of Education rules, an evaluation refers to all the procedures used to determine whether a student is a student with a disability and the nature and extent of the student's special education and related service needs (Rule 6A-6.03411(1)(l), F.A.C.). An evaluation consists of all relevant assessment tools and strategies used to collect functional, developmental, and academic information about a student to determine specialized instructional need. Therefore, an evaluation includes existing data collected prior to obtaining parental consent for an evaluation (e.g., classroom performance; observations; interviews; screening, progress monitoring, diagnostic assessments; and district and state assessments; private assessments; and parental input) and any additional assessment procedures conducted after receipt of parental consent.

What constitutes the need to obtain consent per Child Find?

Parental consent is required when the district proposes to conduct assessment procedures for determining eligibility for special education and related services. Within an ongoing problem-

solving process, the school team monitors student response to intervention and initiates an evaluation if the data suggest that the student needs special education and related services. Circumstances that trigger the district's Child Find obligations include the following situations:

- The school-based team determines that a K-12 student's response to intervention indicates that intensive interventions are effective but require a high level of intensity and resources to sustain growth or performance (empirically established by fading the intervention) beyond that which is accessible through general education resources.
- The school-based team determines that a K-12 student's response to interventions indicates that the student does not make adequate growth[*] given effective Tier 1 instruction and intensive, individualized, evidence-based interventions.
- The results of a developmental screening for a child aged three to kindergarten, entry age, indicate that the child may be a child with a disability who needs special education and related services.
- A parent requests an evaluation and there is documentation or evidence that the student may be a student with a disability and needs special education and related services. If upon review of the parent's request, the district determines the evaluation is not appropriate, then the parent must be provided with written notice of its refusal to conduct the evaluation.

When a school-based team suspects that a student may be a student with a disability, consent is required for any subsequent evaluation procedures, including the collection of additional progress monitoring data. The district has 30 days to request consent to conduct an evaluation whenever any of the circumstances identified above are present unless the district and parent agree to a different time period or in the case of a parent-initiated request.

Is consent required to conduct evaluations or assessment procedures that inform general education interventions?

Parental consent is not required if the sole purpose of obtaining assessment data is to inform instruction or intervention as part of problem solving embedded in general education intervention procedures (Rule 6A-6.0331(1), F.A.C.). The purpose for collecting assessment data, not the assessment procedures, determine when consent is required. Whenever assessment and data collection procedures are conducted to determine eligibility, consent is required (Rule 6A-6.0331(4), F.A.C.).

How does the team determine what an evaluation should include?

The team, including the parent, must review existing data on the student and based on the review and input from the parents, identify what additional data are needed to determine eligibility. In determining what additional data are needed, the team must ensure that the evaluation identifies the student's special education and related service needs and establishes the presence of a disability. The evaluation must be full and individual, and comprehensive enough to identify all the special education needs, requiring the team to address the unique circumstances of each student as well as the characteristics of the suspected disability.

[*] *Growth is measured relative to state-approved, grade-level benchmarks/standards or relative to behavioral expectations.*

The district is required to provide written notice of its proposal to evaluate the student. Prior written notice must include a description of the action proposed (or refused) by the district and an explanation of why the district proposes (or refuses) the action (Rule 6A-6.03311(1)(c), F.A.C.). In the case of an evaluation, the notice should include a description of the evaluation procedures the district proposes to conduct and the rationale for conducting the procedures.

How is the evaluation completion date determined?

The "evaluation completion date" is defined in the Database Manual (http://www.fldoe.org/accountability/data-sys/database-manuals-updates) for the Automated Student Information System as "the date all applicable initial evaluation procedures prescribed in Rules 6A-6.03011 through 6A-6.03019 and 6A-6.03020, 6A-6.03022, 6.03027, 6A-6.03030 and 6A-6.03031, F.A.C., are completed for the purpose of determining a student's initial eligibility for ESE." For most students, this will be the date of the last standardized norm-referenced assessment, observation, progress monitoring data collection or other evaluation procedure. However, if the team determined that existing data were sufficient to establish disability and educational need without conducting further evaluation procedures, the evaluation completion date is the date that decision was made (for more information see the technical assistance paper (TAP) for Rule 6A-6.0331, F.A.C. at https://info.fldoe.org/docushare/dsweb/Get/Document-7505/dps-2015-152.pdf.

