



New York State Education Department  
Office of Special Education  
**Educational Partnership**





**Module 2**

# **Least Restrictive Environment**

## **Prereferral and Referral Process**



Produced collaboratively by the Technical Assistance Partnerships for Academics, Behavior and Equity



New York State Education Department  
Office of Special Education  
**Educational Partnership**

# Disclaimer

The resources shown are designed to provide helpful information. Resources are provided for instructional use purposes only and do not constitute NYSED endorsement of any vendor, author, or other sources. To the best of our knowledge, the resources provided are true and complete.

# Training Objectives

Participants will gain an understanding of prereferral requirements and how prereferral interventions can remediate a student's performance prior to referral to special education and help the student be successful in the general education environment.

Participants will understand how to create levels of support in general education (proactive).

Participants will become familiar with best practices in creating a request for referral form.

Participants will begin to understand trends using data on referral and its implications for least restrictive environment (LRE).

# Meeting Norms

Take care of your needs (water, food, restroom, etc.)

Speak your truth – Use “I” statements

Ask what you need to understand and contribute

Listen with respect

Push your growing edge

Participate and struggle together

Expect a lack of closure

# Blueprint for Improved Results for Students with Disabilities



## Self-Advocacy

Students engage in self-advocacy and are involved in determining their own educational goals and plan.



## Family Partnership

Parents, and other family members, are engaged as meaningful partners in the special education process and the education of their child.



## Specially-Designed Instruction

Teachers design, provide, and assess the effectiveness of specially-designed instruction to provide students with disabilities with access to participate and progress in the general education curriculum.



## Research-Based Instruction

Teachers provide research-based instructional teaching and learning strategies and supports for students with disabilities.



## Multi-tiered Support

Schools provide multi-tiered systems of behavioral and academic support.



## Inclusive Activities

Schools provide high-quality inclusive programs and activities.



## Transition Support

Schools provide appropriate instruction for students with disabilities in career development and opportunities to participate in work-based learning.

# Slide Marker Icons

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# Activity 1:

## Participant Workbook



**How do these statements  
reflect the referral process and  
impact LRE?**





# Prereferral

**Understanding prereferral requirements and how prereferral interventions can remediate a student's performance prior to referral to special education and help the student be successful in the general education environment.**

# General Education Intervention Requirements



## Response to Intervention (RtI)

The general school requirements of the Part 100 Regulations of the Commissioner of Education (general education) include specific regulations requiring schools to have intervention programs in place for general education students.

These regulations delineate the necessary research-based reading program components, the screening requirements, how instruction must be matched to student need, repeated assessments and how to use this information in making educational decisions about interventions.

The Academic Intervention Services (AIS) regulations, 100.2(ee), are also to be considered part of the prereferral process.



# Intervention Requirements in Part 200 Regulations

## RtI Requirements

The Part 100 regulation is associated with the Part 200 regulations of the Commissioner of Education that requires the RtI process for any student being considered for the classification of learning disability.

These regulations refer to the data that must be gathered during repeated assessments of achievement.

There is also a statement that after July 1, 2012, the severe discrepancy criteria shall not be used for a student in kindergarten through grade 4 to determine a learning disability in reading.

The RTI process cannot delay or deny an evaluation for eligibility under IDEA.

# Request for Referral

## Section 200.4 (a) (2) (iii)



This section of the regulations defines the content of the request for referral. By doing that, it also defines the prereferral interventions that should occur before a student is considered for a referral for special education services.

# Process/sequence of prereferral intervention

The purpose of prereferral interventions are to support students who struggle.

The gaps in learning are documented by gathering baseline data using universal screening tools.

