STATEWIDE SPECIAL EDUCATION TASK FORCE

Conceptual framework for Special Education Task Force
Successful Educational Evidenced Based Practices
2014-2015
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Introduction, Context and Rationale

Introduction:

California has a clear and inspiring vision for public education focused on better instruction for transitioning to the Common Core State Standards (CCSS). "During the past decade, the reform movements toward greater accountability have highlighted the achievement gap that exists among students based on race/ethnicity, family income, language ability and disability. While progress has been made to address the inequities evidenced in our educational outcomes, students with disabilities remain among the lowest performing sub-group in California and implementation of Common Core State Standards (CCSS) could further exacerbate the differences that exist. Our prevailing model has made it acceptable, and in some instances seem desirable, to isolate special education as a unique and separate system that parallels general education" (Statewide Special Education Task Force Website).

This vision suggests that special education needs to change from being a separate educational service to a more inclusive array of services that may be offered within the general education setting. Students with disabilities are general education students first and should be treated as such both instructionally and fiscally. Special education is intended to accommodate for a disability that affects learning, not make up for poor instruction.

Special Education Task Force Recommendations and Report:

This report includes background, rationale, and recommendations that align to research that best support students with disabilities.

Ultimately, the report focuses on the following recommendations to be considered that will better position California to meet the needs of students with disabilities:

1. Multi-tiered system of supports (MTSS) as a best practice model

2. MTSS implementation
3. Alignment of services
4. Stakeholder engagement
5. Ensure students are college, career, and community ready
6. Implementation of Universal Design for Learning (UDL)
7. Use of Response to Intervention (RtI) and Patterns of Strengths and Weaknesses (PSW) as best practice for eligibility criteria for Specific Learning Disability (SLD)

Vision Statement:

The task force found that the renewed emphasis on inclusion and learning outcomes for children with disabilities, whether they are educated primarily in general education and/or special education classrooms, should be supported by the following vision:

 "California shall ensure that ALL students with special education needs will be provided equitable access to learning and participation in the general education curriculum leading to post secondary outcomes which include college, career or technical readiness. ALL students, regardless of disability, shall be provided a meaningful education and preparation for employment or continued learning beyond high school."

If this shift in vision occurs, it is anticipated students and families will experience a high degree of satisfaction with services, schools will have a high degree of shared ownership for student learning, and equitable services will be clearly evident. Students will be ensured equitable access to the general education curriculum and their equitable participation in the general education programs, as well as post secondary environments, with the following outcomes: learning skills/knowledge to be independent, high academic achievement, pursuing meaningful careers, participating effectively in a democratic society, and being fully included in the educational mainstream.

Background for Research Findings:

 The Common Core State Standards (CCSS), Smarter Balance, and National Collaborative State Consortium (NCSC) are part of ongoing important initiatives in education. In addition, these are several "big picture" initiatives affecting education:

RDA (Results-Driven Accountability)

MTSS (Multi-Tiered System of Supports)

RTI² (Response to Instruction and Intervention)

SW-PBIS (School-Wide Positive Behavioral Interventions and Supports)

UDL (Universal Design for Learning and Inclusive Practices)

The following is a brief summary of these initiatives:

RDA   Results Driven Accountability: "The Office of Special Education Programs (OSEP) is currently rethinking its accountability system in order to shift the balance from a system focused primarily on compliance to one that puts more emphasis on results." (https://www2.ed.gov/about/offices/list/osers/osep/rda/index.html)

MTSS   Multi-Tiered System of Supports. MTSS is a framework that can integrate a state, district or school system by connecting general, gifted, and special education with intervention, supports and enrichment designed to maximize access and resources leading to increased achievement for all students.

RTI²   Response to Instruction and Intervention, or RTI² is multiple tiers of intervention based on data-driven intervention to improve student learning.

SW PBIS   SW-PBIS is a continuum of School-Wide Instructional and Positive Behavioral Interventions and Supports. SW PBIS provides an operational framework for improving instruction and behavioral outcomes and providing alternatives to exclusionary discipline practices.

UDL   Universal Design for Learning is a set of principles for curriculum development that gives all individuals equal opportunities to learn.

        UDL is the instructional "How" for the "What" of CCSS.

        This will benefit all students.

Challenges to inclusive education

> "Inclusive Education, in its most basic definition, means that students with disabilities are supported members of chronologically age-appropriate general education classes in their home schools, receiving the specialized instruction delineated by their IEPs within the context of the core curriculum and general class activities." (Halvorsen, Neary 2009).

In a study of California's Inclusive Services/Least Restrictive Environment (LRE) as compared with a sample of states, April 2010, A. Halvorsen compared California's services to that of four other states and the District of Columbia (DC): Hawaii, Illinois, New Jersey, Virginia, and Washington D.C. California was 5% discrepant from the nation in terms of students who spend 80% of their time or more in general education settings. The study compared identified

disabilities, and found that students with intellectual disabilities spent 5% less time than the national average, students with autism 3% less time, students with emotional disturbance 15% less time and students with orthopedic impairment 23% less time in general education than compared to the nation. Only four states/DC were reported below California in overall Least Restrictive Environment placements: Hawaii, Illinois, New Jersey, Virginia, and Washington D.C.

Although IEP teams are creating a document based on current student achievement in a variety of areas, they must keep in mind transition goals and activities with the intent of a student mastering the skills necessary to be as independent as possible in a 21st century college and work environment. Students must be provided a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE), resulting in educational benefit for the student. Students must specifically possess knowledge to begin an entry-level work position, possess sufficient knowledge and skill to begin studies in a career pathway, and/or be prepared with college readiness skills necessary to succeed in entry-level general education college courses (West Ed Common Core Symposium).

Another challenge facing public education is racial and ethnic disproportionality. Data demonstrates that continuing patterns of disproportionality of certain racial/ethnic groups exists, and that, historically, these groups have been identified as needing special education services and placed in more restrictive special education settings at rates disproportionate to their numbers.

Disciplinary disproportionality encompasses high rates at which students from certain racial/ethnic groups are subjected to office discipline referrals, suspensions, school arrests, and expulsion (Skiba, Shure, and Williams, 2012). Several decades of research document that African American students are disproportionately represented in special education programs (Blanchett, 2006; Harry and Klinger, 2006; U.S. Commission on Civil Rights, 2009) and are subjected to higher rates of exclusionary discipline practices, such as suspension and expulsion (Children's Defense Fund, 2004; Losen and Skiba, 2010). Researchers have also recognized that special education and disciplinary disproportionality produce inequitable opportunities to learn.

Special education has been considered a paradox: while it provides access to additional educational opportunities, it can also serve to stigmatize children and marginalize them from general education (Sullivan, Kozleski, and Smith, 2008). As noted by Sullivan, et al (2009), there is ample evidence indicating that groups who are disproportionally represented in special education are negatively affected by factors such as stigmatization, lowered expectations, fewer opportunities to learn, substandard instruction, and isolation from the general education environment.

Significant disproportionality can be addressed by transforming schools so that students of all abilities are successfully learning in their home schools within a general education setting (National Center on Inclusive Education, Stetson, 2014). It is important that the inclusive classrooms also be culturally responsive. Each student's culture significantly influences his or her learning; each teacher's culture significantly influences his or her teaching practice. With this understanding, every educator recognizes that it is imperative to become culturally

competent and to effectively use culturally-responsive instructional strategies in the classroom. Teachers are encouraged to build authentic relationships with every student and to create classrooms that encourage the gifts and contributions that culturally diverse students bring to the classroom (Inclusive Schools Network, Stetson, 2014).

When students with disabilities are provided appropriate instruction and supports, they learn grade-level general education curriculum, communicate with their same-age peers without disabilities, have meaningful social relationships, and graduate from high school college and career ready.

Recommendation # 1 Multi-Tiered System of Supports (MTSS) as a best practice model

Background

We began our research by defining what MTSS means to varying experts in the field across states. In California, many educators tend to blend the MTSS conversation and the Response to Instruction and Intervention (RtI or RtI^2) conversation**.** However, research clearly shows the two as working interdependently as a system within a school, not the implementation of two independent programs.