After receiving parental consent on the district consent form, the district must complete the evaluation within 60 calendar days. Summer vacation, school breaks and holidays, and absences beyond eight (8) days are excluded from the 60 calendar day requirement (Rule 6A-10.019, F.A.C.). For specific learning disabilities only, the 60-day evaluation timeline may be extended by mutual agreement between the parent and the team (Rule 6A-6.03018(3)(b), F.A.C. — https://www.flrules.org/gateway/ruleNo.asp?id=6A-6.03018).

Consent for Evaluation within the Problem Solving and Response to Instruction/Intervention Framework

Each district and school is responsible for implementing an MTSS to improve outcomes for ALL learners, including students with disabilities, English language learners, and students from impoverished backgrounds. A multi-tiered system begins with the provision of effective Tier 1 instruction and leverages additional resources and supports that address barriers to learning and maximize success with grade-level state standards. An effective MTSS integrates Tier 1 instruction, supplemental and intensive interventions, and specially designed instruction (SDI) using a data-based problem-solving process that matches the intensity of support to student needs.

District-Initiated Evaluation

Provide Effective Tier 1 I*nstruction*

Schools are to provide a coordinated continuum of evidence-based support that begins with effective Tier 1 instruction for all students. Universal screenings and Early Warning Systems monitor the effectiveness of Tier 1 instructional practices and identify students who would benefit from additional support. In a functional multi-tiered system, data-based problem-solving teams use student data to identify the scope, focus, and target of support. For students with the

most intense needs, supplemental and intensive interventions may need to occur simultaneously rather than sequentially.

Implement & Monitor Evidence-Based Interventions (EBI)

School teams are to determine and implement appropriate, evidence-based, supplemental interventions for small groups (Tier 2) and intensive individual interventions (Tier 3) for students needing additional support to succeed in the general education environment. The evidence-based interventions (determined by a data-based problem-solving team) are matched in intensity to student need and integrated/aligned with Tier 1 curriculum and behavioral expectations. School-based teams monitor student response to intervention and use data from targeted, diagnostic assessments to guide intervention development.

Monitor Evidence-Based Interventions (EBI) - Systematic Review of Data (Child Find)

Teams are to use data to systemically address the district's Child Find obligation. Group and individual response to intervention data are reviewed periodically and used to determine when to modify/intensify intervention supports. The systematic review of student response to intervention data informs school-based teams when there is reason to suspect that the student may be a student with a disability and is the most efficient means of meeting the district's Child Find obligation. The Child Find obligation is triggered when: 1) the student does not make adequate growth given effective Tier 1 instruction and intensive, individualized evidence-based interventions, or 2) the intensive interventions are effective but require an intensity of resources and support that are typically associated with SDI. The date the school-based team reviews the data and determines that (1) or (2) are present starts the 30-day timeline for requesting parent consent.

Request Consent & Evaluate

The district must request parental consent for an evaluation within 30 days of reviewing student response to intervention data that indicates there is reason to suspect that the student may be a student with a disability. Prior to obtaining consent, a group of qualified professionals and the parent review existing data and determine if any additional data are needed. Based on this review and other information, the district proposes an initial evaluation with enough specificity so that the parent understands what they are consenting to.

The district must complete the proposed evaluation within 60 calendar days. The evaluation must be individual and sufficiently comprehensive to identify all the student's special education and related service needs. If no additional assessment data is needed, eligibility staffing can be scheduled or held.

Determine Eligibility

A group of qualified professionals and the parent considers the evaluation data and information from a variety of sources and determines whether the student meets eligibility criteria as a student with a disability AND needs special education. A student may not be determined eligible if the determinant factor is: 1) lack of appropriate instruction in the essential components of reading, 2) lack of instruction in math, 3) exclusionary factors (e.g., limited English proficiency, visual/hearing/motor disability, irregular pattern of attendance), or 4) does not meet the eligibility criteria specified in State Board rules.