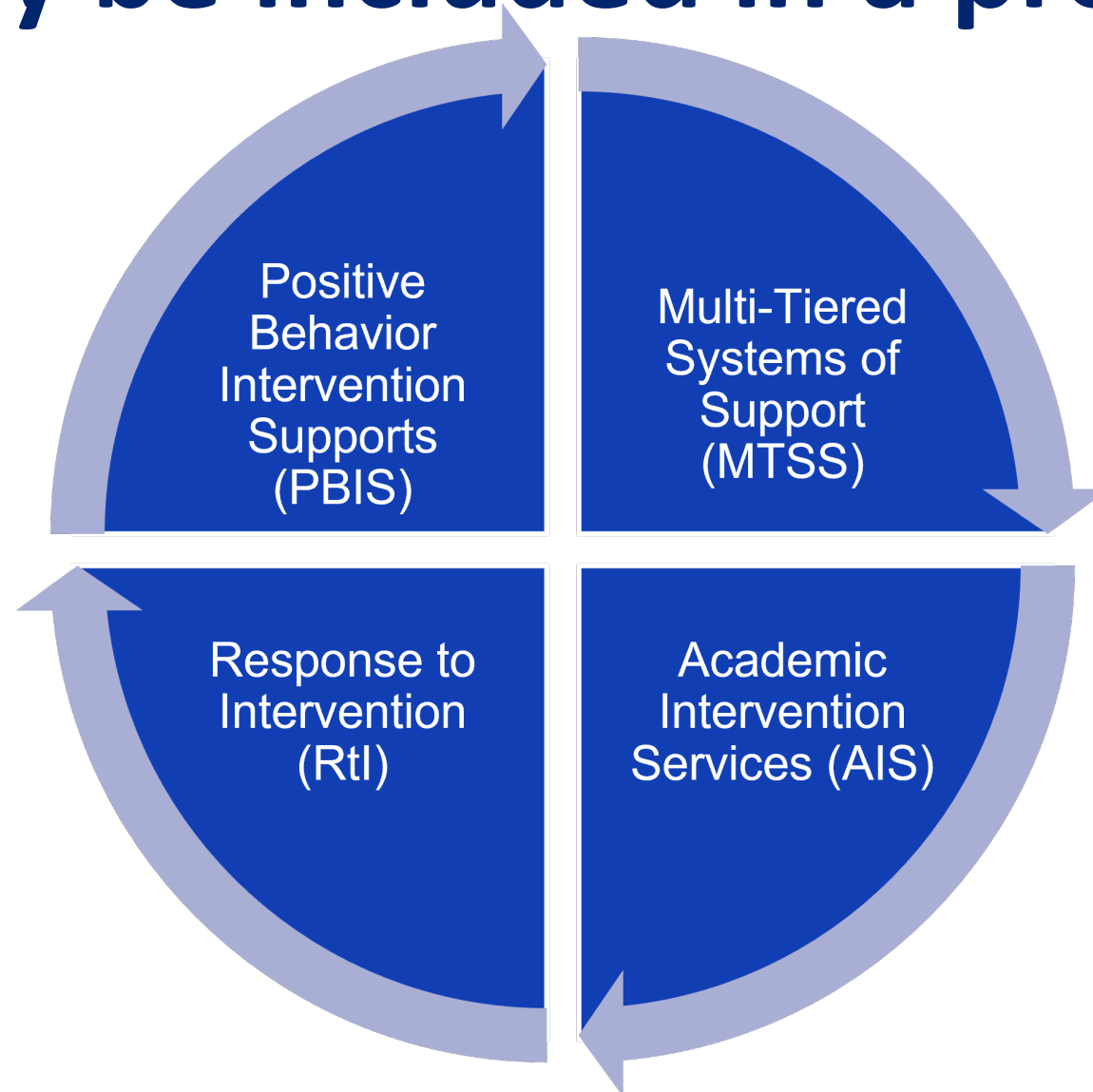
The interventions are intended to close the learning gaps of the students.

The students are progress monitored while receiving the interventions to measure their learning.

Interventions are adjusted based on the progress monitoring data.

