

MTSS Issue Development

January 27, 2015

Homework for next time: Due Sunday, February 8th (see bottom of doc)

1. Systems - Jen McCarty, Cory McIntyre and Patrick Glynn
2. Leadership - Lee Carlson and Radiums Guess
3. Sustainability and Fidelity - Kristen McMaster, Julia Espe, Kim Gibbons
4. Professional Development - Tonya Person and Beth Swenson
5. Stakeholder Support - Martha Moriarty, Mary and Jody
6. Statutory Changes: group work
7. Funding: group work

FINAL WORK----DRAFT

Legislative charge to the Commissioner:

“The commissioner of education must develop recommendations, consistent with M.S. 125A.56 for improving the academic performance of underachieving students through a multi-tiered system of early intervention and instructional support.”

1. Recommendations:

- a. These recommendations are made to assure that Minnesota’s system of public education results in:
 - All students achieving at high levels;
 - Closing of the achievement gap; and,
 - Creating the World’s Best Work Force.
- b. To accomplish these results, Minnesota needs enact a statute creating a model called, “Multi-tiered system of Student Support (MTSS).” This model will personalize the design of how schools identify and address the needs of each individual student and arrange for the use of evidence-based instruction and interventions coupled with frequent formative assessment to addresses the needs of each student.
- c. The implementation of the new MTSS model with fidelity will result in:
 - Improving the performance of all students
 - Preventing student failure because the model identifies students just as soon as they need assistance. No student will be asked to “wait to fail” before comprehensive support is provided

- Bringing together the classroom as well as remedial support systems using common methodologies rather than the silo approaches common in the current categorical programs
- Using valid and reliable data to drive instructional decision-making. Unlike the current testing for accountability, this is the kind of testing teachers find useful as it aids in their instructional decision-making.
- Reduction in students needing comprehensive special education “learning disability” programs and “behavior management” programs because students will be meeting both academic and behavior standards. The MTSS does not remove any parental rights to request special education evaluations or services.
- Reduction in “paper-work” because teachers are involved in instruction to improve learning and not assessment because of students not learning.
- More efficient use of financial resources.

d. MTSS should be defined in Minnesota law as a model that meets all of the following criteria:

- 1) Includes 3 tiers as defined in the MTSS research;
- 2) Reading must be defined consistent with the provisions of section 122A.06 subd 4 which adopts the “five big ideas” definitions from the National Reading Panel.
- 3) Screening of all K-8 students identified by MCA or MAP as not on target in the preceding year or by classroom teachers. The screening tool must be a valid and reliable tool that is predictive of student performance on the MCA.
- 4) Collaborative problem-solving teacher-teams determine interventions and instruction. The instruction and the interventions must be evidence-based.
- 5) Frequent progress monitoring is conducted using tools that are valid and reliable and are predictive of student performance on the MCA.

1. Systems (Jen McCarty, Cory McIntyre and Patrick Glynn)

Statement of Issue: Not all districts have thoroughly investigated and/or committed to a unified academic learning theory E-12 aligning both their student academic achievement with quality instructional practices. Therefore, districts end up with random acts of intervention or an inappropriately connected learning theory and intervention system.

Districts need to identify their MTSS model (Capacity Building, Problem-Solving, Measurement) and clearly articulate how it aligns with Read Well by Third Grade and World’s Best Work Force legislation.

The MTSS model should be used for:

- (1) Literacy, mathematics and behavior as well as other areas determined by the site.
- (2) Students receiving services in pre-k.

Recommendations: Updates to MTSS legislation should include....