Provide SDI in MTSS

If the student is eligible, the SDI needed for success in the Tier 1 curriculum is provided within the context of MTSS. Eligibility should never result in a decrease in support nor limit access to the general education supports/interventions available to all students. If a student is determined to be not eligible, interventions and supports with general education resources should continue.

Parent-Initiated Evaluation

Parent Requests an Evaluation

When a parent requests an evaluation, the district has 30 days to respond by either: 1) proposing an evaluation and requesting consent, or 2) providing parent with a written notice of refusal to conduct the evaluation.

Obtain Consent

If the district agrees to conduct the evaluation, it must request parental consent within 30 days unless the parent and school agree otherwise in writing. Prior to obtaining consent, a group of qualified professionals and the parent review existing data and determine what additional data are needed. Based on the review of data and other information, the district proposes an initial evaluation.

Conduct Evaluation & Implement Evidence-Based Interventions (EBI)

The district must complete the proposed evaluation within 60 calendar days. If there is insufficient data on student response to intensive, individualized interventions, the provision of tiered support and progress monitoring are conducted concurrently with the evaluation. When a parent initiates the evaluation, it may be necessary to implement Tier 2 and Tier 3 simultaneously.

Determine Eligibility

A group of qualified professionals and the parent considers data and information from a variety of sources and determines whether the student meets eligibility criteria as a student with a disability AND needs special education. A student may not be determined eligible if the determinant factor is: 1) lack of appropriate instruction in the essential components of reading, 2) lack of instruction in math, 3) certain exclusionary factors (listed on page 46 of this document), or 4) does not meet the eligibility criteria specified in State Board rules.

Provide SDI in MTSS

If the student is eligible, the SDI needed for success in the Tier 1 curriculum is provided within the context of a multi-tiered system of supports. Eligibility should never result in a decrease in support nor limit access to the general education supports/ interventions available to all students. If a student is determined to be not eligible, interventions and supports that match student need with general education resources should continue.

Independent Evaluations

As part of an evaluation to determine whether a student has a disability and to identify the educational needs of the student, a group of professionals determining eligibility must review existing evaluation data, including evaluations and other information parents provide. Independent educational evaluations (IEEs) must meet the district's criteria for conducting an

evaluation, including qualifications of the examiner (Rule 6A-6.03311(6), F.A.C.). If the IEE meets the district's criteria (including qualifications of the examiner) for conducting an evaluation, the results must be considered in decisions with respect to the provision of a free appropriate public education (FAPE) to the student. However, the district is not obligated to accept the recommendations of the IEE. The authority to determine the presence of a disability and educational need is placed with the team, which consists of a group of qualified professionals and the parent(s).

It is likely that districts will need to supplement the results of an IEE obtained by a parent, especially if student response to intervention is an eligibility criterion. The criteria for determining eligibility should be clearly explained to parents and communicated with independent educational evaluators so that independent evaluations can provide assessment data relevant to determining disability and educational need. If a parent presents an independent evaluation that does not meet the district's eligibility criteria, then the following should be explained to the parent: (1) the specific eligibility criterion needed and (2) the reason the independent evaluation is not sufficient to determine eligibility.