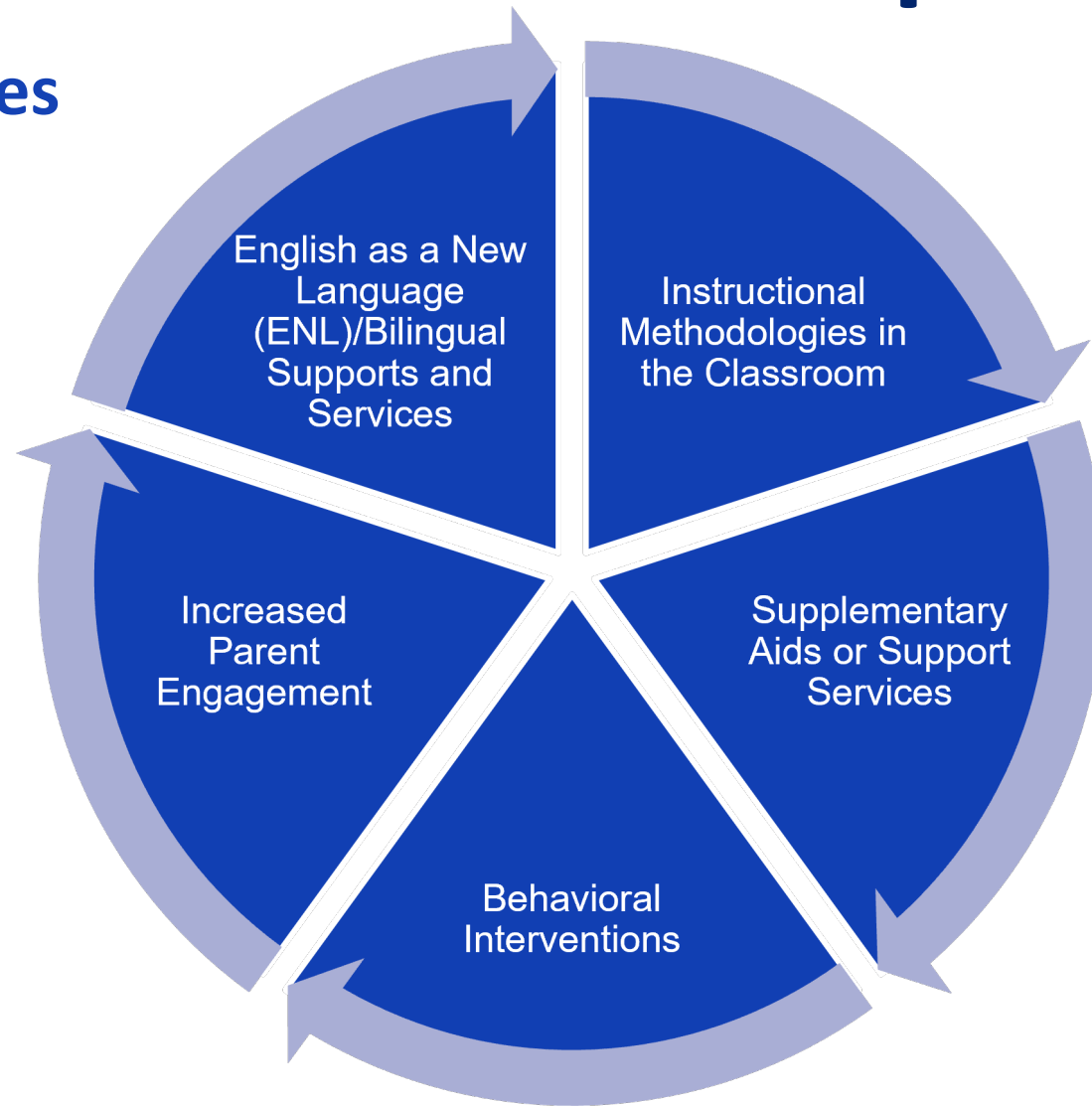
# What may be included in a prereferral?

## Programs



# What may be included in a prereferral?

## Intervention Services



# Equity and LRE

(2007)

“Inappropriately placing children into special education programs causes short-term and long-term harm, specifically for students of color, students from low-income backgrounds, and students of color from low-income backgrounds.”

“Once misidentified, students are likely to stay in the special education program for the remainder of their academic career.”



# Proactive

Understanding how to create levels of support in general education

# Activity 5:

## Workbook



**What do you do to provide academic and behavioral supports for:**

- All students
- Some students
- Few students



# MTSS is...

most well understood as the braiding of **RtI** and **PBIS**

a **data-driven decision-making framework** for identifying and implementing the instructional supports needed for all students to succeed.

- It increases *effectiveness* and *efficiency* of delivered instruction
- Is a process for continuous improvement
- Relies on *scientifically* based practices

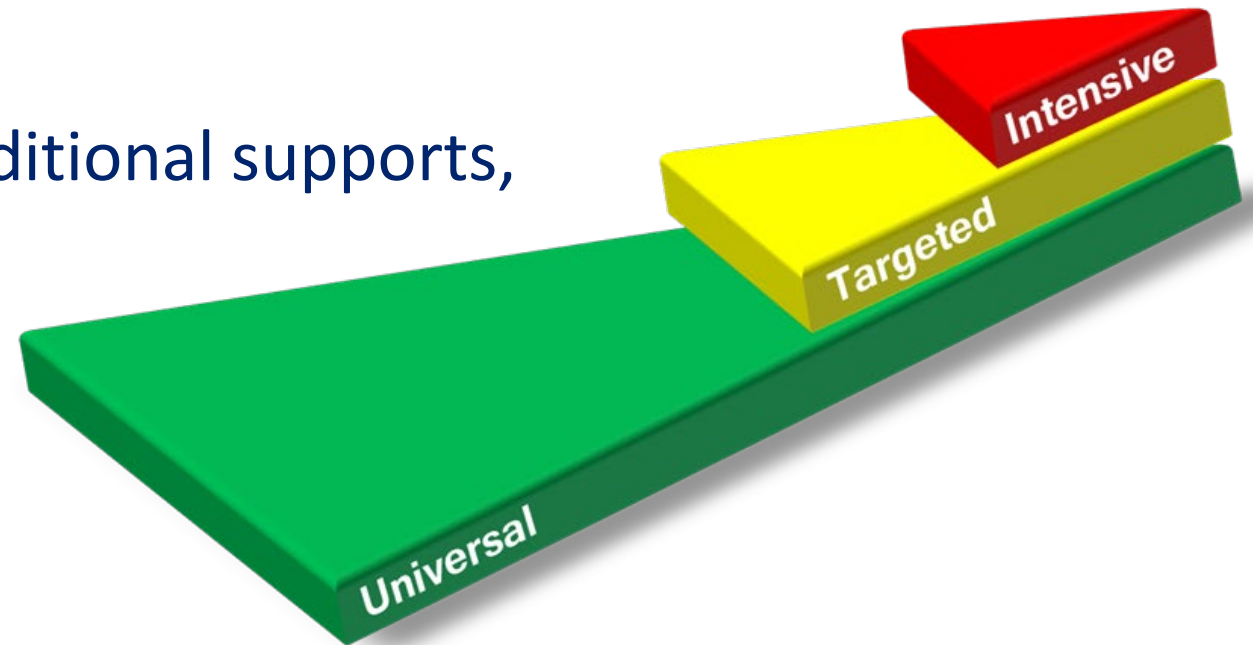
the intertwining of tiered supports across domains