The Kansas Multi-Tiered System of Supports, Special Education within a MTSS, published in October 2010, clearly defined MTSS as framework that creates and supports academic and behavioral needs of all students, with particular focus on those supports being research based. MTSS aligns the entire system so that a multiple system of supports, including RtI, function as one coherent system of leadership, instruction, professional learning, assessment, and a culture which will respond to the needs of all students. The MTSS framework also forces alignment for all disabilities, including low incidence disabilities, such as deaf and hard of hearing or blind and visually impaired, whether or not students are enrolled in specialized classrooms and schools or included in general education classrooms and schools. Students in specialized classrooms and settings, where LRE is evident, learn through multiple modalities the same as their non-disabled peers and may also require social emotional supports, interventions or services. Across all settings, best first instruction, should be provided by a prepared and qualified instructor, credentialed with the proper authorization and training to support the needs/services for students, including those with learning impairments. A coherent MTSS system, regardless of setting, includes data-based decision making and instructional planning to meet student learning or behavioral needs, as well as professional learning supports for teachers and effective school-based leadership in order to reach successful MTSS implementation.

Essential Concepts

CA MTSS

RtI[2]
- Universal screening
- Multiple tiers of intervention
- Data-driven decision making
- Problem solving teams
- Focus on CCSS

- Addresses the needs of ALL students
- Aligns the entire system of initiatives, supports, and resources
- Implements continuous improvement processes at all levels of the system

In addition, The Collaborative Supporting Education Leadership (CSEL) pointed out that RtI and PBIS provide a multi-tiered approach to assessment and intervention, but that MTSS, inclusive of those system responses, "leverages" the principles of RtI and PBIS, and goes beyond to include a continuum of services and responses that address student learning needs (Rinaldi and Averill). These researchers further examine the idea that MTSS is a much broader umbrella that includes many structures and processes that are included in RtI/PBIS, which are a hallmark of MTSS. MTSS becomes a much broader description of a system in which to implement those two initiatives. Until the definition is clearly understood, the educators in our state will fail at meeting the needs of all students, particularly those with disabilities. We must acknowledge the reality that California students with disabilities rank 48th in the nation on the National Assessment of Educational Progress (NAEP). It is time to look at a new model that facilitates learning for all students, particularly that of students with disabilities.

Multi-Tiered System of Supports is a best practice model for meeting the needs of students with disabilities that takes the more focused RtI/PBIS response and connects them to an aligned system across local and statewide educational settings.

Rationale

The research themes and indicators identify that academic outcomes for students with special needs increase when priority is given to successful strategies to meet the unique learning and behavioral needs in more inclusive settings (Huberman, Navo and Parrish, 2011).

New Jersey's Special Education Task Force calls for special education to be a service not a place (March 11, 2014).   The task force identified RtI, continuum of programs, staffing levels and shared services as a way to create a special education environment as a "Place to visit, not a place to live."

As knowledge of MTSS increases, understanding of the benefits to special education environments becomes more evident. Alignment of resources, professional learning, training, resources, leadership, and curriculum all uniquely benefit the special education environment to meet the individual goals for every student.

The New Jersey Task Force recommended the following for its state to address in its task force work:

- Early Intervention through a MTSS
- Staffing analyses
- Shared services (regional and local)
- Maximize reimbursements
- Shared services (eliminate impediments; transportation)
- Due process
- Effective strategies

In addition, the Washington Department of Education noted the following characteristics as means to district improvement;

- Effective leadership
- Quality teaching and learning
- Support for system wide improvement
- Clear and collaborative relationship

Huberman, Navo and Parrish (2013) identified themes across four districts including high-performing and high-poverty schools (Kerman Unified, Upland Unified, Val Verde Unified and Sanger Unified). The following strategies emerged in support of special education performance:

- Inclusion and access to the core curriculum and collaboration between special education and general education teachers (in all four districts)
- Continuous assessment and use of RtI (in three districts)
- Targeted professional development (in three districts)
- Use of Explicit Direct Instruction (EDI) (in two districts)

Inclusion and access to the core curriculum was the strategy most strongly credited by all four districts as having contributed to special education performance.

Our Task Force has found similar reasons to look at MTSS as an early intervention/prevention model for addressing the needs of special education. In addition, the Institute of Education Sciences (IES), National Center for Education Evaluation and Regional Assistance also called out the need for a Multi-Tiered Intervention for meeting the needs of struggling students (U.S. Department of Education, 2009). In addition, the IES summary called for a MTSS approach using RtI as a means to orchestrate the alignment of school personnel, both general and special educators, paraprofessionals, coaches, and specialists, as a means of providing best services.

Halverson's study, the New Jersey Task Force, and the IES report call for integrated, shared, and aligned services which support the premise of MTSS for helping to meet the unique learning needs of all students. The MTSS approach creates a best practice strategy in providing students with unique options and opportunities, both within and out of the special education environment.

One of the most challenging areas for an MTSS system is the need for data-based management systems. Most districts vary in systems and protocols for analyzing data around student needs. MTSS would necessitate that the alignment of student needs be data-driven to inform educational decision-making. Districts would benefit from aligning systems into a data management system that is easily usable by all stakeholder groups.

Social Emotional Supports Within MTSS

In addition to tiered academic supports, many students need behavioral supports of varying intensity based on individual social and behavioral needs in order to reach adequate levels of progress toward their academic goals. California reported more suspensions than diplomas during the year 2011-12. A clearly defined system of social-emotional education and positive behavioral supports, delivered with fidelity and in tiers of intensity appropriate to a child's need, has been shown to reduce the number of inconsistent and punitive punishments in schools, along with the number of lost hours of instructional time, and leaves students more committed to learning and teachers happier in their school environments.

In addition to issues of discipline, social-emotional learning can address the problem of bullying in our schools. Children with disabilities are two to three times more likely to be bullied than their nondisabled peers.

Racial disparities are evident among suspended or expelled students. "Zero Tolerance" policies have not proven to be effective in preventing unwanted behavior or making schools safer. Students who are frequently excluded from learning or from school as a result of disciplinary actions become disengaged in school and often fall behind their peers academically, or engage in negative behaviors to compensate for a lack of school success or peer approval. Targeted behavioral interventions through a school-wide system of positive behavioral supports address learning issues early on and prevent long –term problems which may result in school failure, or worse, the school to prison-pipeline.

Positive Behavioral Intervention and Supports (PBIS), as one example of a way to deliver socio-emotional supports, has three tiers of prevention for school personnel to (a) organize evidence-based practices, (b) improve their implementation of those practices, and (c) maximize academic and social behavior outcomes for students. PBIS, founded on Applied Behavioral Analysis, offers a range of interventions "that are systematically applied to students based on their demonstrated level of need, and addresses the role of the environment as it applies to development and improvement of behavior problems." (Source: www.Pbis.org)

PBIS shares similar components to an academically-focused RtI tiered system of supports, such as school-wide expectations and procedures for teaching school-wide expectations, a continuum of procedures to encourage school-wide expectations and to discourage problem behaviors; and the use of data to monitor the impact of PBIS implementation (Source: www.Pbis.org).

PBIS is not a program, curriculum or scripted intervention. PBIS requires organizing evidence-based behavioral interventions such as restorative justice practices and others such as those found in the Collaboration for Academic, Social and Emotional Learning (CASEL) resources,

into an integrated system-wide continuum. Schools or districts use meaningful data to inform interventions within a context. Meaningful data is defined as, unique to a school or district, measures of a student socio-emotional needs, number of office referrals, exclusionary discipline, disproportionate special education eligibility, language, poverty, and culture or school climate.

The components of MTSS, RtI/RtI^2 and socio-emotional supports like PBIS, are all grounded in differentiated instruction and intervention matched to student needs, frequent progress monitoring, and applying data to make decisions about changes in instruction or goals. The framework of a Multi-Tiered System of Supports, including RtI and PBIS, define the specific elements which need to be in place at the universal (Tier 1), target group (Tier 2), and Individual (Tier 3) levels.

PBIS requires establishing aligned organizational procedures, supports, or systems that will give school personnel the capacity to use effective interventions accurately and successfully at all levels. These supports include: (a) team-based leadership, (b) data-based decision-making, (c) continuous monitoring of student behavior, (d) regular universal screening, and (e) effective on-going professional learning. Wrap-around and transition support must also be considered within Tier 3.