1. Districts identifying their learning theory or MTSS theoretical framework.

2. Districts committing to an appropriately supporting E-12 MTSS model. (Differences in learning theory will determine MTSS design.) MDE should study existing MN MTSS models/frameworks (those that are successfully reaching outcomes and appropriately connected to learning theories) and provide districts access to summary information and model details, including examples of data collection tools, in the form of a best practice clearinghouse. It is imperative the MDE study more than one MTSS model in an effort to give Districts local control in choosing their MTSS model (Capacity Building, Problem Solving) that best fits their learners.
3. Flexible funding for districts in order to support MTSS model design and implementation, which should continue to include the flexible use of staffing (i.e. SPED teachers supporting GENED students, when entirely appropriate) and ???
4. Professional Development funding for principals, school leaders and teachers to implement their district's MTSS model with fidelity to ensure results.
5. Funding for data and assessment collection systems that support a particular district's MTSS model. The data and assessment collection system should be the choice of the district in order to find a tool that aligns with the district's MTSS model. MDE should study data and assessment systems available in an effort to provide recommendations for tools that can provide educators (at all levels) with tools for data driven instruction, professional development, and systemic alignment.
6. Merge MTSS and ADSIS in legislation. ADSIS applications should show how proposed program is aligned with MTSS, RWB3 and/or WBWF. An accountability system tied to the ADSIS legislation??? (Shouldn't ADSIS and MTSS be merged anyway???)

2. Leadership--in terms of MN's Leadership (Lee Carlson and Radiums Guess)

- a. While most school sites should have the option of using the MTSS model sites that are identified by MDE as either priority or focus must redesign their literacy plan, as currently required by section 120B.12 subd 4a, so that that Plan is consistent with the MTSS Model. The Literacy Plan must be approved by the commissioner.

Suggestion: Legislation should be crafted in a way that gives districts local control in designing their MTSS model and choosing the theoretical framework for its foundation. If it is not approved, districts would be required to adopt the MDE MTSS model, much like Teacher Development and Evaluation and QComp.

- b. The Legislature should create the Minnesota MTSS Center as a part of the Regional Assistance Centers. The MTSS Center will collaborate with the department, state education organizations, parent organizations, the University of Minnesota and others to provide professional development and support on the MTSS model.

OR The Legislature should fund training sites for MTSS models that have proven success in our state.

- c. MDE will identify how the various funding sources from federal, state and other funding (such as MN Reading and Math corps) can be used to finance the MTSS model.

d. The commissioner will track the MCA performance of sites with approved MTSS models for the purpose of research on the impact of MTSS on closing the gap.

e. Minn Stat Section 125A.56 (Alternative Instruction Required Before Assessment Referral) should be amended to state that MTSS can be used in lieu of the two required classroom interventions prior to a referral being made for a special education evaluation. Subdivision 2 of that section would be struck.

f. Minnesota needs to remove from state policy models which the research has demonstrated lack validity. One such state policy is what is referred to as the “severe-discrepancy model” to determine whether a student has a special education learning disability. While this model was initiated with a legitimate purpose, it must be recognized that when it was adopted in 1978, the educational research was not nearly as sophisticated as it now is. The severe-discrepancy model was the best model that was available. But today, that is no longer the case. Even more significant however is that the demographics have changed so significantly. Today’s demographics include huge percentages of students from families living in poverty and students who do not speak English as their first language and for whom their cultures and languages are significantly different than on the population on which tests are normed. Yet the severe-discrepancy model relies on determining whether a significant gap between IQ and academic achievement is present and that determination process must be done in a manner that is not discriminatory. The research on this process since the mid-late 1990’s is more and more compelling against the use of the severe-discrepancy model while at the same time the research in support of the MTSS model continues to grow. Minnesota simply cannot, as a matter of informed state policy, continue to support the use of the severe-discrepancy model. Minnesota is better than that.

g. Align the MTSS law with the TDE law and gain support for both to be effective by exchanging the 35% or greater portion of the 35% of the teacher’s summative score dedicated to test scores to be tied to effective participation and contributions to MTSS within that school district.

It would strengthen outcomes by focusing evaluations on the process, not the product.

- Teachers would be more likely to accept tough assignments and assignments connected with subgroups that traditionally underachieve according to standardized tests and those subgroups would in turn be more likely to get teachers with experience and training.
- Teachers would be directly linked to research-based instructional strategies and networks for support at the emphasis would be on collaboration, not competition.
- Teachers in areas such as PE, Art, Special Ed, and Music would see more practical and valuable pathways to contributing to the success of the building instead of connecting in a broad sense to a Math or Reading MCA score.
- Small schools or small departments within a school would not be isolated as “the problem” because of test scores, it would instead be a focus for the MTSS.