# MTSS

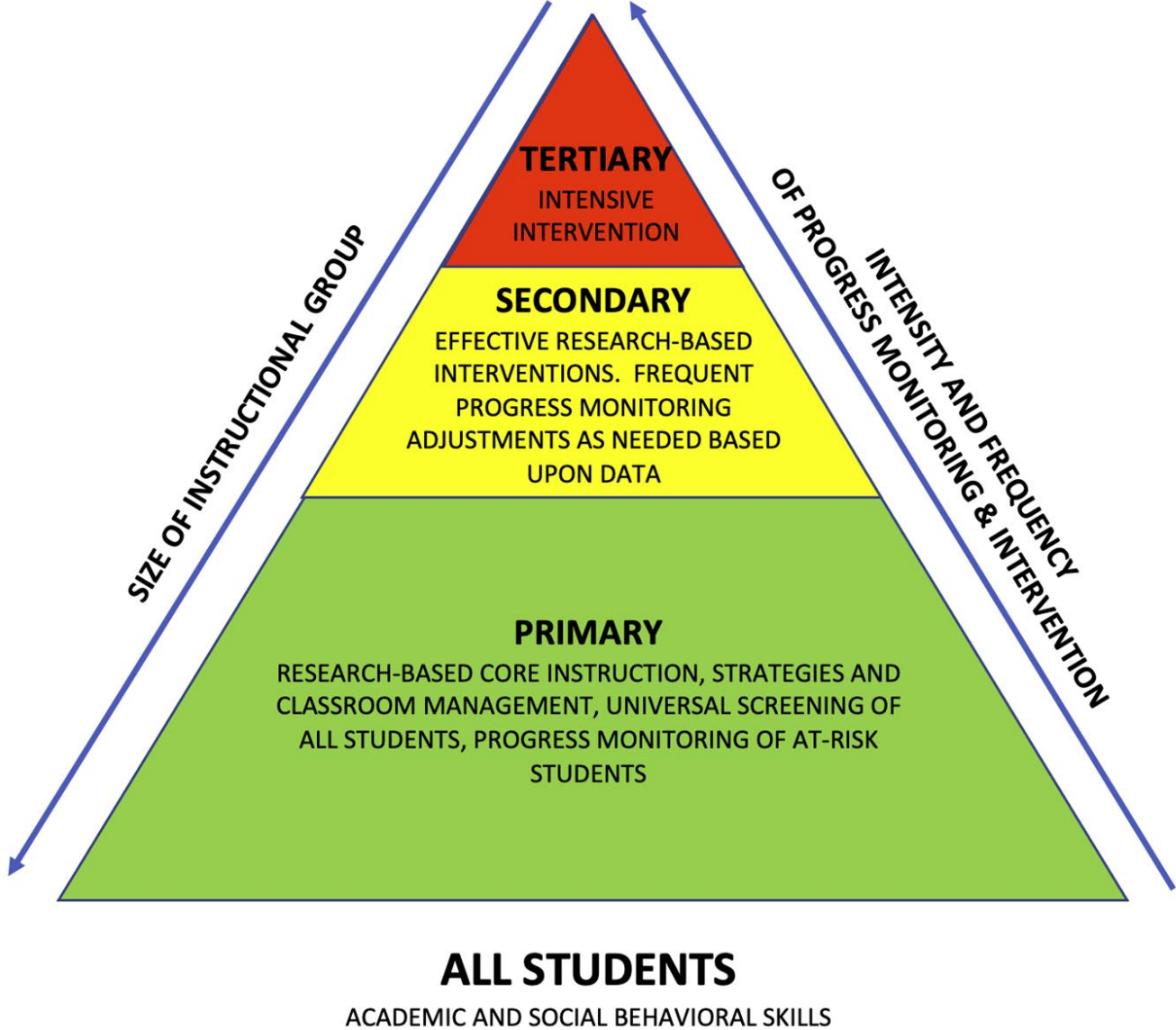
MTSS is a framework to support strong prereferral interventions.