The New Jersey Task Force recommended an early call to action on the overlap between improved academic achievement for students in special education, and the strategies used in general education, which was one of the significant points in the report. One of the successful MTSS components in providing early intervention around literacy deficits is through Response to Intervention RtI. RtI is a multi-tier approach to early identification and support to students with both/either learning and/or behavioral needs. RtI is only successful with "best first quality instruction," data-based progress monitoring, and universal screening of all children in the general education classroom and settings. According to the New Jersey Task Force, the Vermont Department of Education, and the University of Vermont, RtI is a process that cuts across general, compensatory, and special education, and is not exclusively a general or special education initiative (Vermont, 2012).

A preventive approach is intended to rectify a number of long-standing problems, including the number of disproportionate minority students identified as learning disabled, as well as the practice of waiting for documented failure before providing services. The clear intent is to provide an alternative means of identifying students with learning disabilities and to reduce the number of students who are identified as learning disabled by preventing academic and behavioral difficulties from developing. This is achieved by providing prompt and focused instruction and intervention at the first indication of difficulty (Vermont 2012).

In the Assessment of African American Students Through a Response to Intervention Process, the authors stated that the goal of the RtI model is to provide ALL students with the interventions they require to be successful within a general education environment. Significantly, it was pointed out that in districts where the implementation of RtI is utilized, the overrepresentation of African-American students in special education has decreased. This is due in part to the fact that both academic and behavioral needs are being addressed within the general education classroom

through an aligned system of responses (Van DeHeyden, 2006).

Within MTSS, RtI provides data-based measures which can also ultimately be used for identifying students for special education as alternatives to cognitive or IQ testing, which are typically used to determine whether or not there is a discrepancy between ability and achievement. Of importance, these alternative measures for eligibility determination comply with the Larry P. decision requiring the use of alternatives to cognitive or IQ assessments with African Assessment students. These alternative means of identification are utilized in an RtI system, which meets alternative assessment guidelines and provides for more in-depth problem solving prior to identifying a student for special education and related services. This prevents the over-representation and over identification of any student group, but has a particularly positive affect for reducing disproportionality of African-American students when it comes to special education representation. Positive Behavior and Intervention Supports (PBIS) is also an aligned system under the umbrella of MTSS that supports the decrease in disproportionality of children of color who also require special education services.

In addition, the Council of State Government from Texas tracked every middle school student in Texas for six years to help clarify barriers to out-of-school suspensions. The report revealed alarming differences in behavior that led to out-of–school suspensions when factors related to race, gender, and disability were identified.   The Office of Civil Rights noted that more than 400,000 students were suspended out of school at least one time during the 2009-2010 school year. PBIS helps to address disciplinary issues, particularly those minor infractions that most likely lead to out-of-school suspensions.

Under the MTSS umbrella, training, support, stakeholder understanding, and practice would need to be addressed in a system alignment that supports more positive disciplinary outcomes for students, particularly those students of color and/or with disabilities. MTSS, with fidelity of implementation and proper guidance, allows a district, charter school, or county office of education program to develop systems such as RtI and PBIS. These systems are completely aligned to meet the challenges of disproportionality as well as the unique learning and behavioral needs of children including children with disabilities**.**

Mental Health and MTSS

Many students come to school not knowing how to behave for any one of a number of reasons: they never had the experience of preschool, so they don't know how schools "work"; they suffer from childhood trauma, which can alter normal behavioral response patterns and even permanently change brain structures; or they simply find themselves in a cultural disconnect between their own community and that of the school. Yet studies point to behavior and social skills such as getting along "in diverse workplaces" and being able to develop "collaborative relationships" as essential to ensuring employment.

 MTSS again shows itself to be a proven vehicle for providing appropriate degrees of social-emotional learning, all of which are geared toward the specific needs of a child, with universal positive behavioral supports for all students, and allowing for tiered interventions for students

who struggle behaviorally.

Finding the true source of any problem and addressing the issue early is always the most effective and financially sound strategy. But children often suffer mental health challenges that go unmet and as a result, their academic, personal, and interpersonal growth is compromised. Children with unmet mental health needs may also negatively affect the learning experiences of their peers as well. Untreated mental health needs are associated with behavioral problems, bullying, decreases in academic performance, and poor school attendance.

Currently, educators who are concerned that a student might need mental health services have limited referral options. They can refer a student to special education services for evaluation. In many cases, however, such students are not designated as needing special education services and are left without appropriate assistance. Neglected mental health needs rarely disappear, more frequently they get worse over time, making it critical to provide early intervening services as soon as a child demonstrates the need for them. These services need to be more readily available in all schools. Again, within a well designed MTSS and within well-integrated systems at the state level, students with mental health needs would not fall through the cracks, and educators would have options for finding appropriate help and support.

MTSS, Common Core and English Learners

Our research of CCSS and special education shows that little has been done to address the challenges of unequal opportunities in education, materials, and training supports when it comes to students with disabilities, students of color, and students who are English Language Learners (ELL), some of whom may be students in more than one of these categories. Based on 2012-2013 data, California has a student population of over 6 million students, 9.8% of whom have been identified as students with disabilities. Of these 9.8%, which comprise almost 700,000 students, 27.8% of those students are also English Language Learners. As a result, California teachers will be uniquely challenged by the combination of instructing those students who are second language learners in the Common Core State Standards while using differentiated instructional strategies. MTSS can help California implement the alignment of all curricula, including English Language Arts and English Language Development (ELA/ELD) Standards and new CCSS initiatives. MTSS can begin to align resources and differentiated supports by creating conversations, outlining plans, involving stakeholders, and training practitioners to provide meaningful and differentiated supports across special education settings.

For example, with the adoption of CCSS, educators realize that the need for intensive intervention and support of all students is essential. If a student is also identified as having a disability, the task may be even more daunting to ensure that the child is supported by an aligned system to meet his/her needs. Now add the fact that a child may be a student with special needs who is also an English Learner. Under the MTSS system, one would expect that the IEP team for this particular child would include both general and special education professionals. However, it should also include those who are working with the child to develop language proficiency skills. In an MTSS system, supports are aligned to deliver a full range of services to this child. This would include professional training that allows the staff to best intervene and parent education around the challenges and strategies being used to support their

child.

Too often in schools, English Language Development and Special Education services are not aligned for ELL students. The Individuals with Disabilities Education Act (IDEA) requires that the second language learning needs of students with a disability, who are also identified as an English Language Learner, must be supported in their ELD with appropriate supports or accommodations.   Too often, special educators are focused on supporting needs around the area of disability, while language development is being supported through a different system, either within the general education setting or through pull-out English Language Development services. Often teachers who work with a child on language acquisition are not involved in the IEP meeting. The IEP team is required to determine whether or not language acquisition struggles are related to the disability. This decision may be decided without considering all the facts around how language development occurs or instruction is being delivered. A student who is an ELL and also identified as a student with a disability needs supports in English Language Development AND special education.

LCFF and Other Students with Unique Needs

The state's new Local Control Funding Formula (LCFF) attempts to address the needs of students with unique learning needs, including ELL students and others. The child with a disability who is in foster care may need social/emotional and behavioral supports, as well as special education services. Children who are economically at risk, in impoverished homes or homeless, with little language and book experience, may come to school without appropriate language, social or behavioral development. If we are ever to address the achievement gap or disproportionality issues, we need to provide learning opportunities as early as possible to develop skills essential for school success.

The alignment of supports and interventions should be uniquely differentiated to meet the needs of each student regardless of setting. The Local Control Funding Formula and the Local Control and Accountability Plan (LCAP) can provide assurance that every student has a systematic instruction of supports to bridge content and to help them achieve in a more inclusive environment (Gamm, Elliott, Halbert, et. al., 2012).

MTSS and Early Intervention

In an MTSS system, the conversation around language acquisition, school readiness, and disability are similar.   Intervention, supports, and personnel are aligned as a single delivery strategy. If this doesn't occur at an early intervention stage, or if they are not provided enough support to address their needs, which is the premise around MTSS, these students may fail to make expected levels of progress. Implementation of the Common Core State Standards with early alignment of systems for all students with unique learning needs, will ensure that decisions made in the IEP will be in best interest of the child.

Ultimately, MTSS will build supports for ALL children who have learning differences or who require special education. RtI will allow schools to establish critical tools, including additional

time to support teaching and learning based on intensity of needs across settings. MTSS can provide a new framework for schools on how and when we provide unique academic or behavioral supports, ultimately aligning the delivery of general education, special education, and behavioral supports inclusively across settings (Gamm, Elliott, Halbert, et. al., 2012).