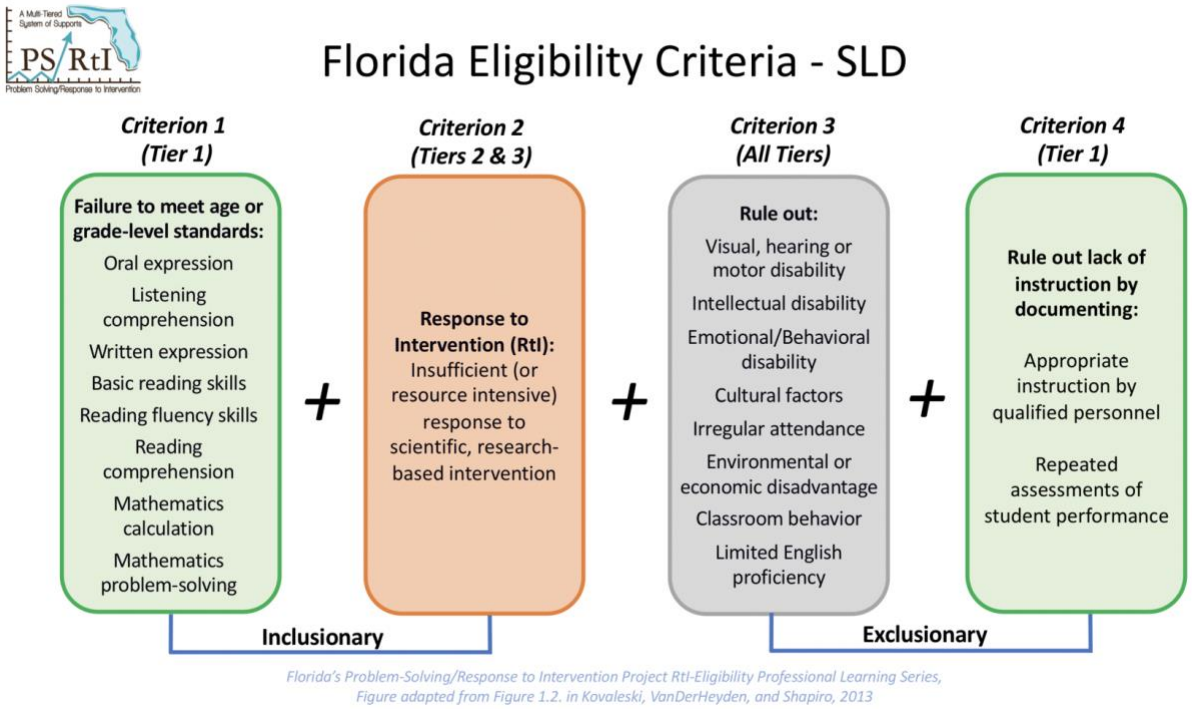
Connecting Evaluation to Student Achievement

The primary purpose of assessment is to gather information that leads to improved academic, behavioral, and/or mental health outcomes for students. Evaluations conducted in educational settings may include many procedures, both formal and informal, that provide information relevant for educational programming and that support the development of effective interventions.

Educationally relevant evaluations include the assessment of instruction, curriculum, learning environment, student performance, and other student- related variables.

The U.S. Department of Education (USDOE) supports models that focus on assessments that are related to instruction and promote intervention for identified children in the "Analysis of Comments and Changes" section of the Federal Register implementing the Individuals with Disabilities Education Act (IDEA); 71 Fed. Reg. 46647 (August 14, 2006) (https://www.gpo.gov/fdsys/pkg/FR-2006-08-14/pdf/06-6656.pdf).The increased emphasis on using information on how a student responds to evidence-based instruction and intervention to support eligibility decisions is coupled with a decreased emphasis on the use of standardized, norm-referenced assessments of cognitive ability and cognitive processing. IDEA makes it clear that the determination of a severe discrepancy between IQ and achievement is not necessary to identify a student as having a specific learning disability (SLD).

When using student response to instruction/intervention data to determine whether a student is eligible for special education services as a student with a disability, a variety of sources of information is needed. Routinely collected screening, progress monitoring, and diagnostic/prescriptive assessment data can provide the information necessary for determining a student's performance discrepancy from the peer group and grade-level standards. It can also be used to establish a pattern of educational progress over time and identify the educational circumstances under which the student performs best to inform instructional planning.



Eligibility Decisions in Specific Areas: SLD and LI

Making an eligibility decision for a specific special education category, such as specific learning disabilities (SLD) and language impairments (LI), occurs within the context of the problem-solving process and after obtaining consent to evaluate and conduct a full and individual evaluation. When engaging in eligibility decision making, consider the context and order of events as they occur as an ongoing process for the primary purpose of improving the effect of instruction for the student, rather than for the purpose of deciding on a categorical placement. If teams maintain focus on the ultimate purpose of increasing the student's level of performance and rate of progress, then making an eligibility decision will not impact the ongoing problem solving and monitoring of the students' response to instruction and intervention. Instead of interrupting the process or changing the focus of problem solving, the eligibility decision becomes an event for the purpose of matching available resources to provide for students' instructional needs, thereby improving student outcomes.

