

**OFFICE OF CHIEF ACADEMIC OFFICER**  
**Summary of State Board of Education Agenda Items**  
**Consent Agenda**  
**August 18, 2016**

**OFFICE OF ELEMENTARY EDUCATION AND READING**

- D. Revise State Board Policy Part 3, Chapter 41, Rule 41.1 – Intervention  
(Has cleared the Administrative Procedures Act process with public comments)

**Executive Summary**

State Board Policy Part 3, Chapter 41, Rule 41.1 outlines the 3-tier instructional model that schools must use to meet the behavioral and academic needs of all students through quality classroom instruction and opportunities for intervention. This policy is being revised to ensure intervention records are transferred when students move from school to school or district to district.

Public comments focused on the inclusion of certain documentation in student records. As a result of the comments and in the interest of a more streamlined process, minor edits to the policy were made. The final policy requires that only Tier 3 documentation be included in cumulative folders.

Recommendation: Approval

Back-up material attached

Part 3 Chapter 41: Intervention  
Rule 41.1 Intervention

1. The purpose of this policy is to ensure that the behavioral and academic needs of every student are met through an instructional model that is designed to address student learning with quality classroom instruction and opportunities for intervention. The Mississippi Department Education (MDE) shall require every school district to follow the instructional model, which consists of three (3) tiers of instruction:
  - a. Tier 1: Quality classroom instruction based on Mississippi Curriculum Frameworks
  - b. Tier 2: Focused supplemental instruction
  - c. Tier 3: Intensive interventions specifically designed to meet the individual needs of students
2. If strategies at Tier 1 and Tier 2 are unsuccessful, students must be referred to the Teacher Support Team (TST). The TST is the problem-solving unit responsible for interventions developed at Tier 3. Each school must have a Teacher Support Team (TST) implemented in accordance with the process developed by the MDE. The chairperson of the TST shall be the school principal as the school's instructional leader or the principal's designee. The designee may not be an individual whose primary responsibility is special education. Interventions will be:
  - a. designed to address the deficit areas;
  - b. evidence based;
  - c. implemented as designed by the TST;
  - d. supported by data regarding the effectiveness of interventions.
3. Teachers should use progress monitoring information to:
  - a. determine if students are making adequate progress,
  - b. identify students as soon as they begin to fall behind, and
  - c. modify instruction early enough to ensure each student gains essential skills.

Monitoring of student progress is an ongoing process that may be measured through informal classroom assessment, benchmark assessment instruments and large-scale assessments.

4. After a referral is made, the TST must develop and begin implementation of an intervention(s) within two weeks. No later than eight weeks after implementation of the intervention(s) the TST must conduct a documented review of the interventions to

determine success of the intervention(s). No later than 16 weeks after implementation of the intervention(s), a second review must be conducted to determine whether the intervention(s) is successful. If the intervention(s) is determined to be unsuccessful, then the student will be referred for a comprehensive assessment.

5. In accordance with the Literacy-Based Promotion Act of 2013, each public school student who exhibits a substantial deficiency in reading at any time, as demonstrated through:
  - a. performance on a reading screener approved or developed by the MDE, or
  - b. locally determined assessments and teacher observations conducted in Kindergarten and Grades 1 through 3, or
  - c. statewide end-of-year assessments or approved alternate yearly assessments in Grade 3, must be given intensive reading instruction and intervention immediately following the identification of the reading deficiency. A student who was promoted from Grade 3 to Grade 4 under a good cause exemption of the Literacy-Based Promotion Act must be given intensive reading instruction and intervention. The intensive intervention must include effective instructional strategies and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade.
6. A dyslexia screener must be administered to all students during the spring of their kindergarten year and the fall of their first grade year. The screening must include the following components:
  - a. Phonological awareness and phonemic awareness;
  - b. Sound symbol recognition;
  - c. Alphabet knowledge;
  - d. Decoding skills;
  - e. Encoding skills; and
  - f. Rapid naming (quickly naming objects, pictures, colors, or symbols (letters or digits) aloud.
7. All students in Kindergarten and grades 1 through 3 shall be administered a state-approved screener within the first 30 days of school and repeated at mid-year and at the end of the school year to identify any deficiencies in reading. In addition to failure to make adequate progress following Tier 1 and Tier 2, students will be referred to the TST for interventions as specified in Response to Intervention guidelines developed by MDE if any of the following events occur:

- a. Grades K-3: A student has failed one (1) grade;
  - b. Grades 4-12: A student has failed two (2) grades;
  - c. A student failed either of the preceding two grades and has been suspended or expelled for more than twenty (20) days in the current school year; OR
  - d. A student scores at the lowest level on any part of the Grade 3 or Grade 7 statewide accountability assessment.
  - e. A student is promoted from Grade 3 to Grade 4 under a good cause exemption of the Literacy-Based Promotion Act.
8. Referrals to the TST must be made within the first twenty (20) school days of a school year if the student meets any of the criteria a-e stated above in Paragraph 7.
  9. School districts must complete, at a minimum, documentation as required for all students in Tier 2 or Tier 3. All Tier 3 documentation must accompany the student's cumulative folder upon promotion or transfer to a new school.

Source: Miss. Code Ann. § 37-177-1, et seq., (Act) (Adopted 8/2016)

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## APA Comments on Rule 41.1

### Comment from Landon Pollard; Marshall County School District – June 22, 2016

"I do not think the state school board has thought about the logistics of requiring all documentation of interventions to travel in students' cumulative folders. In a large school with more than 1,000 students, you could easily have 200 students in Tier II or Tier III interventions. I'm attaching pictures of what just ONE of my student's intervention folder looks like. To ask schools to send 'all Tier II and Tier III documentation' from school to school or to mail from state to state seems unnecessarily cumbersome. To me, it would be much easier and still effective to require schools to notify the receiving school of the following: 1) Was the student in Tier II or Tier III? 2) When was the start date for the student? 3) What interventions were being provided and how often? 4) What were the latest results of the Progress Monitoring. These questions could easily be answered on a single sheet of paper."

**MDE Response:** The policy is being adjusted to require only Tier 3 documentation follow students when they transfer. Given that the Literacy-Based Promotion Act requires evidence of intensive intervention for students to be considered for certain Good Cause Exemptions, documentation needs to follow students when they transfer. A single page summary does not provide the receiving district with necessary information to document or adjust interventions for students.

### Comment from Raymond Morgigno; Pearl Public School District – June 23, 2016

In regards to the intervention proposal, I strongly believe that including all of the Tier 2 information in the child's cumulative record is going to be way too much. First, the number of students that enter Tier 2 is extremely high, is very fluid, and the documentation is too varied. This is just like differentiated instruction. If we ask our teachers to put documentation in a folder every time that they differentiate for a child, they will spend an astronomical amount of time on paper work. A student's entry into Tier 3 is understandable, but many times over half of a schools population is in Tier 2 and I believe this proposal will have unintended consequences. We have students that move in and out of Tier 2 many times. I just don't want us to be forced to put unnecessary requirements on our teachers. If I am misinterpreting the proposals, I apologize and you can disregard my comments.

**MDE Response:** In order to balance the need for documentation of intensive interventions with the burden on school districts to compile this information, the policy is being updated to require only Tier 3 documentation be included in cumulative folders which follow students.