

Special education starts in the general education classroom. General education teachers are responsible for beginning the process of response to intervention and evaluation. They are responsible for paying close attention and noticing those students who are falling behind. Special education teachers and general education teachers are then responsible for doing as much as possible to help that student remain in the least restricted environment. Together, special education and general education teachers are able to seek out students who are eligible for special education and ensuring that those students are able to receive the proper academic and behavioral supports.

Article 7 brings up a concept called “child find”. Child find requires that students in nonpublic schools with disabilities are able to receive special education services. Nonpublic school students with disabilities must be given the same opportunities for special education and related services as public school students with disabilities. All children with disabilities, no matter what the circumstances, should be “located, identified, and evaluated” (Child find, 2014). Another way that Article 7 ensures a fair chance for all students with disabilities is through early intervening services. The comprehensive and coordinated early intervening services section of Article 7 (2014) states describes early intervening services as “...services provided to students in grades kindergarten through 12, with a particular emphasis on students in grades kindergarten through 3, who are not currently eligible for special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.” Early intervention is another way for students with disabilities to be recognized as eligible

for special education and related services, while maintaining the general education classroom aspect. Response to intervention is used to meet the requirements of early intervening services.

Response to intervention, also known as RTI, is used as a progress-monitoring tool for students with and without disabilities. It is the primary way to identify students who are eligible for special education and related services.

Response to intervention has four key elements: research-based instruction, tracking learning to determine rate of performance for decision making, providing increasing levels of intervention, and making educational decisions based on data collected. With RTI, students who do not respond appropriately to quality instruction and progress monitoring are considered for special education services (Bradley, Danielson, & Doolittle, 2015). The RTI process takes place in the general education classroom; therefore, general education teachers are responsible for the process. Special education teachers can provide support and consultation to the general education teacher, but cannot observe or provide support to the students.

There are three commonly used types of response to intervention. They are standard treatment, problem-solving response, and pre-referral. The first type is standard treatment. Standard treatment uses curriculum, research-based measurements with intervention plans for remediation. Baseline measurements determine any concern for a certain student. The problem-solving response uses interpreted data and establishes goals for personal performance. It is based on individual student data. The problem-solving response defines the problem, analyzes the problem, develops a plan, and evaluates the plan. Pre-referral is

typically the steps prior to special education. It occurs early on and includes informal educational and behavioral screenings. The RTI process can be adapted for students who are English language learners. This type of RTI process looks at the backgrounds of ELL students to see how proficient they are in their first/other languages, factors that impact achievement in the classroom, and adjusts classroom content to the appropriate level based on the student's individual knowledge (Yell, 2012).

Before beginning any type of response to intervention, the school must provide written notice to parents. The notice must include the amount and type of data being collected, expected time for the data collection, any strategies used to increase the student's learning to grade level, and parental right to request evaluation for special education. The written notice must explain that if the student does not make progress over the timeframe given, the school will provide the parents with a written notice and request for parental consent for educational evaluation. If the parents give written consent, the school has twenty days to evaluate and for the case conference committee (CCC) to meet. The CCC consists of a public agency rep, the student's teacher of record, a general education teacher, the parent if the student is under eighteen, the guardian if the student is eighteen or over, the school counselor, and any other experts that work with the student. After parents have been given a written notice that includes all of this information, schools can begin the three-tier RTI process.

Tier 1 of the RTI process includes all students. It is based in the general education classroom. It uses core curriculum and differentiated instruction. Tier 1

develops a baseline for students using universal screening, progress monitoring, and benchmarking. It is designed to meet 80% of the student population in a given school or district. Students who are unsuccessful in tier 1 move on to tier 2. Tier 2 provides targeted, supplemental supports to students. If tier 1 is successful, 15% of the student population in a given school or district will need supplemental supports. Tier 2 focuses on progress monitoring and diagnostic assessment. It provides supplemental supports and intervention to small groups. Students who are unsuccessful in tier 2 move on to tier 3. 5% of a student population in a given school or district is unsuccessful in tier 1 and tier 2. Tier 3 provides intense, individualized support. This support is of increased frequency and longer duration. The three tiers of the RTI process are used to determine student eligibility for special education and related services (Yell, 2012).

If the student does not make progress over the timeframe given in the written notice to parents, the school may request parental consent to begin evaluation for special education services. After obtaining written parental consent, the school has twenty days to begin evaluation and for the CCC to convene. The main purpose of evaluation is to determine eligibility for special education and related services under any of the thirteen disability categories. Parents can request educational evaluation that the school can accept or decline. If accepted, the school must respond with a written notice that includes procedural safeguards, explanation of reason for the decision, list of resources to understand special education and related services, evaluation timeline and procedures, and how parents can get a copy of the evaluation report or discuss the report. No matter

what, the school must have written parental consent to perform any evaluation. Parents can request testing and to meet with a professional five days prior to the initial case conference.

If the RTI progress is completed and shows no progress, the evaluation must occur within twenty days. If the parent requests initial evaluation while their student is expelled or suspended, the evaluation must occur within twenty days. If the student is in First Steps, the evaluation must be completed before the child's third birthday and before the student's transition into public school. If the student is moving to another school corporation while evaluation is pending, the new school must complete the evaluation as soon as possible. Under any other circumstances, the school must complete the evaluation and the CCC must convene within fifty school days from the date of the written consent (unless the parent does not make the student available for evaluation).

The main purpose of evaluation is to determine the student's eligibility for special education and related services (Yell, 2012). Evaluation is used to determine a plan for special education, evaluate the student's strengths, weaknesses, and present level of performance, and identify the distinguishing features of the student. IDEA and Article 7 require that evaluation is reliable and valid. It is important to have a team with multiple people who test the student in order for the most accurate results. There should be people from different backgrounds such as the special education teacher, general education, school psychologist, and other professionals who can accurately read results and make decisions. These members together are called the M-team. Parent participation is required in the evaluation

process. Evaluations should include parent rights, triennial reevaluation, a functional behavior analysis and behavior intervention plan, and it should follow the course of the Department of Education. Evaluations should be comprehensive, non-discriminatory, and confidential.

Students cannot easily be placed into special education services. Schools cannot determine a need for special education without parental consent, assessment, observation, and intervention. Schools must focus on keeping the student in general education classes rather than focus on getting the student into special education classes. RTI and evaluation are meant to promote inclusion of students with special needs by determining the need and amount that students need to receive special education and related services.

Bibliography

Special Education, 511 Ind. Admin Code 7, 2014.

Yell, Mitchell L. (2012). *The Law and Special Education: Third Edition*. United States:
Pearson Education, Inc.