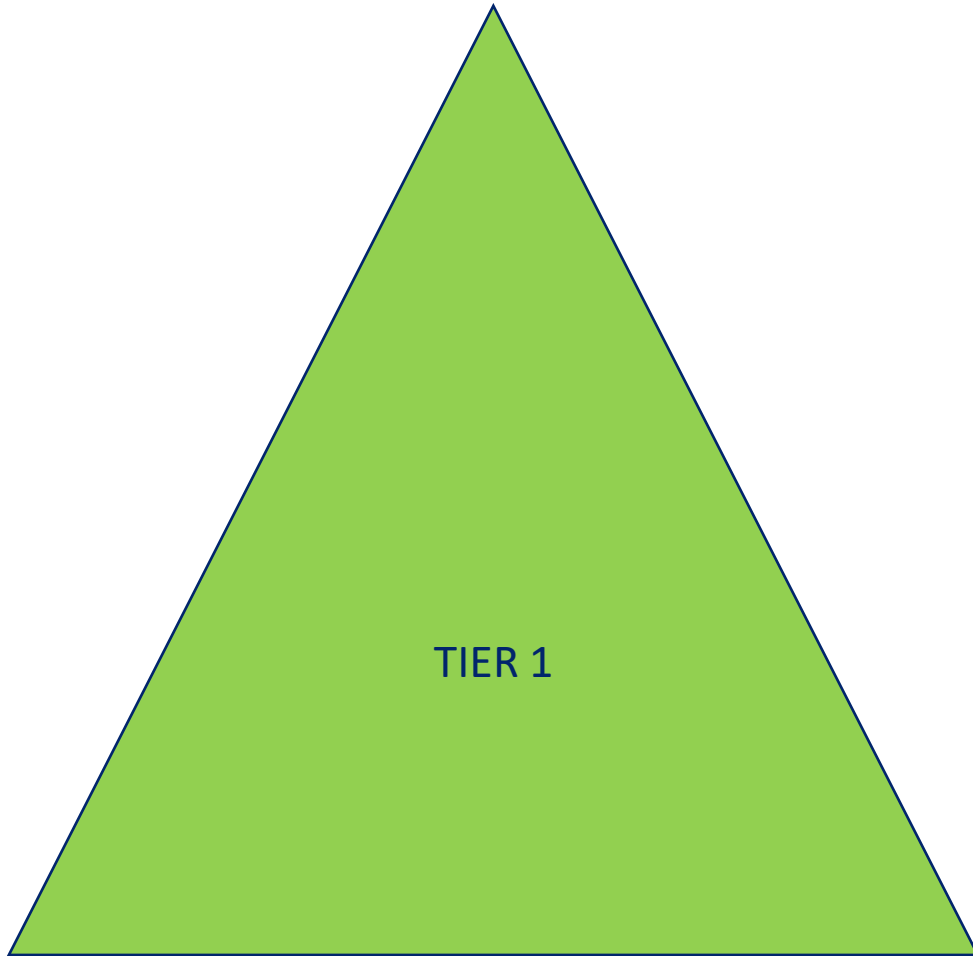
Tiers of support are provided in connected layers, not as separate programs.

At-risk learners benefit from additional supports, not replacement instruction.



# MTSS





## Tier 1

Students receive high fidelity instruction in evidence-based core curriculum.

