



New Jersey  
Special Education  

---

ANNUAL SUMMIT

## Utilizing NJTSS (MTSS)

Planning & Delivery of I&RS  
Ease Teacher Workloads &  
Improve Student Outcomes

Nov. 2, 2017

Mollye Kiss, M.S.



# Presenter

## Mollye Kiss

National Multi-Tiered System of Supports (MTSS) Subject Matter Expert  
Former Special Education Administrator



# New Jersey's Tiered System of Supports (NJTSS) Including I&RS

What is it, and why is it relevant to  
disproportionality and over identification?



New Jersey  
Special Education  
ANNUAL SUMMIT

# What is NJTSS?

- An intervention **framework** designed to support the needs of **ALL** students, for the purpose of improving achievement and other student outcomes
- Includes **academic** and **behavioral** supports and interventions



# Core components of NJTSS:

- ✓ High-quality learning environments, curricula, and instructional practices
- ✓ Universal screening (literacy, math, behavior, social-emotional learning)
- ✓ Data-based decision making
- ✓ Collaborative problem-solving team
- ✓ Progress monitoring (monitor students' responses to interventions)
- ✓ Staff professional development
- ✓ Positive School Culture and Climate
- ✓ District and School Leadership
- ✓ Family and Community Engagement



# Why Implement NJTSS? (inclusive of I&RS)

- Systematic, consistent approach to prevention, intervention and enrichment
- Continuum of supports readily available for students to access, based on student learning of grade level knowledge and skills
- Enhances the capacity of the classroom teacher to address learner variability
- Supports PLCs as mechanism for problem solving and professional development
- Improves post-school outcomes
- Aligns to NJ's SPP Goals:
  - ✓ Increase placement of students with disabilities in the least restrictive environment
  - ✓ **Reduce disproportionality**
  - ✓ Reduce suspensions
  - ✓ Improve Positive post-school outcomes

# N.J.A.C. 6A:16-8, Intervention and Referral Services

- LEAs must provide **coordinated services** to address the full range of student learning and behavior problems in the **general education** program
- **I&RS activities** should be focused on concerns with students, and the **end result** of I&RS activities should be **student improvement**





# The Individuals with Disabilities Education Act (IDEA 2004)

- Districts must provide Coordinated Early Intervening Services (CEIS) for **non-disabled students** at risk of not meeting grade level standards in grades K-12
- In case of significant **Disproportionality** – districts are **required to use 15% of IDEA funds** to provide comprehensive coordinated early intervening services





# ESSA Requirements

- Districts must ensure all students have **equitable access** to high-quality educational resources and opportunities, to **close educational achievement gaps**
- Districts must **identify and address academic gaps** among different subgroups

ESSA §1114  
ESSA §1115



# The Most Important Why

- **New Jersey Tiered System of Supports (NJTSS)** is a **proactive strategy** for supporting the learning needs of **all** students.



