

BARGAINING ADVISORY

Response to Intervention (RtI)

Background

Although a part of the latest reauthorization of the Individuals with Disabilities Education Act (IDEA), RtI is an integrated approach that encompasses general, compensatory and special education systems. To that end, the impact of this practice affects general educators, special educators, instructional aides and student support service personnel. RtI is not a mandated program; the District is under no state or federal requirement to implement RtI.

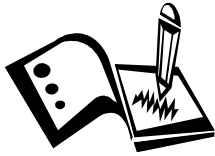
If the District is planning to implement RtI-based instruction, then the Union should immediately send to the District a demand to bargain the impact on wages, hours and conditions of employment. A sample *Demand to Bargain* is attached to this advisory. The demand should include, but not be limited to, the following areas: compensation, hours, workload, class size/caseload, transfer, reassignment, evaluation, professional development and curriculum.

Although out of scope of bargaining, curriculum is a critical factor in the success of this program. If the District is unwilling to negotiate language that includes curriculum, then the Union should immediately send a demand to consult on this issue. The section on "Meet and Confer Inquiry" will guide you in this process.

The Union might also consider negotiating a pilot program at one or two schools that volunteer to implement an RtI model. If this is negotiated, items to include in the agreement are: selection process for the site(s), priority transfer status for members who do not wish to participate, evaluation date and procedure of the program's level of success and a date by which the program sunsets unless renegotiated.

Compensation

Additional time will be required of the bargaining unit members to perform many of the requirements of this law. These include universal screening of students, ongoing monitoring of students, collaboration time for planning, designing and implementing individualized interventions and providing supplemental instruction. Teachers should be compensated at their per diem hourly rate for time spent beyond the workday to accomplish the tasks delineated above. There should be compensation at the per diem rate for any required trainings (such as for the new curriculum). If committees do not meet during the regular workday, then



BARGAINING ADVISORY

compensation for this time is appropriate. Because RtI requires a collaborative approach, this will impact preparation time and should be taken into consideration when negotiating the language for additional compensation. Fifteen per cent of the federal funding under IDEA may be used for RtI. There is also state and other federal funding that can be used for professional development for our unit members.

Hours

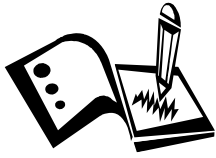
Participation on any committees should be voluntary. The Union should appoint members to District-wide committees. Site committee volunteers shall be elected by the bargaining unit members at that site. Release time should be granted for all committee members to attend meetings during the workday at no loss of pay. If the meetings are held outside of the workday, compensation should be given as stated above.

The Union should negotiate preparation/planning time or additional preparation time (if prep time is already in place) for the unit members. One consideration would be to schedule the same preparation time for all unit members who are collaborating. There must be specific language that requires this time be used by the unit members and cannot be used for meetings called by any other individuals.

One strategy to procure preparation time is to negotiate a longer year in exchange for educator planning time and per diem compensation. This would maintain the current student contact time and provide collaboration and planning time for educators. If the District implements after-school tutorials or other activities, a selection process and compensation scale should be negotiated.

Workload

A cap on the number of hours required beyond the regular workday or workweek should be established. If no cap is in place, then the amount of hours required by administrators may be excessive. Even if members are being compensated for their additional time, there should be a cap placed on additional hours. If a member would like to go beyond that cap, the Union may decide to put a waiver process in place. The waiver shall be voluntary on the part of the unit member and must be approved by the Union before it can be implemented. There should be no increase in workload for any unit member.



BARGAINING ADVISORY

Class size/Caseload

Class size and caseload for general and special educators should be monitored carefully by the Union. Current state law for RSP teachers specifies a maximum caseload of 28. This caseload cap should be protected. If RSP teachers are assigned Tier I or Tier II students, they should be considered part of their caseloads. Additional compensation for additional students beyond 28 shall only be considered when agreed to voluntarily by the unit member.

If your contract does not contain class size maximums for Special Day Classes, these numbers should be negotiated. SDC teachers who work with Tier II students shall have these students considered part of their maximum class size. CTA recommended class sizes and caseloads are available in the CTA Policy Handbook.

Transfer and Reassignment

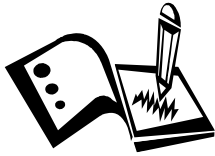
The inclusion of students in general education that might otherwise have been in special education will have an impact on the number of special day classes and resource specialist programs. The Union must ensure strong language in the area of transfer and reassignment. Issues such as number of sites served and teaching in intermediate or secondary classes from a primary assignment will need special consideration. The issue of special education teachers being reassigned into regular education classes or learning centers or facing Reduction in Force (RIF) hearings are also possible scenarios if the District successfully maintains students in general education programs.

Evaluation

Contract language specifically disallowing the progress and/or achievement of students in RtI programs from being used in teacher evaluations is critical. The number of students needing Tier 3 Instruction should have no impact on a teacher's evaluation.