Responsibilities Through Child Find and MTSS

The IDEA requires all States to develop and implement a practical method of determining which children with disabilities are receiving special education and related services and which children are not.

The Individuals with Disabilities Education Act includes the Child Find mandate. Child Find requires all school districts to identify, locate, and evaluate all children with disabilities, regardless of the severity of their disabilities. This obligation to identify all children who may need special education services exists even if the school is not providing special education services to the child. The MTSS model could play an important role here as a way to find and identify students with disabilities very early. MTSS will provide a way to identify students who require more intense support in the form of special education in a timely and efficient manner.

Recommendation

Corrective actions for non-compliance and disproportionality have often not resulted in systemic and sustained organizational changes, which improve outcomes for students with disabilities in the least restrictive environment. The California Department of Education (CDE) should provide guidance and technical assistance aimed at assisting LEAs to align their policies, practices and system of supports across initiatives. This would help develop collaborative and cohesive practices utilizing data for continuous improvement across all levels of the system, which are focused on improved results for all students under an MTSS system.

CDE should provide targeted technical assistance and intentional monitoring for local school and system-wide accountability. LEAs identified as significantly disproportionate or in other ways as noncompliant or needing assistance from CDE would be required to develop a "targeted assistance" plan that focuses on utilizing the MTSS framework. They would develop a coordinated and cohesive process for aligning services through the implementation of an RtI system and PBIS, to be responsive to the needs of children in the Least Restrictive Environment (LRE). The action plan developed by identified LEAs utilizing the MTSS framework would also include alignment of resources to reduce disproportionality, and increase collaboration of all stakeholders, and development inclusionary practices. Policy and legislative changes need to be implemented where systemic and sustained actions can be measured and system-wide accountability can be utilized. It is further recommended that reports of LEA progress be shared with the Local School Board and State Board of Education (SBE) on an annual basis.

In addition, as the State Board of Education develops the Self-Assessment Rubric, Support Rubric, and Intervention Rubric, by October 1, 2015, under the LCFF statutes, it is

recommended that this include guidance/recommendations for professional learning, with the priority of professional learning for teachers and staff that reflects all students having access to general and Common Core-based (Tier 1) instruction in order for them to be proficient. Best practices in professional learning should be reflected including but not limited to, content-based information on language development, English-language acquisition, progress monitoring, analysis and use of data for decision-making, and the implementation of evidenced-based interventions to meet both academic and behavioral goals at varying levels of intensity. Cross-functional training of administrators and other school-support groups from every educational division should be conducted in a way that will expand the supports they provide to schools. The training plan should also take into consideration principals and teachers who are new to a district. Finally, the plan should recognize that traditional one-size-fits-all professional learning sessions would not be sufficient. On site, ongoing support mechanisms (e.g. coaching) need to be part of the plan (Gamm et al., 2012).

In summary:

1) California adopts an MTSS Rubric as a best practice model for districts to compare implementation with fidelity.
2) CDE provides guidance and assistance to align policies, practices, and a system of supports across initiatives for both peers who are non-disabled and those with disabilities.
3) Targeted technical assistance and intentional monitoring of MTSS implementation for LEAs that are and remain "significantly" disproportionate.
 4) CDE provides LEAs support/guidance/training by utilizing the MTSS framework to develop a coordinated and cohesive process of service alignment for students who are English Learners and who also have disabilities.
5) CDE works with SELPAs and county offices that support districts to build capacity and understanding of MTSS and its positive outcomes in support of all students with disabilities in the Least Restrictive Environment.
6) CDE provide guidance and support for tiered mental health recommendations to LEAs and SELPAs and allow financial support for site-based mental health supports.

Recommendation #2 MTSS Implementation

Background

No other previous educational initiative such as MTSS has provided such promise. During our research and work in the task force, we listened to many concerns regarding the focus around MTSS. These concerns included questions such as, why the focus on MTSS since it is a general education initiative? What will be the consequence of inconsistency in models of implementation across the state? Won't MTSS result in the dilution of special education obligations through MTSS responses? What will MTSS look like in specialized settings?   What are the financial implications of state-wide implementation of MTSS? These have all been valuable considerations for our task force.

In addition to current CDE resources, the task force acknowledges that there are many credible sources available, such as the IRIS website for Vanderbilt University, which may inform the support and technical assistance that LEAs may require to implement a successful model of a Multi-Tiered System of Supports and evidence-based practices. Although this report does not include mention of every resource available, it is important to note that all research-based resources should be considered to provide guidance to LEAs implementing a school-wide Multi-Tiered System of Supports.

Case study of MTSS Implementation and Benefits

The research team would like to note that there are many successful model districts for MTSS implementation noted across the state and nationally. One example follows as a case study that reviews the journey and develops the need to explore districts' participation in the development of MTSS.

In 2004, Sanger Unified began an implementation model around defining and creating a system that responded to the support needs for all students. This model would later be more clearly defined as a MTSS. The district accomplished this by clearly aligning all systems that respond to student needs. In an effort to create a Response to Instruction and Intervention (RtI^2) framework for both behavior and academics, the district worked to create a system-wide umbrella that aligned to meeting the needs of all students, especially those with disabilities. However, the creation of aligning systems did not begin by staying within the 'box' created by credentialing limitations, financial limitations, human capital limitations, or the curriculum limitations. The real expectation simply was that all systems had to align and not necessarily look the same.

In 2000, the Sanger Unified School district adopted a full-inclusive model, eliminating system programs that, outside of the LRE, all students would first be educated in the general education classroom. Not all stakeholders within the district shared this optimistic philosophical position around full inclusion. However, the district pressed on by increasing supports that would enable the educational system to more easily adopt the view that all students need to be educated in the general education setting to the maximum degree possible. School psychologists and speech pathologists who had not only the assessment and diagnostic training to make determinations for special education eligibility, ultimately were able to take on more of a leadership role in training and supporting general education teachers around meeting behavioral/academic student needs so students with disabilities and those who were not disabled could be fully included into the general education setting. Aligning the needs of the system to support the philosophy of inclusion was critical in gaining acceptance and support from all stakeholders.

Today, Sanger has one of the lowest psychologists, speech, and resource specialists caseloads in the central valley. Currently there is one psychologist for every two schools. Most psychologists function as lead staff, facilitating IEPs, and leading support system training for both behavior and academics. This alignment of human capital and financial investments was huge for Sanger, which ultimately supported the entire philosophical approach of full inclusion.

And, in addition, it began the first phase of system-wide alignment around developing an MTSS model.

By 2004, implementation of RtI had begun. All schools were tasked with implementing an intervention model that supported ALL students' needs. However, no one intervention was viewed as the right intervention.

In order for the system to respond, resource teachers became the backbone of RtI implementation. Resource teachers were engaged with both the benefits and potential outcomes of full implementation of RtI. Stakeholders engaged in conversations around higher caseloads versus potential benefits of early intervention. Critical to the conversation was if RtI was successful at being more proactive and productive for all students, ultimately preventing false identification of students and increasing the likelihood of "Child Find" of students who would most benefit from service, would case loads decrease and would the district then downsize the special education staff across the district? Trust became a matter of blind obligation on both sides.

Today, every school has an RSP teacher to support students with special needs and those who require intensive intervention. In 2004 special education identification was 10%, aligned with the state average. Response to Instruction and Intervention (RTI^2) defined for the district a systematic way to intervene with struggling students. Sanger benefitted in multiple ways including, but certainly not limited to; accurate diagnosis of learning disabilities resulting in lowered special education identification numbers, a culture of capacity building, sharing of materials/strategies, and collaboration between general education and special education on standards and lesson delivery/design via the establishment of professional learning communities (PLCs).

Sanger expanded the Multi-Tiered System of Supports into a deeper understanding that incorporated new learning, broadened, and deepened academic and non-academic supports. Sanger shifted its responsiveness from intervention to early intervention and prevention, which involved more stakeholders and created greater understanding of the MTSS design. Today, the special education identification rate is 6.5%, but most importantly, financial and human capital investments remained stable.