- Administrators would be seen as the educational leader, not simply someone who harvests test scores and assigns a score to a teacher or building full of teachers.
- Evaluations would be seen as valid instead of being connected in large part to an arbitrary % attached to test scores. Evaluations would focus on the teacher's effective use of best practices throughout the year instead of a test given on one day and support an environment of continuous improvement.
- Teachers with challenging assignments would be encouraged with support to move their students forward without an "all or nothing" cut score determining their success, teachers with exceptional classes would have expectations to continually build on practices to help those students reach even higher levels of achievement.

3. Sustainability & Fidelity (Kristen McMaster & Julia Espe and Kim Gibbons)

Statement of Issue: The current framework (as described in MS 125A.56) lacks sufficient specificity to be implemented with fidelity and sustained over time. Well defined models are needed for successful adoption, implementation, and sustainability that are research-based and sufficiently supported by funding and ongoing professional development at all levels (administrators, teachers and other school staff, parents). Central to these models should be ways to build staff capacity to ***implement high quality, core Tier 1 instruction with fidelity; implement increasingly intensive interventions*** that *supplement* the core (in Tier 2) and address individual needs (in Tier 3) in both academics and behavior; and ***collect and use student data*** to make timely and appropriate decisions.

Recommendations:

1. Specify the infrastructure/systems and supports that need to be in place within LEAs to adopt, implement with fidelity, and sustain best practices over time, across PK-12. These systems and infrastructures should focus on both behavior and academics, with specific protocols (procedures, data management approaches, decision rules, etc.) that are known to all and expected to be followed with fidelity. These systems should be aligned between general and special education. For example, data collected as part of MTSS can be used as part of the special education referral and eligibility determination process.

Examples of specificity include the specific research-based universal screeners that are used (these should have predictive validity to high-stakes standards), reliable and valid progress monitoring tools, a tiered system of evidence-based instruction and interventions in behavior and academics, decision rules for when to move students among tiers, definition of fidelity.

2. Critical to the successful implementation and fidelity of MTSS is a strong commitment to strengthening the core curriculum and instruction (Tier 1), such that the majority of students thrive within the core. Without a strong core that is implemented with fidelity, implementation of supplemental supports and intensive interventions becomes cost- and resource-prohibitive.

3. LEAs should establish a strong, common problem solving model for data-based decision making that is used across buildings, with specific protocols and leadership teams at both district and school levels that are well aligned and include clear communication and clear decision making processes.
4. LEAs should establish implementation plans that are systemic and ongoing, and robust to changes in leadership and personnel. As part of this plan, districts/schools should conduct needs assessments and ongoing fidelity checks of the implementation process to gauge their strengths, areas for improvement, and needs for support.
5. Efforts to adopt and implement new practices should be well-aligned to other school/district/state initiatives, such as Read Well by Third Grade and World's Best Workforce.
6. School personnel should be provided with sufficient and sustained professional development and ongoing support to adopt and implement evidence-based practices. These support efforts should target the specific needs of staff at different stages in the process of adoption, and should adapt to changing needs over time.
7. Accountability systems should be established (within districts or schools) to make sure practices are evidence-based and implemented with fidelity.

4. Professional Development - (Tonya Person and Beth Swenson)

Issue: There are two primary theoretical frameworks for Literacy Acquisition, Direct Instruction, and Balanced Literacy (see definitions below). There are multiple different MTSS models under each theoretical framework. Each theoretical framework has its own assessment tools that align with the theory. Each literacy acquisition theory also has a very different intervention tool kit and training model for interventionists.

It is important that core instruction, interventions, and screening tools are all aligned in the same theory, so students and teachers do not get confused (see example of unaligned instruction and measurement below).. For the last several years, the state has only supported the direct instruction theory of RtI. There was only one place to go for instruction in assessment and training on interventions, so balanced literacy districts have not had the guidance from highly trained reading specialists to guide them in developing an aligned balanced literacy MTSS model. Some districts have tried to conform to the state model and have unaligned instruction and intervention as a result.

