



NASET's RTI Roundtable Series

Revised IDEA Regulations Demand Competency in State-Supported Best Practices to Reasonably Attempt Sufficient Progress Towards Ambitious IEP Goals

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This issue of **NASET's RTI Roundtable** was written by Monica I. Floreani. Expertise in state-supported evidence-based practices is needed for educators to ensure that sufficient progress toward ambitious Individualized Educational Plan (IEP) goals is reasonably attempted. Growing awareness that the need for better dissemination of policies that promote scientifically backed instructional methods and ensure equal access for students with disabilities, like Multi-Tier System of Supports (MTSS)/Response to Intervention (RtI), exists. Despite the progress achieved in special education law, too many teaching professionals are unfamiliar with current federal rights and civil protections in the Individuals with Disabilities Education Act (IDEA) meant to prevent denial of free and appropriate public education (FAPE). The emphasis on accountability and improved educational results for students with disabilities (SWD) requires competency in the IDEA's revised regulations. More than ever, teachers are vulnerable to scrutiny of service delivery and depend on quality professional training programs and guidance from school leadership with an appropriate scope in special education.

Abstract

Expertise in state-supported evidence-based practices is needed for educators to ensure that sufficient progress toward ambitious Individualized Educational Plan (IEP) goals is reasonably attempted. Growing awareness that the need for better dissemination of policies that promote scientifically backed instructional methods and ensure equal access for students with disabilities, like Multi-Tier System of Supports (MTSS)/Response to Intervention (RtI), exists. Despite the progress achieved in special education law, too many teaching professionals are unfamiliar with current federal rights and civil protections in the Individuals with Disabilities Education Act (IDEA) meant to prevent denial of free and appropriate public education (FAPE). The emphasis on accountability and improved educational results for students with disabilities (SWD) requires competency in the IDEA's revised regulations. More than ever, teachers are vulnerable to scrutiny of service delivery and depend on quality professional training programs and guidance from school leadership with an appropriate scope in special education.

Keywords

Free and Appropriate Public Education (FAPE), Students with Disabilities (SWD), Individuals with Disabilities Act (IDEA), Evidence-Based Interventions, Least Restrictive Environment (LRE), Multidisciplinary Team (MDT), Response to Intervention (RtI), Multi-Tiered System of Supports (MTSS), Positive Behavioral Interventions and Supports (PBIS) Attention Deficit Hyperactivity Disorder (ADHD), Local Education Agencies (LEAs), Adequate Yearly Progress (AYP), Repeated Reading (RR) and Listening Passage Previewing (LPP), Self-Regulated Strategy Development (SRSD), Picture Exchange Communication System (PECS), Culturally and Linguistically Diverse (CLD), Universal Design for Learning (UDL)

Introduction

Decisions like Endrew F. and Forest Grove made public schools accountable for higher quality assurance. The shift from access to special education services to improved educational results for students with disabilities (SWD) demands correct interpretation and implementation of the revised regulations that address increased expectations for practitioners who are vulnerable to

scrutiny of appropriate service delivery. The rule “ignorance of the law is no excuse” makes practicing teachers in need of more training and support in special education law. Deficit in special education competency poses risks to meeting school compliance of the IDEA across levels in a Multi-Tiered System of Supports (MTSS) levels.

Today’s federal statutory rights and civil protections in IDEA are the result of landmark court decisions meant to prevent denial of free and appropriate public education (FAPE). As a result, a public school’s multidisciplinary team (MDT) is responsible for seeking out and identifying all SWD and determining whether significant learning and behavioral needs justify an Individualized Educational Plan (IEP). The professional expertise that educators and other members of the MDT bring to an IEP meeting will determine annual goals and services, how progress will be tracked, the amount and duration of services, accommodations, evidence-based academic interventions, behavior support systems, and least restrictive environment (LRE) considerations for SWD. Best educational practices, therefore, depend on consistent use of data collection and analysis within a MTSS to effectively support the needs of all students.

The regulations of the Individuals with Disabilities Education Act (IDEA) demand that educators understand the legislative areas where following the law and denying Free and Appropriate Public Education (FAPE) may not be clear cut. Grasping the differences between IDEA and section 504 matters for student identification, eligibility, educational goals, and placement considerations. Rock and Bateman (2009) reference a due process case where “school district personnel did not consider it necessary to identify a student with ADHD as needing special education, despite the student’s clear needs for specially designed instruction” (p. 59).

Understanding the differences between the two statutes helps to determine which students need IEP’s and which students need Section 504 accommodation plans. Procedural and substantive errors in this process can keep students who need specialized services from receiving meaningful educational benefits.

Financial Support

A functional improvement framework, such as MTSS, can make a positive difference in the lives of students but necessitates, more than anything, sufficient funding. If teachers continue to be paid less than most other professionals, they will continue to accept extra responsibilities to compensate for low salaries. McKenna and Brigham (2021) “encourage federal stakeholders to

take a strong lead in ensuring that all SWD receive meaningful opportunities to profit from school through access to highly qualified special education teachers who work in manageable working conditions” (p. 6). Renouncing to planning periods for paid supplemental ones and sponsoring extracurricular clubs, or coaching sports, to earn extra income detracts from the already daunting duties of being a full-time teacher. Financial relief is needed to alleviate the persistent problem of teacher retention due to frustration and burnout. This endemic issue affects turnaround time for meaningful feedback on assignments, quizzes, and other student performance indicators. It also prevents having time for team building, parent-teacher communications, record-keeping, classroom maintenance, reflection and, of course, lesson planning.