In 2004, most RSP teachers sat with caseloads of 25-28 students. Today most caseloads fluctuate from 8-20, with only the most intense larger population schools at 25-28. RSP teachers now have great flexibility, with over 60% of students being provided early intervention, general education teachers are supported with aligned systems that support both behavior and academic needs of students. Psychologists and special education teachers are free to support inclusion of students and intervention needs of teachers. This ultimately allows those students with IEPs and those students who might benefit from early intervention to receive the support they require.

The district never set a limit on caseload versus intervention support. It is unknown if the accomplishments and benefits seen today could have been accomplished by teachers unwilling to extend beyond the limitations of caseloads to garner the benefits of RtI. The district had to

guarantee that the efforts of staff to support students would not equate to reduction in staff, but rather increased investment in special education, which ultimately would garner benefits to all stakeholders and students down the road. The task force would like to acknowledge that further work at the state level must continue around caseloads for special educators. Although the work of Sanger is considered by many to be a success story, it is also considered unique. It is noteworthy to also point out that more articulated and concrete recommendations around caseloads and workloads would benefit all stakeholders, particularly when one begins to combine both the services of students with special needs and those who require early intervention.

Today, Sanger Unified has an MTSS that has evolved over 14 years, refining it to meet the needs of students every year. Pressed by the desire to meet the needs of ALL students, the system started in different places and in different ways. Now Sanger's MTSS provides entire system alignment, but still maintains each school's unique system design. Teachers, both general and special education , share a vested interest with each other. Caseloads are lower, staffing is higher than in most districts, but the purpose is for investment in ALL students. Sanger's unique case of developing an MTSS model was premised on eliminating the "Wait to Fail" model which plagues identification as SLD for special education. Early intervention, proactive support of general education teachers, and a willingness to work around issues, helped align and create an MTSS model that benefits the entire k-12 system.

 Sanger's success and that of other districts, in supporting a philosophy of full inclusivity and early intervention for all students, could not have happened without an aligned system umbrella of MTSS.
Rationale

With the onset of the Local Control Funding Formula (LCFF) and the Local Control and Accountability Plan (LCAP), districts have a unique opportunity to provide financial incentives through new supplemental concentration dollars to support the alignment and development of MTSS. As districts engage in stakeholder feedback and align expenditures under the eight priority areas, we would like to suggest that districts look at all eight areas as initiatives that align to the goals of MTSS. Each area should have some connection to the other and link the work and focus so that no initiative works independently of the other.

However, with the variable stakeholder feedback within the LCAP, it can be argued that LCFF and the LCAP are not enough to build district capacity and understanding of the fidelity of MTSS implementation. Therefore, the task force believes that only with guidance and incentives will districts be able to engage in the conversation, support, and development of a full understanding of the advantages of full implementation of MTSS.

A district's willingness to participate in improvements is noted in the study by Jane David and Joan Talbert. David & Talbert, October 2012: Turning Around a High-Poverty School District: Learning from Sanger Unified Success. District leaders set out to fundamentally change the culture of the district by soliciting feedback formally and informally, creating multiple intersecting learning communities which serve not only to build relationships among peers

within schools, but also across schools and between schools and the district office, monitoring data frequently, adapting to changes through identifying and solving problems as they arise, launching small pilot projects in a few schools to develop and test new ideas, constantly adjusting what is tight and what is loose in response to feedback, balancing central direction with autonomy and seeking new information by networking outside the district.

This study uniquely points out that under certain conditions, Sanger moved to invest in developing a MTSS district response to meeting student needs. However, many other districts lack the supports and capacity necessary to make such a huge transition. There is a need to provide LEAs meaningful supports to participate in the development of MTSS, which includes RtI and PBIS/socio-emotional supports.

In 2004 the reauthorization of IDEA encouraged the use and development of Response to Intervention (RtI) as a scientific, research based approach to instruction and interventions, as well as in the determination of a specific learning disability. (Mandiawitz, 2007). In the article "Multi-tier System of Supports," O. Averill and C. Rinaldi, (Sept. 2011) note that the RtI and PBIS approaches involve targeting specific areas in which students are struggling , and also note the reality that previous education initiatives often fail because policymakers do not meaningfully involve all educators in the decision-making process (Sarason, 1990). In order for California to achieve the full benefits of MTSS across county, districts and school levels, it will be imperative that educators from successful school models be involved in the development of guidance and be used as resources for other LEAs in developing successful MTSS systems that address the above-noted concerns. The implication of MTSS as a model for schools to increase intense interventions for students who have not responded to high quality supports (e.g., increasingly intense interventions) is clearly beneficial.

Using MTSS and thus increasing the implementation of timely and effective supports to all students, particularly those students with disabilities, will only benefit the entire system of education.

Recommendation

• CDE provide guidance, training and incentives to LEAs to "opt-in" for support of implementation of the MTSS Framework. Selected LEAs will develop a plan, which provides a coordinated and progressive program of services and resources, which are responsive to the needs of individual children in the Least Restrictive Environment (LRE). Financially incentivize participation that provides pairings for LEAs to learn from each other and technical assistance for MTSS development to include professional learning, support instructional alignment to UDL strategies, and transition to the Common Core State Standards**.**

• CDE re-envision a means for LEAs to demonstrate exceptional outcomes for students by narrowing the achievement gap for their students with disabilities. LEAs who are recognized will demonstrate that students with disabilities are receiving an array of supplemental aids and services. These school systems need to provide access to the general education setting for instructional curriculum, social emotional learning, as well as support individual student needs to

produce positive outcomes for students. LEAs who meet the criteria will be able to apply to be recognized and serve as examples of "Best Practice LEAs" for successful implementation of MTSS. Case studies of the awardees will be highlighted on the CDE website, in publications, and conferences. This selection could be added to other recognition programs or could be a standalone program for the CDE.

In Summary:

CDE provides guidance, training, and incentives for LEAs to "opt in" to a state supported implementation of MTSS. This may include state recognition for LEAs who participate and demonstrate exceptional outcomes for closing the achievement gap for students with disabilities, as will as model implementation of MTSS.

Recommendation #3 Alignment of Services

Background

Several studies have indicated the need for collaborative alignment of services with education departments in order for a system to meet the needs of students. Michael Fullan noted that the Ontario Education System Transformation consisted of assertive goals and high expectations from the government, combined with a commitment to partner with the education sector in order to develop capacity and ownership in the service of student achievement.

The key factors to this study were relentless and focused leadership at the center (in this case, the Ontario government); a small number of ambitious goals, specifically higher levels of literacy and numeracy and improved high-school graduation rates; and a positive stance toward the schools, districts, and teachers. He also pointed out learning from implementation, by disseminating best practices both vertically and across schools and districts, which fosters leadership at all levels to drive support system implementation. The task force believes that this alignment is only possible for LEAs to implement if the state system itself is uniquely aligned across departments.

Rationale

To achieve the goal of systemic alignment at all levels of the system, the state must use the framework of a MTSS to plan and implement effective-based practices in a collaborative system of supports and improvement activities. This will create an aligned and cohesive system so all students can achieve. CDE must work with each department to align state systems so that they communicate with each other for data-rich collaboration. In addition it should create greater alignment of desired outcomes across all of the following state divisions: special education, curriculum, instruction, and Title I, so all departments are working toward providing inclusive education to ALL students with disabilities.

The aligned departments of CDE could establish explicit and measurable goals for decreasing placement and participation rates of African-American males in alternative or special education programs that too often restrict access to high-quality core instruction. It would allow for transparency about data across departments that are collected and used to monitor progress toward goal attainment. Too often goal attainment is independent by departments within CDE. Greater capacity and transparency of goals for LEAs would allow LEAs to more easily align systems to better respond and collaborate to meet demands within all departments of CDE.

Recommendation

Cross divisions and programs within CDE need to coordinate monitoring and compliance to facilitate a statewide work that will focus on further development of a resource framework for an accountability matrix that outlines successful implementation of MTSS . CDE should better combine more fluid interagency support with the departments of Curriculum, Special Education and Categoricals so CDE can more effectively develop a plan focused on support for county offices, charters and districts around MTSS. This would ultimately create the need for a universal data-based management system that inter-connects all departments with LEAs and provides local access to information for ALL stakeholders, focused on improved outcomes for all students.