Examples and Definitions:

Unalignment Example: In direct instruction, emergent readers are taught say the sounds of each phoneme individually to make a word. c-a-t The child is then given a screener that measures in that same way. In phoneme segmentation, the child would look at a word and

segment it, getting the highest score for full segmentation (Swing: s-w-i-ng - 4 points.). In balanced literacy, a child is taught to read whole words, or to problem solve words in larger chunks. If the child sees the word hammer, the child would read it: ham-mer. When this child is benchmark, the teacher records his processing of a text on a running record and is looking for that same type of processing. If a district is confused and using tools from the direct instruction theoretical base to measure progress, the child is given the phoneme segmentation task and sees the word swing. The child is likely to say sw-ing (as the child is being taught to parse words in those larger chunks. The teachers get frustrated, because that child would only get 2 points on that screener. The child would have to say: s-w-i-ng to get the high score of 4. The child has been taught to see the blend and rime sw-ing. The child is confused if instructed all quarter to never take blends or rimes apart and then instructed for testing purposes to say each sound. Teachers and students are confused when students who are higher readers score lower on the screening tools.

In balanced literacy, phoneme segmentation is measured through a writing task. It is taught through Hearing and Recording Sounds in Print. Children are taught segmentation in writing. The child is taught a continuum of segmenting words. At first it is by individual phonemes, but quickly switches to blends and rimes, then moves to hearing and recording syllables. This is measured on a spelling inventory that records growth in processing strategies. Interventionists in this model use this data to inform interventions that also teach children in the same capacity building model, but there is no place for districts to learn about these interventions or receive training from highly trained reading specialists, unless a district has adopted reading recovery. It is very important that tools of measurement

Description of Balanced Literacy

Balanced literacy follows a whole to parts to whole literacy acquisition theory. Balanced literacy is a language based model with message getting or meaning making at the center. Students learn comprehending through interactive read alouds from the first day of preschool. In Balanced Literacy, interactive read alouds, shared reading, and community writing, lead oral language and vocabulary development. Fluency is modeled for children, and visual fluency is taught through shared reading. There are six elements of fluency in balanced literacy: pausing (punctuation), phrasing (meaning units), stress (emphasis to shift meaning), expression, and rate (varies with character's emotions), and integration. Phonemic awareness and phonics are taught through writing, and applied in reading. Interventions in a balanced literacy model align with the same theory of language

Description of Direct Instruction The second theoretical framework is a parts to whole theory called direct instruction, which includes teacher directed, scripted lessons, in which cognitive skills are broken down into small units, and taught explicitly in a linear fashion. This model begins with isolated phonemes or sounds, which build into phonetic parts that build into words. The words are read fast which equates to fluency. The screening tool used in this model is called the Oral Reading Fluency measure, where all children at a grade level are given the same grade level passage and are measured by the number of words they can read correctly in

a minute. If the child meets or exceeds the number of words expected for the grade level, comprehension is assumed.

Recommendations: The state of MN needs to establish equally funded MTSS Training Centers for both theoretical frameworks.

1. Provide funding for job-embedded professional development and leadership training through highly trained MTSS Lead Teachers.
2. Provide an in-state for comprehensive MTSS lead teacher training. (Currently the closest training center is in Ohio State).
3. Provide training for balanced literacy districts across the state in how to establish an aligned MTSS model, with aligned assessment tools and interventions.
4. Provide two online assessment systems, one that aligns with each theoretical framework.
5. Develop an two online asynchronous training tool that allows teachers and interventionists video training in interventions and core instructional strategies in the theoretical model of their district's choice. This would allow teachers to step into other districts and classrooms or observe interventions during their preps or at night if they wish, without having to get substitutes.
6. Sponsor support to establish model districts that can produce footage or hold leadership training for other districts.
7. Provide leadership team training each year for new districts.
8. Provide ongoing research by placing each training center in a high performing district, to ensure ongoing research and development.
9. Conduct gold level outside WBWF research on the different districts two study the progress of the two different MTSS models in closing Achievement Gaps.
10. The commissioner, Minnesota Board of Teaching, Minnesota Board of Administrators and applicable colleges and universities shall assure that training in both MTSS theoretical frameworks is included in teacher and administrative licensure programs.

Support to sites using both MTSS Theories.

BALANCED LITERACY MTSS CENTER

- a. Currently the districts who want to train Teacher Leaders and District Level Trainers and Coaches in the balanced literacy theoretical framework, have to fly out of state for training.
- b. Establish an equally funded training center in MN for Balanced Literacy. The achievement of the Brainerd Public Schools and the work in ISD 196 show evidence of raising the bar and closing the gap with highly trained reading specialists as the trainers.
- c. The commissioner, Minnesota Board of Teaching, Minnesota Board of Administrators and applicable colleges and universities shall assure that MTSS is included in teacher and administrative licensure programs.