Financial support for educational research and professional training programs also helps teachers and school administrators expand their ability to improve ineffective approaches for proven practices. McKenna et al. (2021) suggest that federal stakeholders subsidize state and local education agencies (LAEs) for high quality special education programs that employ research-based instructional and assessment practices. In addition to being operational managers, principals must be educational leaders. Research by Wakeman, Browder, Flowers, and Ahlgrim-Delzell (2006) indicates that “many principals are receiving little to no formal preservice or in-service training. Many states do not require any course work in in special education to earn a principal’s license” (p. 153). The relationship between principal efficacy and student achievement warrants investing in knowledgeable leadership.

Collaboration and Expertise

MTSS requires a team-based approach and staff development, hence administrators who lack training in special education law, Response to Intervention (RtI) and Positive Behavioral Interventions and Supports (PBIS) cannot successfully train other school personnel in procedural and substantive requirements, nor in effective strategies that increase learning gains and reduce the need for disciplinary action. The role of disseminating research-based approaches and supervising adequate yearly progress measures arguably impacts overall school performance and school climate. Therefore, it is imperative that all public-school principals responsible for

schoolwide results receive comprehensive training in state sponsored best practices that play key roles in tiers 1, 2, and 3.

Sustained collaboration between parents and school officials is especially beneficial to students with disabilities in inclusive classroom settings. According to Rock et al. (2009), the requirement for partnerships is a unique feature of the IDEA that “improves academic and behavioral outcomes” (p. 57). Measures to identify SWD in inclusive settings call for meaningful collaboration among stakeholders. IDEA timelines are concerned with Adequate Yearly Progress (AYP) for all students and are best met when a successful monitoring system for students suspected of having a disability is in place. Therefore, the RtI teams that promote accountability bear significant impact on the academic achievement of SWD.

In addition, knowledge of students’ rights to services is needed to make accurate referrals of evaluation for special education. When reauthorization of the IDEA refined the concept of meaningful education benefits “a greater number of students were appropriately identified as eligible for IDEA and help was provided to students sooner” (Rock and Bateman, 2009, p. 60). Consequently, policy influencing RtI continues to impact teaching and learning by stressing appropriate identification of SWD. It demands school accountability and better academic results. For eligible students to receive federally funded and timely special services through state and local agencies, they must first be evaluated. For this reason, a monitoring system to ensure that students who pass grade level but are suspected of having a disability receive evaluation within IDEA timelines is instrumental.

The Regular Classroom

Introducing research-based interventions to Tier 1 general education classrooms typically reserved for Tier 2 and Tier 3 students is under serious consideration. Jones, Yssel, and Grant (2021) hold that the RtI model lends itself for these evidence-based practices as supplemental and preventative efforts in differentiated instruction. Namely, embedding Repeated Reading (RR) and Listening Passage Previewing (LPP) as structured practice activities can help improve reading skills among students not formally identified as struggling or at risk, according to Jones et al. (2021). Wider application of these research-based interventions can help diminish the

number of undetected low performing readers and prevent achievement gaps from occurring later. Early systematic intervention in reading instruction to support students who are culturally and linguistically diverse (CLD) as well as students with language-based disabilities.

It is also important to encourage students to think aloud or ask questions to help them make connections between the written language and their experiences. Other metalinguistic interventions to promote reading fluency and meet differentiated learning needs at the general education level may include songs, tongue twisters and decoding exercises. Students with very limited verbal ability should use the Picture Exchange Communication System (PECS) and speech recognition software. More research-based recommendations for core language instruction are the implementation of graphic organizers, the picture word inductive model, higher order thinking questions, explicit and discussion based small group vocabulary practice, timely peer or adult feedback, timed readings, high interest student text choice, and main idea summarization strategy instruction.

ADHD

Instruction in self-regulated strategy development (SRSD), organization training, note taking skills, and other evidence-based interventions for students with ADHD are highly effective and impart skills that generalize to other social and academic areas. Harrison, Evans, Baran, Khondker, Press, Noel, Wasserman, Belmonte, and Mohlmann (2020) defend the advantages of these interventions over the more customary accommodations such as providing students with teacher notes, study guides, and extended time. Harrison and colleagues (2020) report that students who were taught to take notes demonstrated significant increases in note completion. Their research also reflects that they were more likely to increase on-task behavior and to stay engaged during teacher led instruction. “Prioritizing interventions over accommodations to increase independent functioning” has long term benefits, according to Harrison et al. (2020) because organization and note-taking skills remained relatively steady after the intervention had ended. Students who were given a copy of teacher notes instead of receiving note taking intervention demonstrated less motivation.