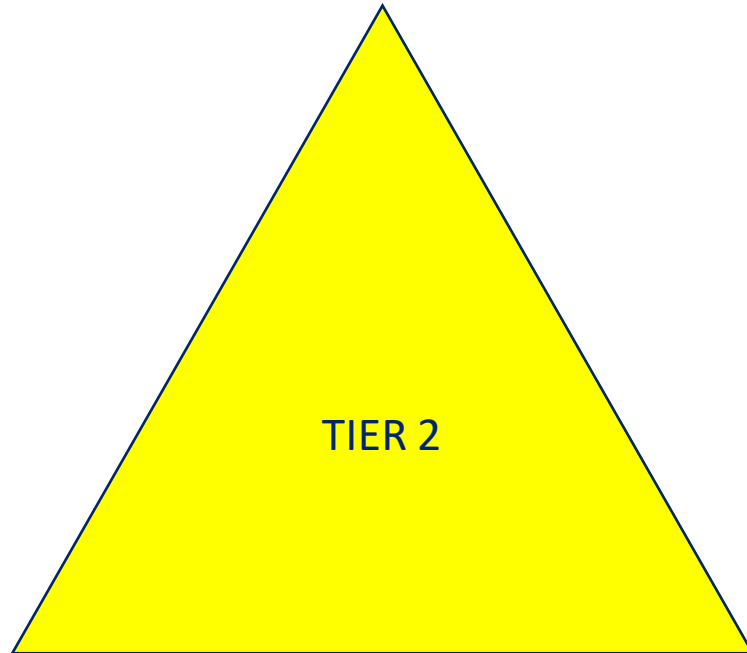
Data are collected three times per year (fall, winter, spring to assess students' progress towards "benchmarks."

Data patterns are systematically reviewed to determine:

- Whether adjustments to class-wide instruction need to be made (e.g. instructional fidelity, academic engaged time).
- Whether adjustments made to instruction are adequate.
- Which students, if any, need referral for Tier 2 intervention.

## Tier 2

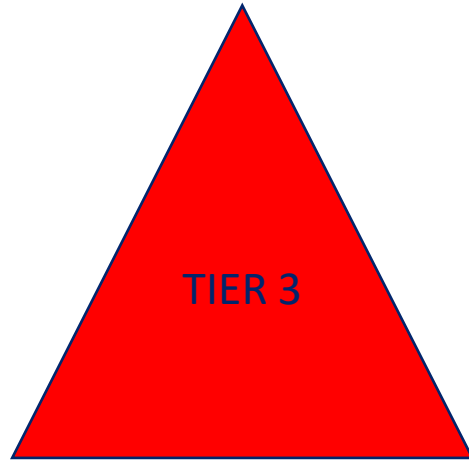
Students for whom screening and additional assessment data indicate non-responsiveness to Tier 1 instruction receive supplemental instruction, typically in small groups.



Frequently collected progress monitoring data informs decisions about whether to continue or adjust Tier 2 intervention, refer the student for Tier 3 intervention or return the student to Tier 1 instruction.

## Tier 3

Students for whom Tier 2 progress monitoring data indicate non-responsiveness to Tier 2 intervention delivered with fidelity, receive more frequent and more individualized one-to-one instruction.