DIRECT INSTRUCTION MTSS CENTER

- a. The Minnesota MTSS Center is created as one of the Regional Training and Support Centers. The Center, in cooperation with the other comparable centers created by other

state legislatures, the department, Minnesota Reading and Math Corps, education organizations, parent groups and the University of Minnesota, shall make training available for sites that elect to use the MTSS model. The training must be provided by individuals or organizations that have the experience and training in the implementation of the MTSS model. To the extent provided by federal law, resources from federal sources shall be used to pay the cost of this training. Sites may apply to the department for funding under this section to implement the MTSS model.

- b. The Center shall develop an MTSS website that includes links to other state and national websites regarding the use of the MTSS model and evidence-based interventions.
- c. The commissioner, Minnesota Board of Teaching, Minnesota Board of Administrators and applicable colleges and universities shall assure that MTSS is included in teacher and administrative licensure programs.
- d. The commissioner's assessment advisory committee shall advise the commissioner as to how state assessment data from sites that have adopted the MTSS model can be disaggregated.
- e. The commissioner may require sites that are determined to be either focus or priority sites to use the MTSS model.

5. Stakeholder Support (Martha Moriarty, Jody Manning, Mary Otto)

Statement of Issue: Successful implementation of MTSS can be jeopardized if leaders, staff and parents are not fully committed or informed of MTSS. There is a lack of common understanding of MTSS.

Recommendations:

1. Make changes to MN Statute 125A.56
 - a. Change title of 125A.56 to reflect MTSS.
 - b. Add language to the requirement section of 125A.56 about parental rights to request an evaluation.
 - c. Define MTSS in statute.
 - d. Define specific terminology used in MTSS in 125A.56.
 - e. Define MTSS in layman's terms for parents and public to support a broader understanding.
2. Staff commitment to model:
 - a. The system of MTSS is not a special education or a general education initiative; it is a school system model. A district-wide effort to restructure and improve their instructional and behavioral programs is needed for a sustainable MTSS system. This is an important distinction for all leaders and staff to recognize and fully embrace.
 - b. All levels of the organization must hold the vision and plan for the implementation of their district's MTSS model including district leadership, office support, building-level leadership, classroom teachers, and school support staff.

- i. Leadership, both district and school level, should operationalize MTSS by involving all stakeholders in the planning and implementation, provide clear communication of expectations to staff, support the professional development of all staff, create alternative school schedules, and plan for overcoming obstacles and expanding to all school levels.
 - ii. District leadership should provide clear articulation of how the MTSS system ~~first~~ aligns with other district initiatives including procedures or policies that may need to be eliminated and those that will need to interface with the new system.
- c. Collaboration is key to successful implementation. Most importantly, professionals need to discard the notion of general education and special education as two distinct services and collaboratively support students regardless of their label. Include ESL here?
- d.. Collaboration includes shared understanding of key issues, using common language, and deliberate and intentional pooling of resources and expertise to collaboratively achieve goals.
- e.. Key players in collaboration can include:
 - 1) General education classroom teachers
 - 2) Special education classroom teachers
 - 3) Title I and support personnel
 - 4) Building level/district administrators
 - 5) Reading specialists/literacy coaches
 - 6) Speech language pathologists
 - 7) School psychologists
 - 8) ESL teachers
 - 9) Local, state and national agencies
 - 10) Parents and families
 - 11) Students

3. Parent communication

- a. Each year, information should be provided to parents about the implementation of MTSS in their school and district, the process of universal screening, and what to expect if their child begins to receive interventions.
 - i. Fund parent trainings and information on MTSS systems, procedures and processes. Parents should be made aware of their right to request a referral for a full individual evaluation through the school system guaranteed through IDEA.
- b. Two types of universal screening data can be provided to all parents in the school:
 - i. School wide data showing both accelerated learners and those performing in the at-risk range along with an explanation of what actions will be taken by the school to address both groups of students learning needs.
 - ii. Data on their own child identifying if their child is at risk or not at risk for intervention supports.
- c. When a parent receives notification their child is identified for interventions, parents should be told who will conduct the intervention, what time of day it will occur, what days per week it will be conducted and for how long it is expected to be provided.