The *Decision-Making Tool for SLD and LI Eligibility* (https://floridarti.usf.edu/resources/gtips/Decision_Making_Tool_SLD_&_LI_Elig.pdf) is used to assist school-based teams in analyzing and evaluating existing data to make eligibility decisions. In accordance with Rule 6A-6.03018, F.A.C., *Exceptional Education Eligibility for Students with Specific Learning Disabilities*, and Rule 6A-6.030121, F.A.C., *Exceptional Education Eligibility for Students with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services*, this tool may be used after consent to evaluate has been obtained and the team determines that all of the necessary assessment data have been gathered.

The purpose of the *Decision-Making Tool for SLD and LI Eligibility* is not solely to document procedural requirements for compliance; rather, it is a tool to guide the team's analysis. As a

secondary purpose, it provides a vehicle for the required documentation.

Required: Written Summary of the Group's Analysis

State Board of Education rules require that, for a student suspected of having a specific learning disability or language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data. The written summary must incorporate the elements listed in Rule 6A-6.03018 and Rule 6A-6.030121, F.A.C.:

- The basis for making the determination.
- Observations establishing the relationship between behavior and academic functioning.
- Educationally relevant medical findings.
- Data confirming the existence of a specific learning disability or language impairment, including performance discrepancy, rate of progress, and educational need.
- The group's determination of the effect of other factors, and evidence that one or more of the factors is not the primary cause of the student's difficulty (resources that can be used to make this determination are found on the next page under Exclusionary Factors).
- RtI information documenting the intervention plan, student centered data collected, the level of response of instruction/intervention, parent involvement, and the required signatures.

The written summary must reflect the professional opinion of the group responsible for determining eligibility. There is no requirement for any additional formal reports, such as separate evaluation reports, but districts may develop procedures for documenting and reporting response to intervention data and the rationale for the eligibility decision. The expectation is that the rationale and/or justification for the team's decision be clear from the evidence provided and the summary of the team's analysis of that evidence. There is no requirement specifying the author of the report, as all team members contribute and share responsibility for the analysis.

The elements of the example coversheets for the collection of information summarizing the group's analysis have been integrated into the *Decision-Making Tool for SLD and LI Eligibility* (https://floridarti.usf.edu/resources/gtips/Decision_Making_Tool_SLD_&_LI_Elig.pdf). In addition, the required summary of the group's analysis can be represented by the tool. The first three sections (A–C) of the tool reflect the team's decision-making process. Section D of the tool is a culmination of the team's process as represented in the preliminary sections (A–C) and includes the requirements for documentation in the written summary of the group's analysis.

Exclusionary Factors

Documentation of Factors that Affect Level of Performance and Rate of Progress

Visual, Motor, or Hearing Disability — Sensory screenings; medical records; observation

Intellectual Disability — Classroom performance; academic skills; language development; adaptive functioning; tests of intellectual functioning

Emotional/Behavioral Disability — Classroom observation; student records; discipline history, emotional/behavioral screenings; behavior rating scales

Cultural Factors — Level of performance & rate of progress compared to students from same ethnicity

Environmental or Economic Factors — Level of Performance & Rate of Progress compared to students from similar economic background (free/reduced lunch); situational factors that are student specific; performance of siblings

Limited English Proficiency — English language proficiency (oral language, vocabulary, verbal ability); Level of Performance & Rate of Progress compared to English language learners with similar exposure to language and instruction

Irregular Pattern of Attendance — Attendance records; number of schools attended; tardies; discipline records (in- and out-of-school suspensions); migrant status and pattern of attendance; percent of instructional time lost