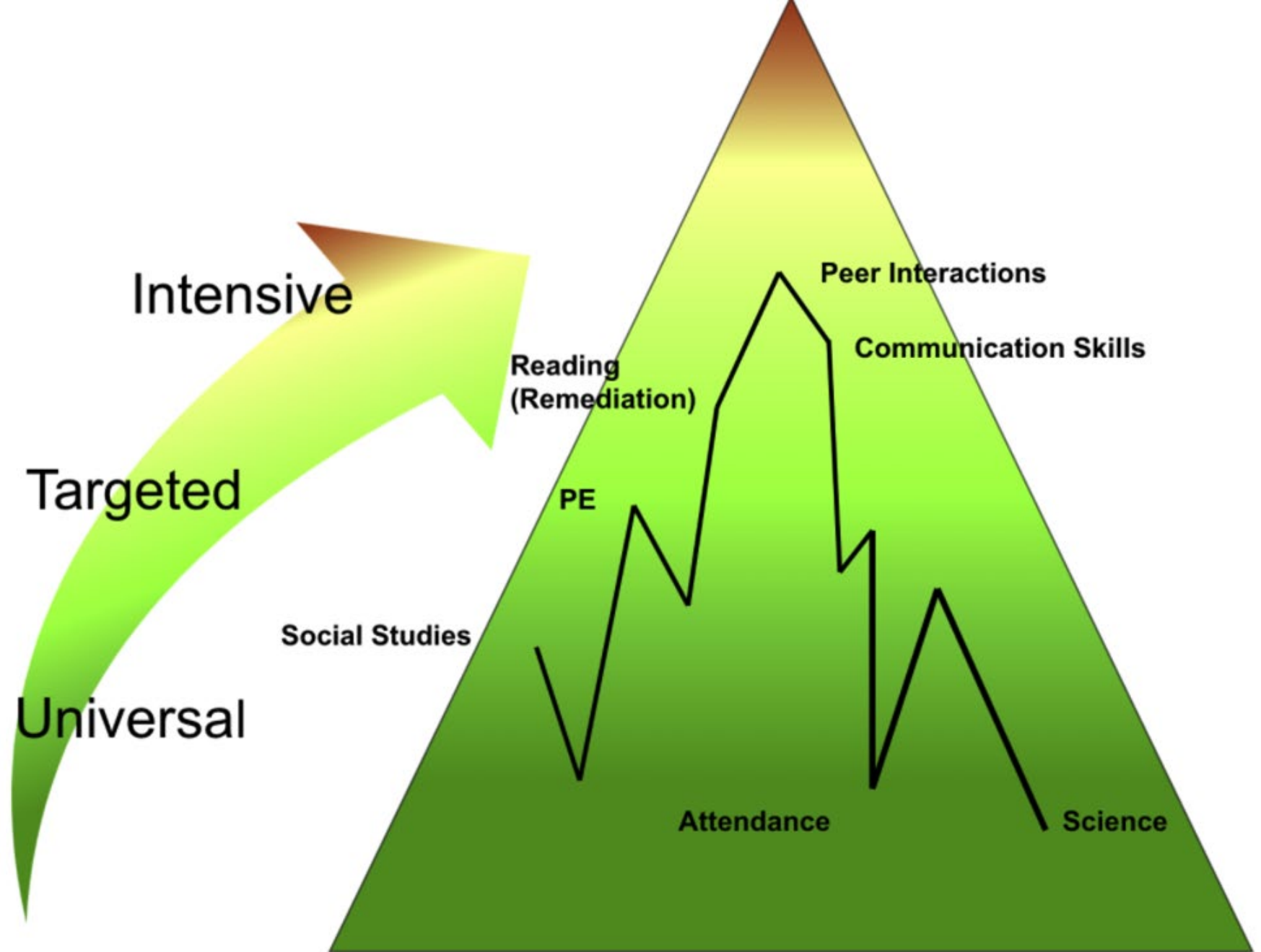


Frequently collected progress monitoring data inform decisions about whether to continue or adjust Tier 3 intervention, return the student to Tier 1 or 2 intervention, or refer to special education.