Weekly updates on student progress and if the intervention is having the desired outcome should be sent home to the parent. A complete written summary should be provided to parents at the end of the intervention.

- d. Parents should also be invited to participate in “intervention teams” when the child’s data is being reviewed and a plan for intervention is discussed. This invitation is particularly important for children that have not responded to interventions or when the intervention team is considering a referral for a special education evaluation. Again, parents should be made aware of their right to request an evaluation through the school system.

DRAFT LAW

125A.56 Alternative Instruction Required Before Assessment Referral

Subdivision 1. Requirement

- (a) No changes are proposed for this paragraph.
- (b) A school district shall use alternative intervention services including the assurance of mastery program under section 124D.66 or an early intervening services program under subdivision 2 to serve at-risk pupils who demonstrate a need for alternative instructional strategies or interventions. a multi-tiered system of student support under section _____.

NOTE: Rather than amending 125A.56 subd 2. Early Intervening services program...we recommend creating a new section as follows:

Section _____. Multi-tiered system of Student Support (MTSS)

Subdivision 1. To better assure that all students achieve at high levels based on their needs and aspirations, close the achievement gap and create the world’s best work force, a Multi-tiered system of Student Support program is established which may be used by district and charter schools. The purposes of using the MTSS system include:

- a. Improve the performance of all students;
- b. Prevent student failure by identifying their needs as soon as they fall below proficiency targets;
- c. Bring together the classroom programs and the remedial support systems using common methodologies;
- d. Reduce the rates of inappropriate referrals of students to special education for problems that could be ameliorated by high-quality instruction.
- e. Reduction of teacher time doing excessive paperwork; and
- f. More efficient use of financial and personnel resources.

Subdivision 2. A Multi-tiered system of Student Support is a prevention framework that organizes site-level resources to address each individual student’s academic and/or behavior needs within intervention tiers that vary in intensity including the following:

a. Tier 1 is high-quality core instruction that meets the needs of most students in the regular classroom. Tier 1 includes:

(1) A core curriculum that is research-based reading and math curriculum that is supported by research that meets the research requirements of the American Education Research Association or is published on a website that meets standards for research-based practices such as those published by AERA. Sites choosing reading and math core curriculum not meeting this research-based definition may do so but these sites must post that information on the sites' websites;

(2) Instructional practices that are culturally and linguistically responsive;

(3) Differentiated learning activities;

(4) Accommodations to ensure all students have access to the instructional program;

(5) Periodic screening to determine students' current levels of academic performance;

(6) Frequent progress monitoring of students who have been identified as not at target in reading and/or math but for whom tier 1 interventions have been determined to meet the student's needs; and,

(7) Problem solving based on the progress monitoring and other data to identify intervention changes as needed when data demonstrate the interventions being provided are not sufficiently effective to bring the student to proficiency targets and to address behavior problems that may impact learning.

b. Tier 2 is the delivery of evidence-based interventions of moderate intensity to address the learning or behavioral challenges of students who are below reading and math proficiency targets or behavior expectations for students of that grade-level. Tier 2 is provided in addition to the daily core instruction in Tier 1. Tier 2 includes:

(1) Individual or small group instruction provided by an appropriately licensed teacher or other adult, such as a Minnesota Reading or Math Corps member, that is trained to provide the interventions with fidelity under the supervision of a qualified teacher;

(2) Interventions where the duration and frequency are based on the student needs;

(3) Frequent progress monitoring of students; and,

(4) Periodic review of progress monitoring and other data by the collaborative team.

c. Tier 3 is the delivery of individualized interventions of increased intensity for students who are severely discrepant from grade level targets. Tier 3 includes:

(1) Instruction provided in small classes by licensed teachers that are qualified to provide the instruction;

(2) Instruction and Interventions individualized to target each student's area of need;

(3) Interventions are usually provided for a longer duration and more frequently than in Tier 2;

(4) Instruction provided by licensed teachers that are qualified to provide the instruction;

(5) A minimum of bi-weekly progress monitoring of students; and,

(6) Periodic review of progress monitoring and other data by the collaborative team.

Subdivision 3. A Multi-tiered system of Student Support includes the following:

a. Screening of students two or three times a year in the grades determined by the district using measurement tools that are valid and reliable and that have predictive validity to the MCA's.