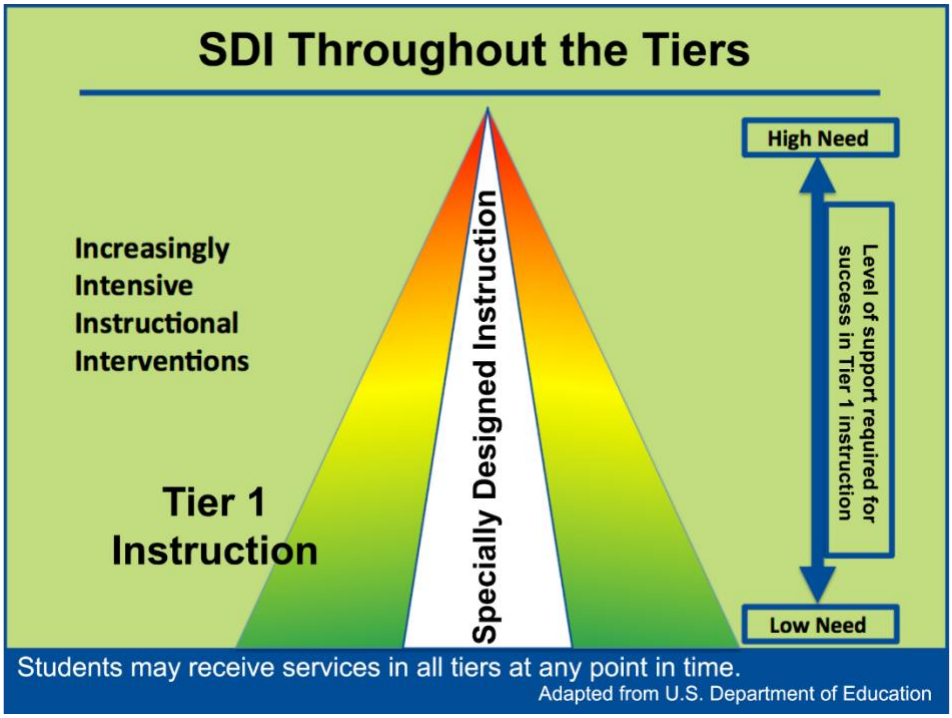
Classroom Behavior — Classroom observations; Academic Engaged Time (AET); Office Discipline Referrals (ODR)

Gender — Level of Performance & Rate of Progress compared to students from same gender subgroup; familial or socio-cultural factors that are student specific

Age — Level of Performance & Rate of Progress compared to same-age peers; situational factors that are student specific; birthdate

Ongoing Problem Solving

Eligibility for special education services is not the finish line for problem solving. It is important to note that the four-step problem solving process is systematically applied before, during, and after the determination of eligibility. Students identified as eligible for special education services are receiving SDI, behavioral, and/or mental health supports and, as a result, require frequent progress monitoring to ensure the effectiveness of those supports.



To make informed instructional decisions that are critical for continued success, the four-step process of problem identification, problem analysis, intervention design/implementation, and response to instruction/intervention must be used routinely. The *Decision-Making Tool for SLD and LI Eligibility* (https://floridarti.usf.edu/resources/gtips/Decision_Making_Tool_SLD_&_LI_Elig.pdf) prompts teams using the tool to plan next steps in the problem-solving process, regardless of eligibility status.

Reevaluation Decisions

At least once every three years, the district must reevaluate a student with a disability. A reevaluation may occur more often if a parent or a teacher requests it but may not occur more than once per year unless the parent and the district agree. As the construct of "evaluation" has evolved from the administration of a battery of standardized assessments to the review and analysis of data collected through the problem-solving process in conjunction with formal diagnostic data as needed, teams have struggled with reevaluation for students identified as having a Specific Learning Disability (SLD), Emotional/Behavioral Disability (E/BD), or Language Impairment (LI). However, this should not be complicated. Problem solving does not stop for students receiving SDI and related services. Because all students' needs are addressed within one integrated MTSS, progress-monitoring, intervention fidelity and response to instruction and intervention data should be collected as frequently for ESE students as for general education students and will be dependent upon the specific interventions and progress-monitoring tools. The student's response to intervention/instruction should be part of the existing data the IEP team reviews to determine the appropriateness of the SDI (achievement gap is closing and student outcomes are improving) or if additional information is needed to determine whether the student continues to be a student with a disability in need of special education and related services.