Professional Development

Language that guarantees members sitting on committees to make professional development decisions will be important in this process. Any committee making these decisions should have a majority of teachers, elected by their peers or selected by the Union, sitting on the committee. If the committee meets outside of the workday, compensation should be provided.

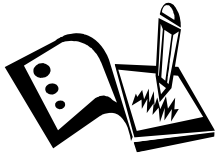


BARGAINING ADVISORY

Curriculum

Since the curriculum to be used must be research-based and should be appropriate for the population at the site, a committee to meet during the workday to research and evaluate the various programs is warranted. A cross section of general and special educators should sit on this committee. Committee members should be elected by their peers or selected by the Union. If the committee meets outside of the workday, compensation should be provided.

Collective Bargaining Language is available in the *CTA K-12 and ESP Contract Reference Manuals* and the *ESEA Bargaining Guide*. These references are accessible to staff, presidents and bargaining chairs on CTA Search, www.cta-search.org. As always, contact your primary contact staff (PCS) for support in planning for and organizing around negotiations.



BARGAINING ADVISORY

Sample Demand to Bargain

Date:

To: _____, Superintendent, _____ School District

Fr: _____, President, _____/CTA/NEA

Re: Demand to Bargain the Impact of Response to Intervention (RtI)

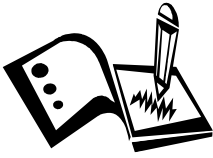
Within the language of the reauthorization of the Individuals with Disabilities Education Act (IDEA) was the addition of Response to Intervention (RtI.) When implemented, RtI has the potential to make significant impacts on wages, hours and terms and conditions of employment.

_____ School District has indicated a desire to implement RtI immediately at the elementary level and eventually into all levels of the school district. As guaranteed by EERA 3543.2, _____/CTA/NEA demands to bargain the impact of the implementation of RtI on the collective bargaining agreement's provisions including, but not limited to:

- Compensation
- Hours
- Workload
- Class Size/Caseload
- Transfer and Reassignment
- Evaluation
- Professional Development
- Curriculum

The Union is including Curriculum in our *Demand to Bargain*. The District's curricular choices have an immediate impact on the working conditions of our bargaining unit members.

We are ready to set dates to begin this important round of negotiations. We look forward to working with the District on this issue.



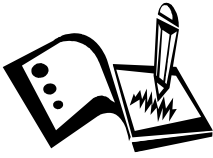
RtI Inquiry Questions

RtI Inquiry Questions that could/should lead to a *Demand to Bargain*

(Adaptation of an article "Guiding Questions" from the National Research Center for Learning Disabilities)

This document is designed to be a tool for an initial inquiry of management regarding intent to initiate a Response to Intervention program. If issues that affect the contract or the unit rise as a result of this inquiry, a *Demand to Bargain* should be made as soon as possible. Do not wait for the program to be implemented. If possible, all issues should be bargained into an agreement. If the employer will not bargain issues that fall outside of the scope of bargaining, then a *Demand to Bargain* for those in scope should be made and a demand to "meet and confer" should be made on the issues outside scope. In either event, a refusal by the employer to negotiate or to "meet and confer" should trigger an unfair practice charge. Primary Contact staff should be in the loop from the initial inquiry.

1. Will there be a standard protocol for instruction across all curriculum areas and grade levels for Tiers I and II in the model and a problem-solving model for Tier III?
 - a. Will there be a problem-solving model across all Tiers?
 - b. Will there be a standard treatment protocol across all Tiers?
2. Who will prepare all general education teachers to deliver instruction using this scientifically-based approach?
 - a. Will this happen in university teacher preparation programs?
 - b. Will school districts provide extensive in-service education to all current teachers?
3. Where will the multiple exemplars of this type of instruction from Tier I to Tier II to Tier III happen in kindergarten through grade twelve across all curriculum areas? For example: what will Tier I, Tier II, and Tier III instruction look like for seventh grade science, ninth grade algebra, eleventh grade English, fifth grade social studies, etc.
4. What added instructional responsibilities will teachers have?
5. What will happen when you run out of research-based interventions?
6. What will you do if a student shifts to a different school site?
7. If a pull-out program approach is used, how many students will be assigned to any one teacher?
8. If a collaborative approach is used, how many students will be assigned to each teacher?