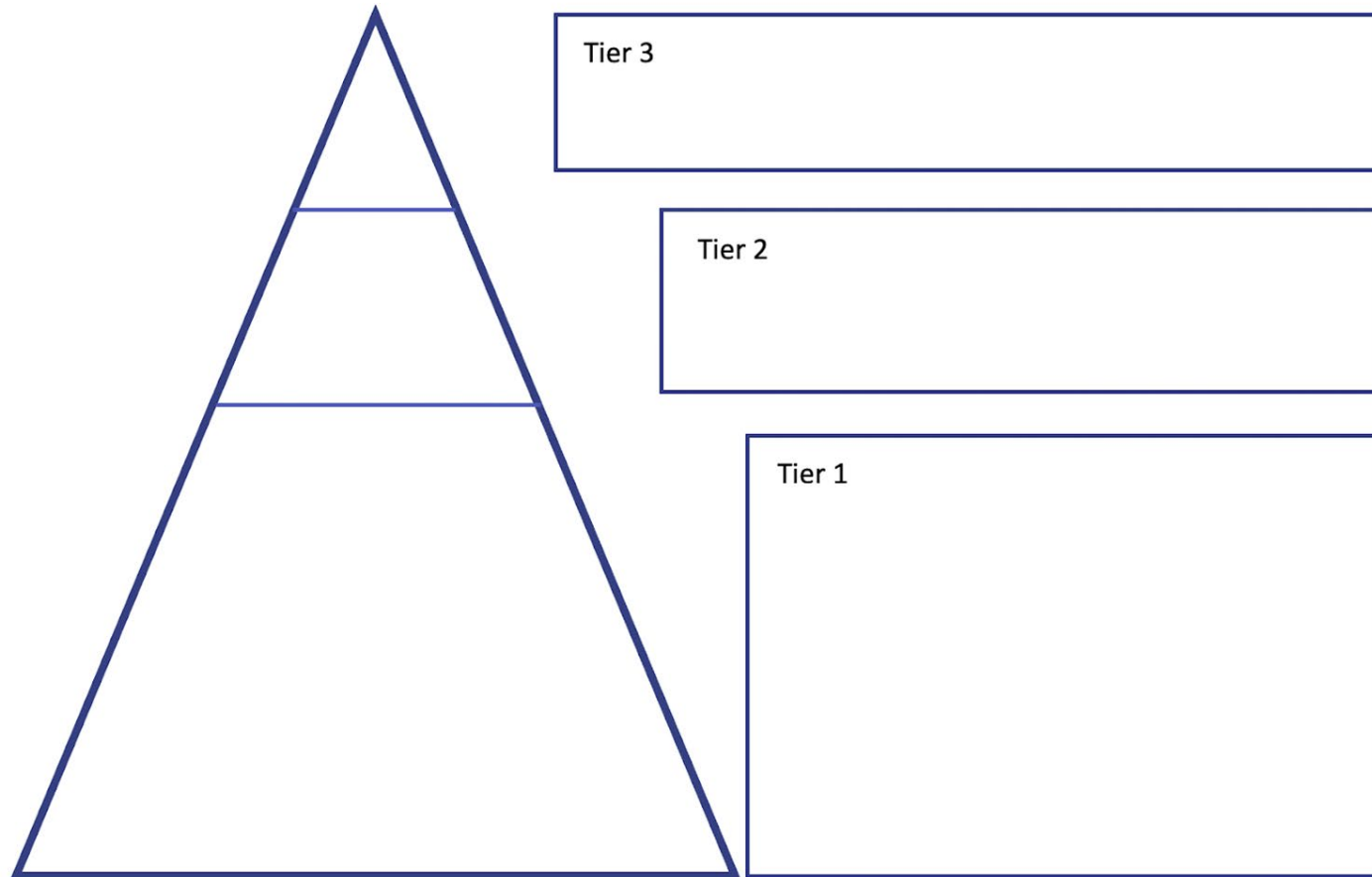
# MTSS

## Layered Continuum of Supports; An Individual Student Perspective



# Activity 6:

## Triangle Activity



# Activity 7:

## Workbook



Where does the data from the intervention go? How is it indicated on the referral form?



# The intersection of data and referrals

Understanding the process of referral.

# Referral Process

## Overview of the Sequence and LRE Considerations

- Student has received intervention(s) in general education class and progress monitoring data has been collected.
- MTSS team reviews data which indicates little to no progress over time after having Tier 2 and 3 interventions, which results in a suspicion of a disability.
- Student is referred to the CSE in writing.
- Both the chairperson and building principal need to be made aware of referral immediately and receive copies.
- The principal may meet with parent to review the referral.
- School district representative offers to meet with parent to obtain consent for evaluation.

# Referral Process

## Parent Participation - Reflection Questions

How do you encourage and facilitate the participation of the parents and the student prior to the referral process?

Are parents aware of the interventions available to their child in the school?

Are parents contacted and involved when a student is receiving intervention services?

Do you review the progress monitoring data from the interventions with the parents?

# Activity 8:

## Workbook



## Request for Referral Form Walkthrough (Overview)



# Request for Referral Form Walkthrough

## Directions

Look at the participant request for referral form (New York State sample form). Follow these steps to compare your request for referral form to the New York State sample form:

- STEP 1: For each section of the sample request for referral form, highlight elements that you do not find in your own request for referral form.
- STEP 2: For each section of the sample request for referral form, review the regulations that underlie the need for information in that section.
- STEP 3: For each section of the sample request for referral form, reflect upon the need for such information as it pertains to the referral process.



# Request for Referral Form Walkthrough

## Reflection

Do you know the history of how your request for referral form was created/written?

What questions do you have about the regulation requirements for each section?

What stands out as possible next steps for revision on the request for referral form?

# Your referral data and its implication for LRE

Understanding data trends in your EO

# Activity 9:

## Workbook

Looking at Referral and Classification Data  
(prework)

What surprised you?

What confirmed your suspicions?

How does this relate to your LRE outcomes?





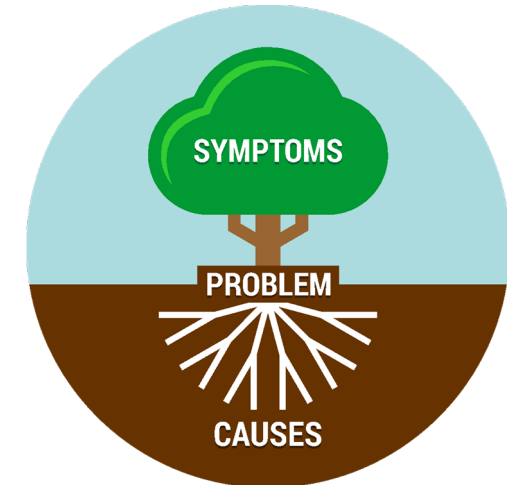
## Activity 10: Workbook

# Wrap-up activity/reflection

### Pause and Summarize

Within the prereferral and/or referral process, what practices might be contributing to more restrictive environments for students with disabilities in your district or school?

How does this compare with your original hypothesis from Module 1?



# Questions and Answers



# Contact Us

**Full Name**

Title

Name@email.com

**Full Name**

Title

Name@email.com

**Full Name**

Title

Name@email.com



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