

Subject: Clarification of RTI and Evaluations Pursuant to IDEA

Source: Bonnie Aaron, Director, Compliance

Intended Audience: Superintendants, Directors of Special Education, Process Coordinators, Psychological Examiners, Guidance Counselors, Special and Regular Educators

Date: January 5, 2012

The U.S. Department of Education, Office of Special Education Programs (OSEP), has indicated that if a district is using a Response to Intervention (RTI) instructional model and uses data from RTI to determine a child's eligibility for special education services under the category of Specific Learning Disability (SLD), a child's participation in the district's RTI process cannot be used as a reason to suspend, delay, or refuse an evaluation request.

The U.S. Department of Education, Office of Special Education Programs (OSEP) letter dated January 21, 2011, provides the following guidance:

- * The IDEA neither requires nor encourages LEAs to use RTI prior to a referral for consideration of initial evaluation for special education.
- * The IDEA allows for the use of RTI as a method of determining eligibility category of Specific Learning Disability.
- * Once an LEA receives a referral for consideration of initial evaluation for special education, it must initiate the evaluation process to determine if the child is a child with a disability. Within 30 days of the referral for consideration of initial evaluation, the LEA must determine if an evaluation is warranted and provide the parent with appropriate written notice (see links below).
- * Parents can request a due process hearing or file a child complaint if they believe an evaluation is being delayed due to RTI implementation.
- * If at any time a disability is suspected by an LEA, a referral for evaluation must be initiated.

Link to the OSEP letter: http://www.dese.mo.gov/3tieredmodels/rti/resource_websites.html.

Link to the DESE Office of Special Education referral process chart: <http://www.dese.mo.gov/divspeced/Compliance/documents/initialreferral.pdf>. For further information, please call the Office of Special Education at 573-751-0699.