Conclusion

The need for psychoeducational evaluations in all areas of suspected disability for students who continue to struggle despite differentiated learning applications and evidence-based interventions requires parental approval. “Although RtI can meet the needs of many struggling students, some children will not respond to our best attempts at intervention, and for these children, comprehensive evaluations may be necessary” (Dixon Eusebio, Turton, Wright, and Hale, 2011, p. 109). Ongoing standardized progress monitoring in RtI, can provide school psychologists behavioral functioning data, curriculum-based measures, and academic information to avoid unnecessary referrals and spend the time thoroughly evaluating all areas of suspected ability for those students who need it.

Though IEPs are individualized, the collective expertise of the given team can make the difference between research-based interventions or ineffective ones. Therefore, including a list of state-supported evidence-based interventions can be helpful when trying to prescribe instructional approaches for students with similar challenges. Rubin (2017) supports leveling the playing field for families without the necessary resources to challenge the appropriateness of their IEPs by making standard state-approved suggestions of evidence-based practices for specific academic or behavioral challenges readily available on IEP forms. Making the most effective interventions known available for the multidisciplinary IEP team to is a helpful way of providing guidance to parents who seek it.

Better training in special education policies that support the most researched interventions and instructional designs for teachers and educational leaders is of the essence if schools are to comply with the spirit and substance in the reauthorized IDEA. More funding is needed to meet the training and employment standards that support the demands that teaching professionals face. The potential that MTSS/RtI offers to improve the educational experience for students within the public school system is only as good as the expertise and willingness of school personnel to engage in best practices. Universal Design for Learning (UDL) with academic and behavioral data collection and analysis approaches must be implemented with fidelity to produce the best results. The meaningful collaboration among stakeholders that these problem-solving frameworks depend on must be better understood and nurtured as growing awareness of

scientifically based instructional interventions and instruction help take free and appropriate public education for all to the next level.

Declaration of competing interest

None.

References

- Dixon, Eusebio, E. C., Turton, W. J., Wright, P. W. D., & Hale, J. B. (2011). Forest Grove School District v. T.A. Supreme Court Case: Implications for school psychology practice. *Journal of Psychoeducational Assessment*, 29(2), 103–113.
<https://doi.org/10.1177/0734282910388598>
- Harrison, J.R., Evans, S. W., Baran, A., Khondker, F., Press, K., Noel, D., Wasserman, S., Belmonte, C., & Mohlmann, M. (2020). Comparison of accommodations and interventions for youth with ADHD: A randomized controlled trial. *Journal of School Psychology*, 80, 15–36.
<https://doi.org/10.1016/j.jsp.2020.05.001>
- Jones, R. E., Yssel, N., & Grant, C. (2012). Reading instruction in tier 1: Bridging the gaps by nesting evidence-based interventions within differentiated instruction. *Psychology in the Schools*, 49(3), 210-218. <https://doi.org/10.1002/pits.21591>
- McKenna, & Brigham, F. J. (2021). More than de minimis: FAPE in the Post Endrew F. Era. *Behavior Modification*, 45(1), 3–12. <https://doi.org/10.1177/0145445519880836>
- Rubin, D. B. (2017). COUNTERPOINT: Standardized IEPs: One size fits none? *Journal of Law & Education*, 46, 227-229.
<https://advance-lexiscom.ezproxy.fiu.edu/api/document?collection=analytical-materials&id=urn:contentItem:5NVP-G7T0-00CV-S26G-00000-00&context=1516831>.
- Rock, M. L., & Bateman, D. (2009). Using due process opinions as an opportunity to improve educational practice. *Intervention in School and Clinic*, 45(1), 52-62.
<https://doi.org/10.1177/1053451209338392>
- Wakeman, S. Y., Browder, D. M., Flowers, C., & Ahlgrim-Delzell, L. (2006). Principals' knowledge of fundamental and current issues in special education. *National Association of Secondary School Principals. NASSP Bulletin*, 90(2), 153-159,161-174. Retrieved from

<https://www.proquest.com/scholarly-journals/principals-knowledge-fundamental-current-issues/docview/216017695/se-2?accountid=10901>

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Born in windy Chicago, Monica moved to sunny Miami and has lived in Mar del Plata, Argentina and in Lugano, Switzerland. She speaks English Spanish, Italian, and French. Horseback riding and hiking are among her favorite outdoor activities. She is a wannabe classical guitar player and lives with her husband, teenage daughter, and 10-year-old Coton de Tulear (aka Royal Dog of Madagascar) whom many confuse for a Maltese. She began her career as a certified Montessori Teacher and Montessori School Director. She provided supervision of curriculum and instruction, oversight for compliance of federal, state, and local licensing mandates, and coordination of special educational and health services as a Family Services Coordinator at Kidco Head Start and a Teacher Mentor and Disabilities Coordinator at United Way Center for Excellence in Early Education Demonstration School. She later taught English (6-12) and Spanish (K-12) in inclusive general education classrooms in Miami-Dade County Public Schools. She holds a B.A. in Liberal Arts, and an MSED in English Education. She is currently pursuing a PhD in Teaching and Learning at FIU.