



Response to Intervention in the Individuals With Disabilities Education Act (IDEA), 2004

The Individuals With Disabilities Education Act (IDEA) was rewritten and signed into law in 2004. This Act changed many sections of the statute to reflect new ideas around learning disabilities and the concept of a preidentification strategy called Response to Intervention, or RTI.

This memorandum explores changes in the definition of learning disabilities and the new option for schools to use an RTI model.

Learning Disabilities Defined

In an effort to reduce misdiagnosis of students with learning disabilities (LDs), there are significant changes in the Individuals With Disabilities Education Act of 2004. In examining definitions in the act, specific learning disabilities are defined as

a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. (602, 30, A)

In attempting to avoid misdiagnosis or inappropriate diagnosis, the act reiterates the exclusionary clause of PL 105-17, 614, b, 5 and references No Child Left Behind (NCLB) by restating that “lack of appropriate instruction in reading” cannot result in LD diagnosis. Further, a student does not meet LD eligibility requirements if the determinant factor is diversity in a student’s racial, cultural, and language background (614, b, 5, C).

This is of particular concern with the rapid growth in minority and English-language learner (ELL) populations in the United States and the overrepresentation of these students in special education. Even in schools with fewer minority students or ELLs, there is a disproportionate number identified for special education. (601, c, 12, E). The over-identification of minorities in special education poses a challenge in appropriately referring, assessing, and providing services to students from non-English backgrounds (601, c, 11, B & C).

LD Diagnosis

In diagnosing LD, the discrepancy criterion is no longer necessary. The act states that

a local educational agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. (614,b,6,A)

However, a local educational agency (LEA) may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in paragraphs 614, b, 2, & 3. This is referred to as the Response to Intervention or RTI model.

The RTI Model

RTI focuses on providing more effective instruction by encouraging earlier intervention for students experiencing difficulty learning to read. The assumption is that this will prevent some students from being identified as LD by providing intervention as concerns emerge. The RTI model also emphasizes using a comprehensive, schoolwide system. The Act states

almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by providing incentives for whole-school approaches. (601, c, 5, F)

The 2004 IDEA Committee Conference Report (CCR) discusses the use of scientifically based early reading programs as essential services to reducing the need to label children as disabled. It focuses on nonidentified children receiving early intervention services under IDEA. The act authorizes up to 15% of IDEA funds to be used to provide services to students before they are identified with a disability. These funds are to be used for supplemental materials that are aligned to reinforce a scientifically based, comprehensive, “core” curriculum or a state-standards-based accountability system as referred to in NCLB. The CCR states that RTI effectiveness is greater when aligned with state standards for accountability purposes.

The CCR describes a model RTI program, which is a diagnostic-prescriptive, research-based structured learning system. It is a particularly effective early intervention strategy for children with or at risk for disabilities in reading and mathematics. The CCR specifically refers to the HOSTS Language Arts program (used in states including Texas, Ohio, Florida, Delaware, Michigan, and Louisiana) as an exemplary program that also incorporates the recommendations of the National Reading Panel. The HOSTS program has assisted schools in significantly improving student achievement and test results for all children, including children with disabilities, and in preventing mislabeling.

The CCR recommended development of more “effective implementation of responsiveness to intervention models.” It advocated establishing a wider, more effective scientific research base of exemplary RTI models and cites a need for large-scale implementation of improved methodologies for the determination of, and appropriate intervention for, specific learning disabilities. It encouraged the U.S. Department of Education to collaborate with leading organizations and researchers in the field of learning disabilities to assist with development and dissemination activities. It urged the Department to develop “capacity for national dissemination activities, proven effectiveness and efficiency in developing and delivering large-scale research-based informational and assistance programs.”

IDEA’s requirement for exemplary RTI models based on rigorous scientific research is overseen by the National Center for Response to Intervention. This center seeks to improve services under IDEA, including improving academic achievement for students with disabilities (177, 1). The emphasis is on identifying scientifically based educational practices that support learning and improve academic achievement, functional outcomes, and educational results for *all* students with disabilities (177, 2). This includes examining the special needs of preschool (177, 3); identifying scientifically based related services and interventions that promote participation and progress in the general education curriculum and general education settings (177, 4); examining the extent to which over- and under-identification of children with disabilities occurs and the causes of over-identification and misidentification (177, 8); and improving reading and literacy skills of children with disabilities (177, 9).

Reforms using an RTI model depend on “highly qualified” teachers, both at preservice levels and through professional development/personnel training programs for current teachers. The Act has numerous references to the professional development of both special and regular educators (662, a, 3

& 4), focusing on core content and academics for the former and appropriate instructional techniques for the latter. The Act stresses training in early intervention in preservice and inservice training (662, a, 6, B) and collaboration between the two (662, a, 7, D). More support for beginning special educators is emphasized through incorporating principles of best practices and scientifically based research:

implementing effective teaching strategies, classroom-based techniques, and interventions to ensure appropriate identification of students who may be eligible for special education services, and to prevent the misidentification, inappropriate over-identification or under-identification of children as having a disability especially minority and limited English proficient children. (662, b, 2, A, iii) Continuous inservice is also recommended to support and help retain teachers. The CCR adopts a definition of “highly qualified” (HQ) for special education teachers, directly referencing NCLB. However, educational services to students with disabilities can be provided by a teacher deemed HQ in his or her area of expertise, such as a reading specialist, without being a HQ special education teacher. Developing and retaining HQ teachers is an added challenge under the RTI model, requiring extensive, HQ professional development....

Appropriately Identifying LD

In terms of educational assessment practices, a screening by a teacher or specialist for instructional purposes is not considered to be an assessment for eligibility for special education (614, 1, E). An evaluation for special education must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining whether the child is a child with a disability (614,b,2,A,i).

To ensure against misdiagnosis or over-representation of minority or ELL populations, the assessments and other evaluation materials used to assess a child are selected and administered so as not to be discriminatory on a racial or cultural basis (614,b,3,A,i). They should be administered in a professional manner by competent personnel and should use the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer (614,b,3,A,ii–v).

Current RTI Information

For the most current information on RTI see the National Center for Response to Intervention (<http://www.rti4success.org>) and the Struggling Learners/RTI section of the International Reading Association’s website “Resources by Topic” feature.

Additional Sources

Individuals With Disabilities Education Act (IDEA), 2004:
<http://idea.ed.gov/explore/view/p/%2Croot%2Cstatute%2C>

Council for Exceptional Children copy of Joint Explanatory Statement of The Committee of Conference:
<http://www.cec.sped.org/Content/NavigationMenu/PolicyAdvocacy/IDEAResources/PL108-446conferencereportlanguage.pdf>

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