As the State of California develops the California Collaborative for Educational Excellence (CCEE), the purpose is to "advise and assist" school districts and charter schools in achieving the goals of their accountability plan, as well as helping to improve the quality of teaching and leadership in a district or school. This is a perfect opportunity for the CCEE to develop technical assistance services in collaboration with SELPAs. This would provide a comprehensive support and training for special education personnel who prepare Individualized Educational Programs that include annual goals aligned with and chosen to facilitate student attainment of grade-level academic standards in alignment with the Common Core State Standards (McLaughlin, 2012; International Center for Leadership in Education, 2011; National Governors Association Center for Best Practices and Council of Chief State School Officers, 2011).

The CCEE shall also delineate the connection between IEP goals and Common Core Anchor settings across the full spectrum of placements and/or services to ensure an alignment with 21st Century learning skills. And it shall commission a work group to develop a comprehensive set of recommendations and supports to SELPAs/LEAs so that assistive technology devices and services that enable access to the CCSS are readily available for IEP teams' consideration and planning.

1) CDE should consider a reorganization of departments to promote greater alignment for all students with special education needs; i.e., Department of Special Education to be aligned with categorical, curriculum, assessment, and professional learning departments for greater cohesiveness.

2) CDE would use the alignment of departments to create one MTSS universal data base management system for state and LEA accountability that creates one system for special education, curriculum, and categorical programs.

Recommendation #4 Stakeholder Engagement

Background

Effective MTSS implementation includes parents and community stakeholders in the problem-solving and decision-making process necessary to make educational decisions appropriate to a student's academic or behavioral needs.   Parent and community involvement in the MTSS design and implementation is critical. Within the framework of MTSS, meaningful stakeholder engagement can be attained through a multi-tiered system approach guided by action plans based on student evaluation data, and includes participation in decision-making.   To ensure this happens, parents and community stakeholders must have opportunities for communicating, volunteering, decision-making, parent training, and community collaboration. The LCFF provides an opportunity to ensure meaningful family and community engagement. When parent involvement is encouraged in the MTSS process and students' individual academic and behavioral needs are addressed, there is evidence that special education referrals are reduced.

Rationale

Researchers have evidence for the positive effects of parent involvement on children, families, and school when schools and parents continuously support and encourage the children's learning and development (Eccles & Harold, 1993; Illinois State Board of Education, 1993).   This is particularly true for schools employing an MTSS model. Parents, students, teachers and community members together create effective partnerships that share information, problem solve, and celebrate success of the students they support.   Parents and educators share the responsibility of the students' challenges, as well as their successes.

Recommendations:

1) CDE work with county offices of education to support and utilize Local Control and Accountability Plans (LCAP) to include implementation of MTSS. The LCAP should demonstrate involvement of the Community Advisory Councils (CACs) as participants in the implementation of the Multi-Tiered System of Supports. In addition, SELPAs should address the implementation of MTSS, the use of RtI^2/PSW in identification of SLD, the use of social emotional supports, such as PBIS or other programs, and the implementation of UDL within the Local Plans.

2) CDE in coordination with the state's Family Resource Centers and Family Empowerment Centers design a framework for training parents, aligned with the MTSS design, to

ensure understanding of the MTSS process and to promote parental input and partnership.

3) CDE work with county offices of education and SELPAs to encourage parent, school, and community stakeholder engagement in the design of MTSS systems to address the identified needs of their schools or districts using the LCAP and LCFF process.

Recommendation #5 Ensure Students are College-, Career- and Community- ready.

Background

Education in the nation has undergone a wave of transformation with the release of the Common Core State Standards and, in California, with the new state Local Control Funding (LCFF) Model. With the focus on college and career readiness and the LCFF, California has an opportunity to re-engage outcomes for student post-secondary transition programs. The LCFF intent is to help equalize LEA funding levels by providing supplemental concentration dollars to LEAs with high needs populations which would enable LEAs to meet the demands of CCSS and to align a system of supports.   It would appear that highest need students, those students with special needs, who require post- secondary transition programs should be considered in the LCFF funding formula and Local Control and Accountability Plans (LCAPs).

In David Coleman's Bringing the Common Core to Life (2011), he stated: "The CCSS addresses the deep challenges of inequality of opportunity between different students exposed to radically unequal opportunities when it comes to the material they study and the quality of instruction they have received." As California has taken dramatic steps to move forward with the Common Core State Standards, Dr. Fred Balcom, Director of Special Education, stated in his presentation to the California Advisory Commission on Special Education in March 2014, on the impact of the standard, that "[they] will be used with all students in California; and Instructional practices and curriculum will need to be aligned to the standards and will impact the individualized education program (IEP) of special education students." This would mean that a comprehensive examination of special education services in the state of California is needed to ensure students with disabilities are not overlooked during this transition phase in California history**.**

This monumental shift to college and career readiness and LCFF calls for the need to critically examine secondary transitions for students with disabilities. The foundation of the Common Core State Standards and the College and Career Readiness anchor standards is the perfect opportunity for the State of California to examine and strengthen its mandates under IDEA to "prepare students with disabilities for further education, employment, and independent living" (emphasis added, IDEA Regulations §300.1(a)).

Rationale

Current scholarly work indicates critical work is needed for the implementation of the Common Core State Standards as it relates to college and career readiness (Gamm et al., 2012; International Center for Leadership in Education, 2011; McLaughlin, 2012; National Governors Association Center for Best Practices [NGA Center] & Council of Chief State School Officers [CCSSO], 2011). IEPs will need to include annual goals aligned with Common Core State Standards (McLaughlin, 2012; International Center for Leadership in Education, 2011; National Governors Association Center for Best Practices and Council of Chief State School Officers, 2011). The advances of increased technology and integration in student learning also will require IEP Teams to be informed and well equipped regarding the role and function of assistive technology for students to become fully transitioned to independent living options (McLaughlin, 2012; National Governors Association Center for Best Practices and Council of Chief State School Officers, 2011).

All of this points to work to expand and define college and career readiness as it relates to the common core standards. As the entire educational system focuses on college and career readiness, it is the perfect opportunity for the State of California to examine and strengthen its mandates under IDEA to "prepare students with special needs for further education, employment, and independent living" (emphasis added, IDEA Regulations §300.1(a)).

Recommendation

The State of California shall develop a state-wide policy that defines "college and career readiness" for all students in California. LEAs will align college and career readiness activities for students with disabilities with general education initiatives including, but not limited to, Linked Learning and Career Pathways Trusts. LEAs and Regional Occupational Programs shall increase their collaboration so that students with disabilities are increased in the inclusion in ROP and Technical Education programs. CDE shall create/facilitate more local and regional Communities of Practice on Transition, moving towards a local/regional model to better support the diverse needs of students with disabilities at the level of greatest impact.   CDE shall facilitate improved interagency collaboration to improve coordination of services as the Federal government moves toward an Integrated Competitive Employment focus for secondary transition.

1) The State Board of Education shall create and disseminate policies and regulations that detail compliant and effective secondary transition plans that lead to positive post data driven outcomes for post secondary education.
2) CDE needs to allocate funds to create grants to support professional learning around effective transition planning and Integrated Competitive Employment.
3) CDE shall compile examples of exemplary evidence-based best practices in transition planning for the wide spectrum of students with disabilities.
4) CDE shall create a clearinghouse on the CDE website that posts or lists best practices. The state should also increase and build capacity around Course of Study requirements in transition planning in collaboration with SELPAs, to increase the positive post-secondary outcomes for students with disabilities.

Recommendation #6 Implementation of Universal Design For Learning (UDL)

Background

Universal Design for Learning (UDL) provides a blueprint for flexible goals, materials, method and assessments that accommodate learner differences, and is therefore a valuable instructional methodology for all students. UDL is included in the section of the Common Core State Standards called "Application to Students with Disabilities." UDL not only applies to students with disabilities, it applies to other learners as well. All students can benefit from the types of instruction used to reach all learners "on the margins," as the learning needs of all individuals vary a great deal. Curricula (goals, methods, materials, and assessments) designed using UDL put an emphasis on creating effective instruction and flexible goals, and the Common Core State Standards provide an important framework for thinking about what goals will be most effective. UDL should be used across settings including and within inclusive general education classrooms.

The research around UDL as an effective means of instructional methodology is broad and growing. In that research, UDL has been identified as a promising means of reaching the highest standards for all students, especially those with disabilities (cf., U.S. Higher Education Opportunity Act of 2008).