Beginning with the 1997 reauthorization of the IDEA, districts have not been required to conduct, for reevaluation, the same full and individual evaluation required for an initial evaluation and eligibility decision. Instead, as part of any reevaluation, the members of the student's individual education program (IEP) team, including the parent, review existing evaluation data, including information provided by the parent; current classroom-based, local, and state assessments; ongoing progress monitoring; and observations. Because schools are increasingly operating within a data-based decision-making culture, a wealth of data about students' needs are available to the IEP team at any point in time. Based on that review, the team identifies what additional data, if any, are required to determine the following:

1. Whether the student continues to be a student with a disability and the educational needs of the student.
2. The present levels of academic achievement and functional performance of the student.
3. Whether the student continues to need special education and related services.
4. Whether any additions or modifications to the student's special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP and participate, as appropriate, in the general education curriculum.

Apart from sensory impairments that require specific formal assessments as part of reevaluation (i.e., deaf or hard-of-hearing, dual-sensory impairment, visual impairment), the IEP team determines what information is needed to answer the questions above and the best way to obtain it. Students continue to benefit from implementation of tiered supports until effective interventions have been identified and growth can be maintained. This includes both general education students and students who have been determined eligible for special education services. Data collected by the team or by individual special education or general education teachers to measure the student's progress toward the annual goals may also inform the reevaluation process, including the decision to continue eligibility and determining the educational needs of the student.

Note: Every effort should be made to ensure the parent is an active member of the IEP team. However, if the parent is unable to participate in the IEP meeting and it is determined that no additional data are needed, the parent must be notified in writing of that decision and the reasons for it and be informed that they have the right to request assessments. If it is determined that additional data are needed, the district must request written, informed consent from the parent to conduct assessments. If the parent does not respond, the district may proceed with the reevaluation but must retain documentation of the attempts to communicate with the parent to obtain consent (e.g., detailed logs of telephone calls or home visits, copies of written notices).

Conclusion

The purpose of a Multi-Tiered System of Supports (MTSS) is to improve instructional decisions at every tier to maximize outcomes for students. The problem-solving process is applied to Tier 1 to ensure that the instruction delivered to all students results in a significant percentage meeting expectations. For Tier 2 intervention, the problem-solving process helps determine appropriate interventions matched to the needs of small groups of students, then monitored for effectiveness. Intensive instructional interventions for individual students (Tier 3) are designed, planned, and monitored as part of the problem-solving process.

Regardless of the educational decisions made, teams continue to engage in problem solving to ensure that student success is achieved and maintained. It is this continuous problem solving, in relentless pursuit of successful outcomes for students, which characterizes the broad systems change process that Florida is engaging in to integrate the logic of an MTSS as a way of work for all educators.

The Tools

The *Guiding Tools for Instructional Problem Solving, Third Edition* is designed to provide Florida schools and districts with detailed information on the process for the collection of student performance data through the system-wide use of a data-based problem-solving process. There are tools embedded throughout the guide to assist educators using a problem-solving process and analyzing data to make important educational decisions for all students. These tools, also found below, are free to copy, use as is and/or modify for your own specific use.

- *Self-Assessment of MTSS Implementation (SAM) - revised September 2021*
  - Instrument (https://floridarti.usf.edu/resources/program_evaluation/sam/sam_revised_2021.pdf)
  - Infographic (https://floridarti.usf.edu/resources/program_evaluation/sam/sam_infographic_revised.pdf)
- *Problem Solving/RtI Worksheet - revised October 2015* (https://floridarti.usf.edu/resources/gtips/PS-RtI_Worksheet.pdf)
- *Intervention Documentation Worksheets - revised October 2015* (https://floridarti.usf.edu/resources/gtips/intervention_documentation_worksheets.pdf)
- *Parent Participation Notes - revised October 2015* (https://floridarti.usf.edu/resources/gtips/Parent_Participation_Notes.pdf)
- *Decision-Making Tool for SLD and LI Eligibility - revised October 2015* (https://floridarti.usf.edu/resources/gtips/Decision_Making_Tool_SLD_&_LI_Elig.pdf)
- *Imperative Questions for Problem Solving within an MTSS - revised October 2015* (https://floridarti.usf.edu/resources/gtips/Imperative_Questions_ProblemSolving-MTSS.pdf)
- *Critical Guiding Questions - revised October 2015* (https://floridarti.usf.edu/resources/gtips/Critical_Guiding_Questions.pdf)

Additional guides, tools, and other helpful resources are on the Florida PS/RtI website at https://floridarti.usf.edu/resources/index.html.