Screening will be done on all students or those that teachers identify as being at risk of not meeting proficiency standards. Screening tools must have a defined range of cut scores to determine the students need for interventions;

b. A collaborative problem-solving team of classroom teachers, remedial teachers, paraprofessionals and others funded through various sources to work as a grade-level team or across grade levels to review benchmarking and progress monitoring data and select interventions to be used with students in need. The collaborative team will set end of year learning targets for each student;

c. The use of research-based or evidence-based interventions selected to address the student's specific need.

d. A system to assure that the interventions are implemented with fidelity;

e. Frequent progress monitoring to determine the effectiveness of the instruction using measurement tools that are valid and reliable and that have predictive validity to the MCA's. The frequency of progress monitoring is based on the tier of service. Based on the progress monitoring data, the collaborative team will make decisions regarding the effectiveness of the interventions and make changes when the instruction is not effective;

f. The collaborative team shall refer a student for special education evaluation at any time it determines the student's needs are such that the instruction provided in Tier's 1 and 2 will likely not meet the student's needs. A parent may request a special education evaluation at any time.

NOTE: The following is current law and should be maintained. Edits are minor wording changes.

g. As an intervention, staff paid for with special education aid generating special education aid under section 125A.76 may provide small group instruction to pupils who need additional academic or behavior support to succeed in the general education environment. Small group instruction that includes pupils with a disability may be provided in the general education environment if the needs of the pupils with a disability are met, consistent with their individualized education programs, and all pupils in the group receive the same level of instruction and make the same progress in the instruction or intervention. Teachers and paraprofessionals must ensure that the needs of pupils with a disability participating in small group instruction under this paragraph remain the focus of the instruction. Expenditures attributable to the time special education staff spends providing instruction to nondisabled pupils in this circumstance is eligible for to be paid with special education aid under section 125A.76 as an incidental benefit if:

i. The group consists primarily of disabled pupils with a disability;

ii. No special education staff are added to meet nondisabled pupils' the needs of students who do not have a disability;

iii. The primary purpose of the instruction is to implement the individual education programs of pupils with a disability in this group.

Expenditures attributable to the time special education staff spends providing small group instruction to nondisabled students who do not have a disability that affords more than an incidental benefit to such pupils is not eligible to be paid with special education aid under section 125A.76 except that such expenditures may be included in the alternative delivery initial aid adjustment under section 125A.78 if the district has an approved program under section

125A.50. During each 60 day period that a nondisabled pupil without a disability participates in small group instruction under this paragraph the pupil's progress monitoring data must be examined by the collaborative team to determine whether the pupil is making progress and if the pupil is not making progress, the pupil's intervention strategies must be changed or the pupil must be referred for a special education evaluation.

Subd 4. Support to sites using the MTSS model.

a. The Minnesota MTSS Center is created as one of the Regional Training and Support Centers. The Center, in cooperation with the other comparable centers created by other state legislatures, the department, Minnesota Reading and Math Corps, education organizations, parent groups and the University of Minnesota, shall make training available for sites that elect to use the MTSS model. The training must be provided by individuals or organizations that have the experience and training in the implementation of the MTSS model. To the extent provided by federal law, resources from federal sources shall be used to pay the cost of this training. Sites may apply to the department for funding under this section to implement the MTSS model.

b. The Center shall develop an MTSS website that includes links to other state and national websites regarding the use of the MTSS model and evidence-based interventions.

c. The commissioner, Minnesota Board of Teaching, Minnesota Board of Administrators and applicable colleges and universities shall assure that MTSS is included in teacher and administrative licensure programs.

d. The commissioner's assessment advisory committee shall advise the commissioner as to how state assessment data from sites that have adopted the MTSS model can be disaggregated.

e. The commissioner may require sites that are determined to be either focus or priority sites to use the MTSS model.

Appropriation:

1. For sites choosing to be MTSS sites, the following is appropriated from the general fund. The amount does not cancel at the end of FY 16 and may be carried over to FY 17.

FY 16: _____ FY 17: \$ _____

2. To the department to contract with an organization to establish the Minnesota MTSS Center. The amount does not cancel at the end of FY 16 and may be carried over to FY 17.

FY 16: \$ _____ FY 17: \$ _____