The goals and principles of UDL have their roots in the universal design (UD) movement in architecture and product design, which aims to create from the outset, built environments, tools, and consumer goods that are universally accessible so that everyone can use and benefit from them equitably (Mace, 1998). Leaders in UD recognized that options and accommodations that were designed for people with disabilities were being utilized much more widely (e.g., by individuals with strollers, carriages, roller luggage) and made the overall environment more accessible, welcoming, and effective for everyone.

UDL applies that same principle to instruction and learning. The UDL framework provides guidelines and checkpoints for the design of instruction that is accessible and effective for all students. The framework is organized around three principles based in the learning science and guides the design and development of curricula and teaching methods that are effective and inclusive for all learners (Rose & Meyer, 2002; Rose & Gravel, 2010). The learning sciences foundation of UDL maps onto three primary brain networks for learning: 1) affective networks that engage us in the world around us, setting priorities for what we attend, organize, remember, and reflect upon; 2) recognition networks that perceive patterns in the environment and construct useable knowledge from them; and 3) strategic networks that underlie the ability to plan, execute and monitor progress (Rose & Meyer, 2002, updated 2015).

UDL was first defined and recommended in federal legislation in the Higher Education Act of 2008 (see http://www2.ed.gov.policy/highered/leg/hea08/index.html). More recently, and of special significance to California educators, UDL has been illuminated in The Special Edge – (Vol. 27, no 2; Winter-spring Issue- 2014) where the application of UDL to the Common Core State Standards in California is explicated directly. For a more general presentation of UDL in

education see Rose & Gravel (2010) in the most recent volume of the International Encyclopedia of Education (New York: Elsevier), Novak's UDL Now! (2014, CAST Professional Publishing); and Meyer, Rose and Gordon's Universal Design for Learning: Theory and Practice (CAST Professional Publishing) at http://udltheorypractice.cast.org.

There are three bodies of research that support the overall framework and practices of UDL. The first body of research is a rapidly expanding body in the cognitive and affective sciences focusing on identifying the critical ways in which learners differ from one another. What that research reveals is that learners differ from one another. What it also reveals is that learners differ from one another in multiple ways that are profound, persistent, and systematic. The UDL framework categorizes that enormous variability into three broad domains of individual differences on how knowledge is most effectively expressed or acted upon, and individual differences in what engages and motivates learners to learn. Researchers in both the learning sciences and the teaching sciences commonly adopt the same basic three-part categorization (e.g. Luria, Bloom, Meyer et al). What the UDL framework does is emphasize the profound individual variability at the center of each of these aspects of learning. That research and the theory it engenders is encapsulated in many books and articles, including Meyer, Rose and Gordon's Universal Design for Learning: Theory and Practice (2014 CAST Professional Publishing and Rappolt-Schlichtmann, Dailey & Rose A Research Reader in Universal Design for Learning 2012, Harvard Education Press, www.udlcenter.org and www.cast.org).

The second body of research gleaned from decades of research that identified best educational practices for students "in the margins" focuses on the kinds of instructional options and alternatives that are most effective for students with the greatest need, including those with disabilities. That research (almost a thousand empirical reports) is condensed into the UDL framework as guidelines and "checkpoints" that are most important in the design of instructional materials and technologies that will serve all students. The research that underlies the guidelines and checkpoints of UDL can be found at the National Center on Universal Design for Learning http://www.udlcenter.org/aboutudl/udlguidelines).

The third body of research—by far the smallest but growing—focuses on studies on the actual implementation of UDL in practice. These studies address a growing range of topics or lessons from Language Arts to Science, and extend from small studies of specific program designs or interventions to qualitative studies of classrooms or online learning platforms (Hall et al.'s Universal Designs for Learning in the Classroom: Practical Applications (2012, Guilford), Nelson's Design and Deliver (2014, Paul Brookes) and UDL Now (2014, CAST Professional Publishing). What still needs to be optimally researched is the larger district-wide implementations of UDL principles and practices that are now underway.

Classroom teachers have met the diverse needs in their classes by modifying curriculum on their own. Often these adaptations and modifications have not been properly based in research and may completely change the standard and methods upon which the curriculum was based. This can greatly affect the assessments and accountability systems designed to measure student outcomes. As mentioned above, one of the basic premises of UDL is that it is not added on after the fact. UDL is designed within the curriculum, as an integral part of the curriculum. UDL will

lay a foundation of understanding for all teachers who need to reach all students by providing a flexible curriculum that allows access to similar learning goals through flexible and supportive instructional materials, techniques, and strategies.

A UDL curriculum is designed from the outset to meet the needs of the greatest numbers of users and minimize the need for costly, time-consuming, and after-the-fact changes. Although teachers independently cannot institute a complete UDL curriculum, they can become aware of how to identify and minimize curricular barriers that would otherwise impede day to day instruction (Rose & Meyer, 2002)

The National Center on Accessing the General Curriculum (NCAC) in their <u>Differentiated Instruction and Implications for UDL Implementation: Effective Classroom Practices Report</u>, provides many explicit scenarios for differentiation of instruction such as: providing multiple examples, highlighting critical features, providing multiple media and formats, supporting background context, and providing opportunities for demonstrating skills.

Rationale for the Position

Current scholarly work indicates Universal Design for Learning principles are foundational to the implementation of the Common Core State Standards (Gamm, et al., 2012; International Center for Leadership in Education, 2011; McLaughlin, 2012; National Governors Association Center for Best Practices [NGA Center] & Council of Chief State School Officers [CCSSO], 2011). Gamm, et. al (2012) recommended: "Develop[ing] a district plan for implementing the Common Core State Standards that includes Universal Design for Learning principles to provide instruction that accommodates learning differences." The advances of increased technology and integration in student learning also will require IEP teams be informed and well equipped regarding the role and function of assistive technology for students to master skills in the Common Core Standards (McLaughlin, 2012; National Governors Association Center for Best Practices and Council of Chief State School Officers, 2011). This will involve great understanding of pedagogy that allows for flexibility of instructional delivery in both general education and in mild to severe environments.

Based on our findings, Universal Design for Learning is a viable option for teaching and learning that creates access for students with disabilities to the general education setting. Thus, it should be considered as a means to meeting the more rigorous demands of the Common Core State Standards, particularly when students with disabilities will need much more engaging, flexible and multimedia representations to gain understanding of the more rigorous content standards. As was stated in the NCAC Effective Classrooms Practices, differentiated instruction through UDL is an instructional process that has excellent potential to positively impact learning by offering teachers a means to provide instruction to a range of students in both general education and special education.

In addition, the 2011 International Center for Leadership and Education, pointed out in the article titled: "Fewer, Clearer Higher Common Core State Standards Implications for Students Receiving Special Education Services", that the ability for educators to ensure meaningful and

successful participation of students with disability rests in the use of UDL strategies and supports.

Through the use of technology, most particularly digital media, UDL will provide opportunities for digitizing instructional materials and make it possible for the same material to be flexibly presented and accessed. This kind of flexibility can be broadly or narrowly adapted—it can meet the need of a large group of struggling learners or can be uniquely modified on a "student to student" basis. The flexibility, malleability, and interactivity that characterize new media provide the basis for educational design that are impossible with traditional fixed methods and materials, designs that emerge as necessary in light of changing concepts of learning and individual differences (Rose & Meyers 2014).

Recommendation

1) The EBP committee believes the state shall consider a more aggressive position on the recommended instructional benefits of UDL in the 21st Century classroom. State trainers should support UDL with multiple opportunities for local education agencies and SELPAs to access statewide support and implementation of UDL. The Commission on Teacher Credentialing should consider a much larger portion of teacher education preparation programs include a focus on Universal Design for Learning and differentiation for varying learner needs. All state technical assistance and support should include UDL methodologies as the best instructional method to inform instruction. These strategies should be uniquely articulated with a variety of approaches and must include technology support within the IEP for every student.

2) The CDE should develop technical assistance for districts, in collaboration with SELPAs, to provide comprehensive support and training for LEAs so that IEPs include annual goals aligned with UDL strategies.