RtI Inquiry Questions

9. If a Learning Center approach is used, how many teachers will be in a team and with how many students?
10. Who is responsible for teacher evaluation?
11. Will the general educator provide Tier I, Tier II, and Tier III instruction simultaneously within a single classroom?
12. How will the success of the program be measured?
13. What curriculum materials and instructional methods will be used at each of the three tiers? Remember: that they must have scientific evidence supporting their efficacy.
14. What will happen to students as they transition?
 - a. How will transition be handled?
 - b. Who will handle the transition?
15. Who monitors whether general educators teach this way?
16. What age groups of students will participate in this program?
17. What "tests" will teachers use to determine whether or not a student remains in a tier?
18. How will the "non-responsiveness" to intervention determination be made?
 - a. For example, will all teachers use a standard cut-off score on classroom tests?
 - b. How long will students remain in a tier?
19. At what point will specific students with special education needs be addressed? How and when will students be referred to special education?
20. Who will keep records and what system will be used?
21. Who will have ultimate decision-making power to move students up and down the tier system?
22. What exactly will be the special educator's responsibilities at each tier?
23. What exactly will be the counselors, diagnosticians and school psychologist's responsibilities at each tier?
24. When and how will parents be involved?
25. What will teachers do about the child that learns but requires a very slow pace of instruction with additional practice activities and multiple exemplars before moving to the next new concept?
26. What will be the role of SST in the process?
27. How will professional development be provided?
28. What will be the articulation plan?



RtI General Summary

Purpose

In a nutshell, Response to Intervention (RtI) is the practice of providing high quality integrated educational program (general, remedial and Special education) which utilizes a systematic data-based problem solving approach that addresses the academic and behavioral needs of all students. RtI involves a multi-tier, integrated school improvement model which is research based, and standards driven. It involves regular measurement of student achievement and student behavior and addresses both prevention and intervention.

Background

The 2004 Reauthorization of the Individuals with Disabilities Education Act (IDEA '04) stipulates that fifteen percent [15%] of federal special education funds may be used with non-identified general education students. The funds are to be used to develop and implement coordinated, early intervening services for students who need additional academic and behavioral support to succeed in a general education environment. IDEA '04 also provides for responsiveness to scientifically-based interventions to be used as part of a process to determine eligibility for specific learning disabilities. Response to Intervention (RtI) is a service delivery process that is receiving significant attention nationally and in California. A number of school districts in the state are already experimenting with various RtI models. RtI is a voluntary program; a district is not required to participate.

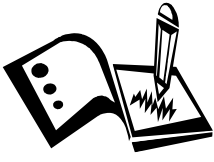
Theory

RtI has gained momentum as a means of increasing achievement for all students while also reducing the number of children that are identified for special education. Research on RtI supports that, if used as intended, RtI can greatly reduce the number of children identified with a specific learning disability.

RtI is both a function of general education and special education. There are numerous variations on RtI and there is no one formula that guarantees success. There are, however, identified components that effective models have in common.

The National Association of State Directors of Special Education (NASDSE) defines RtI as:

"The practice of providing high-quality instruction and intervention matched to student need, monitoring progress frequently to make decisions about



RtI General Summary

change in instruction or goals and, applying child response data to important educational decisions."

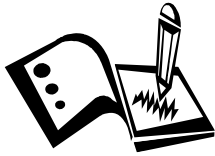
The NASDSE has also identified core principles essential to RtI:

1. We can effectively teach all children.
2. Intervene early.
3. Use a multi-tier model of service delivery.
4. Use a problem-solving method to make decisions within a multi-tier model.
5. Use research-based, scientifically validated Interventions/Instruction to the extent available.
6. Monitor student progress to inform instruction.
7. Use data to make decisions. Data-based decision regarding student response to intervention is central to RtI practice.
8. Use assessment for three different purposes: screening, diagnosis, and progress monitoring.

The multi-tier model of service delivery is applied to both academic and behavioral outcomes. At the lowest tier, provides universal intervention which is least intensive, is proactive and reaches the broadest spectrum of students. These interventions are part of the general education program. As soon as a student is seen struggling they will receive research based instruction in the general education setting. When it is determined that adequate progress is not being made at this tier the student is moved to the next tier.

The second tier provides targeted group intervention. This tier provides more intensive intervention within a targeted group, with frequent assessment which allows the educators to respond rapidly to a student's needs. If this level is not successful, then the student moves to the final tier where they are provided individual intensive intervention.

The RtI multi-tier system delays special education identification and provides early intervention. Many believe that special education identification which is based on a discrepancy between the student's IQ and performance delays intervention. RtI provides immediate intervention. It is targeted and responsive to student needs.



RtI General Summary

RtI utilizes scientifically validated curriculum and teaching methodology. It regularly monitors student progress. Multiple interventions are required at each tier prior to a student's movement to a more intensive tier. To determine instructional change based on student progress and needs, RtI provides a decision making framework which utilizes formative student assessment data.

For RtI to work properly, collaboration and coordination of the education professionals is required. The work of these individuals is to identify student instructional needs and then provide the appropriate instruction and resources to achieve student progress. If this systematic, research-based instruction is not successful then the student should go through the process to determine if they should be a candidate for special education.

The research on RtI is very convincing. If implemented properly, RtI can reduce the number of students identified for a learning disability by over 50%.

The California Department of Education (CDE) has not endorsed any one particular model of RtI. The CDE did sponsor a number of web casts on RtI last spring. The web casts were designed to provide information and guidance on RtI. Information regarding the web casts can be accessed through the link below:

<http://www4.scoe.net/rti/>