Recommendation #7 Use of Response to Intervention (RtI) and Patterns of Strengths and Weaknesses (PSW) as best practice for Eligibility for Specific Learning Disabilities (SLD)

Background

Students with Specific Learning Disabilities (SLD) make up the largest population of students receiving special education-related services in California, where approximately 40% of all special education students have been identified as with a specific learning disability. Under the traditional eligibility "discrepancy" model, many students who might need services were required to wait until they were older to demonstrate the needed discrepancy that met the eligibility requirement for special education services. Often referred to as the "wait to fail" model, the discrepancy model did not always encourage early intervention or consider patterns of strengths and weaknesses to provide early targeted intervention and instruction.

Acknowledging that a discrepancy model dependent solely on psycho-educational testing did not always best serve our younger populations helps us understand recent changes in language

within the Individuals with Disabilities Education Act.   In 2004, a provision was added to offer RtI as a process that could be used to determine eligibility for special education services for students suspected of having a specific learning disability (SLD). This process was intended to provide an alternative to the traditional discrepancy model or "wait to fail" model that has been used to identify students with potential disabilities.   IDEA also added a second additional alternative to SLD determination called "patterns of strength and weakness" (PSW) in academic and cognitive functioning.

Educators began to explore what it would mean to implement such a system, and a growing body of research now exists to support the effectiveness of these models. California has its own history related to the effective implementation of RtI and alternative processes for eligibility determination. In 2009, the California Department of Education created a work group and developed guidelines on "Response to Instruction and Intervention" and called it RtI[2]. A State Improvement Grant (SIG) was used to provide training and technical assistance and support in implementing a response to intervention model.   "The Special Edge," a quarterly publication of the CDE Special Education division, devoted many of its issues and articles on RtI and school-wide systems of support. In 2013 the State Board of Education amended its Title 5 regulations to include both RtI and PSW as options for assessing students for eligibility as a student with a specific learning disability. These emerging models rely on a multi-tiered system (usually three or four tiers) of evidence-based interventions that become progressively more focused, based on student responses to those interventions (Hoover & Patton, 2008).

Today, California provides specific guidance about the principles, process, methodology, and implementation of RtI. Additional guidance is desirable, however, to describe universal standards that can determine what may be applied with some consistency of practice across LEAs with respect to both RtI and PSW. Without this guidance, there can be confusion about whether or not RtI or PSW are part of a "general education system" or are a "special education function," an important distinction that is needed so that LEAs do not continue to default to the discrepancy model.

Implementing these processes will require the kind of systemic change in general education design to ensure that every student has the best first instruction possible, with progress monitoring to ensure that learning is occurring, and that interventions are provided, wherever needed, to help the student learn the information presented and/or acquire appropriate social and learning behaviors. We can learn from what other states have done to implement a school-wide RtI process for eligibility for special education services. New Hampshire and Tennessee are models for successful state-wide RtI intervention systems. It will also be essential to disseminate information about and learn from successful California models for RtI and PSW which are driven and informed by valid and reliable assessment data at the state, district, school, grade, classroom, and individual student levels.

We acknowledge that this philosophical move to a universal system of first considering the usage of RtI or PSW for determining eligibility for learning disabilities will take continued effort. It is important to acknowledge that some disabilities, such as more significant or co-occurring disabilities, may be better identified using more traditional models. And that, for some students,

urgency of need or parent requests may indicate use of the traditional eligibility model. But, we also believe RtI and/or PSW implementation promises huge positive outcomes for the state. The current "wait to fail" model does not serve all students and obligates us to work toward creating a better system.   In addition, the option of using RtI and/or PSW to create eligibility determinations, and the option to stay with the discrepancy model in CA is set to create drastic special education identification differences among LEAs across the state.

Rationale

Therefore, this Task Force Sub-Group recommends that California SBE and CDE consider state-wide encouragement of the processes of RtI and PSW for determining special education eligibility, and provide for teacher and leadership training, technical support, funding support, as well as guidance for schools in the implementation. It is important to understand that many schools and districts are ready to move towards a school-wide RtI and/or a PSW model, but lack sufficient resources to do so. Resources must also be considered to provide for parent education and engagement and to support system redesign.

Capacity building needed for statewide RtI/PSW implementation requires a connection to local, state, regional or national technical assistance centers and others with expertise, coaching and advice to leadership and implementation teams during infrastructure development and the change process. Refinements in policy and practice which are developed collaboratively may be necessary, along with new roles and structures. Systems change will require specific connections between state or local decision-makers, LEAs, and school leaders.   Student outcome data must be available and accessible to schools, districts, parents, and students in a coherent one-state system.   It is essential to provide education for teachers and school leadership to develop skills to effectively teach and assess student progress in a tiered intervention model. Also essential is to learn how to access and use state and local data bases for instructional decision-making. The "conditions of learning" including the resources of facility, environment, time, and talent need to be addressed in the development of new school-wide system and supports for teachers, students, and leadership. Support is essential for the development of a culture of collective responsibility and professional learning community, which encourages collaborative teamwork.   It is important to note that efforts have begun in this training area, through California State Technical Assistance and Training (CalSTAT), WestEd, and CDE, providing initial models to further replicate and use as a basis for professional learning

Within the framework of the Local Control Funding Model and Accountability Plan, there is opportunity to thoughtfully make decisions at the local level, with the input of all stakeholders, on how to utilize resources to support the implementation of an effective RtI system. Sustainability of the RtI process and coordinated school-wide MTSS will result from the following: staff's feelings of competence, organizational supports, and leadership aligned and focused on evidence-based practices and effective instruction for each student, regardless of need.

Recommendations

Policy changes and practices have been identified by the Special Education Task Force Subcommittee as follows:

1) The State Board initiate a state team, articulated across CDE departments and stakeholders, to fully address all of the possible impacts of California moving to implementation of an RtI model in an MTSS system, including consideration of utilization of both RtI and PSW for use in determining SLD.

2) CDE create a description of specific learning disability eligibility guidelines for determination through an RtI process, based on evidence of progress towards curricular standards as well as through a process of Patterns of Strengths and Weaknesses (PSW), based on professional best practices models.

3) Align professional preparation and training of school administrators, general education and special education teachers, school psychologists, and speech, language and hearing specialists to ensure consistency of practices and strategies for eligibility determination.

4) Create guidance regarding parent requests for evaluation and compliance within the legal timelines associated with those requests.

5) Provide professional education and support for practitioners and ensure leadership at school, district and state levels, as well as parent education to ensure understanding of RtI processes and strategies.

6) The State Board should commission a team representing practitioners, specialists, general educators and leadership to write a state manual for model implementation of MTSS, including Response to Instruction and Intervention practices, standards for eligibility determinations for SLD, and recommendations for implementation when using PSW within RtI.

7) The State Board should commission the team to look at the State Implementation and Scaling-up of Evidence-Based Practices (SISEP) model. Current research suggests that if large system changes are made then changes of policy, funding, and regulation are places where change can occur through the following lenses: Transformation Zones and Capacity Development.

Task Force Subcommittee Conclusion

The Task Force EBP Subcommittee would like to note that other coalitions, state task force committees, and experts in the field of special education have also noted multi-tiered system of supports (MTSS) and UDL as successful evidence-based practices that must be aligned to support students with disabilities. Although the task force was unable to point out each evidence-based practice across every unique alternative program option in a special education setting, we were able to research and determine that MTSS is an alignment of system resources across settings, including in settings for students with disabilities.

We also took note that further committee work must take place in the areas of alternative program options, Alternative Dispute Resolution, Mental Health, services for students who are deaf / hard of hearing, visually impaired, or with autism, and post-secondary transition options. In addition, although this Subcommittee was not tasked with addressing funding for special education, MTSS has been identified as a means to improve adequate funding for special education students. Significant to the research is that many coalitions identified early scientifically-based interventions, data-based decision-making, and specialized instructional support, as ways to improve services for students with disabilities.

Several themes come out across state work groups, coalitions, and state committees that are greatly aligned with our recommendations. Solutions noted included increasing opportunities for early intervention through MTSS prior to special education assessments, department collaboration, alignment with elimination of "red tape" processes, support for both behavior and academic outcomes, incentivizing school and district participation, adequately training and supporting personnel, data based accountability, transparent data reporting, and technology integration/innovation to support the unique learning needs of all students.

We believe our research and recommendations for improvement around special education systems is closely aligned to the recommendations and outcomes across multi state- and nation-wide work groups. Although we note that further work needs to continue, we believe our recommendations put our state one step closer to closing the outcome gap for all students, inclusive of students with disabilities.

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