# Key Elements of NJTSS:

Culturally  
Appropriate  
Assessment and  
Instruction

Home and  
School  
Collaboration

Cultural  
Sensitivity

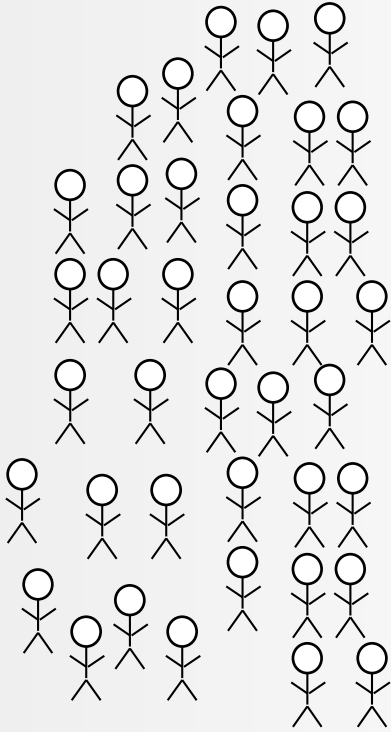
High Quality  
Instruction

Effective Supports &  
Services

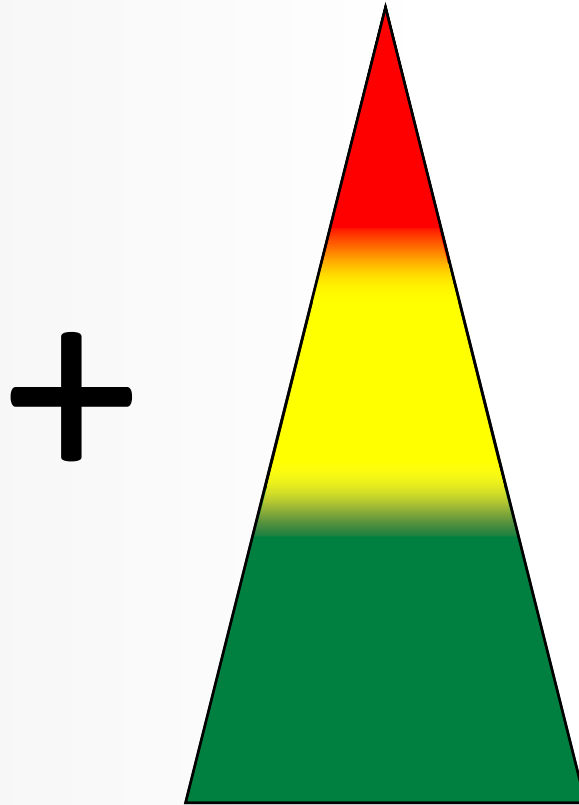
Supporting  
Teachers

Problem-Solving Process

**These  
Students**

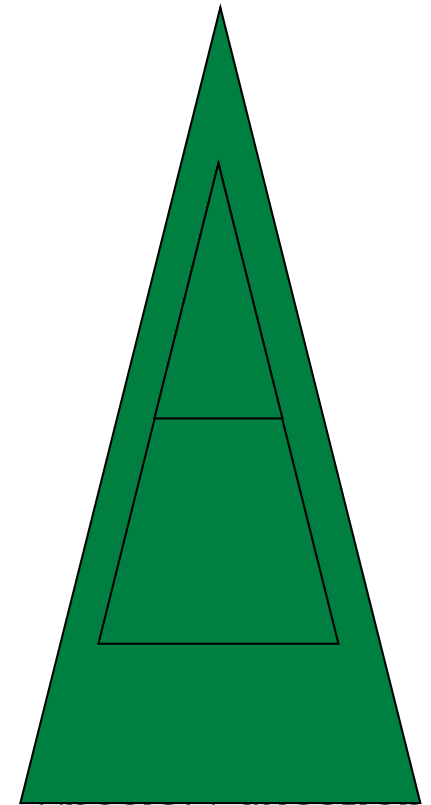


**Are provided these  
Tiers of Supports**



**In order to meet grade  
level standards & realize  
Academic Success**

**=**



Special Education  

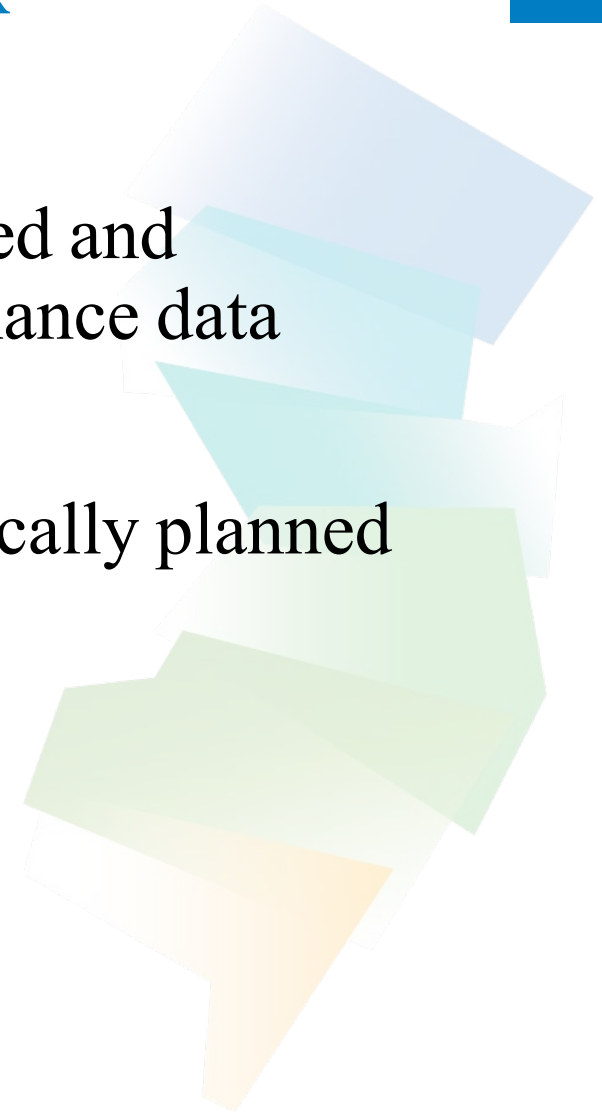
---

ANNUAL SUMMIT

**The goal of the tiers is student success, not labeling.**

# NJTSS (MTSS) Framework

- Instruction/interventions are modified and intensified based on student performance data
- Instruction is integrated and systemically planned across the tiers



# Problem-Solving Intervention Teams

Should be:

- Able and willing to consider the implications of race, class, and culture constructs
  - Willing to abandon deficit models that emphasize students and/or families as the sole, inherent source of low student achievement outcomes
- The question is no longer “What is wrong with the student?”, but rather “What changes can we make to our instruction, curriculum, or learning environment, so the struggling student can be more successful?”

# Funding for Intervention Services

- Re-authorization of IDEA mandated school districts provide coordinated early intervention services (**CEIS**) in the general education setting prior to an evaluation for determining eligibility for special education.
- Coordinated Early Intervening Services (**CEIS**) has been a positive effort towards reducing over identification of students as disabled in need of special education services, regardless of race, ethnicity, or gender.
- When a local school district has been identified as having **significant disproportionality** for a particular racial or ethnic group based on special education identification, disability category, placement, or discipline, they are **required to allocate 15% of IDEA funds to CEIS**.
- Even when not required to do so, districts **may use up to 15%** of their IDEA funds **for CEIS, as a pro-active measure**.
- **Goal: To prevent the need for special education services and inappropriately identifying children as disabled.**



# What is Disproportionality/ Disproportionate Representation?

- **Special Education Disproportionality** is when the percentage of students with a specific characteristic (e.g., race or ethnicity) enrolled in, and eligible for, special education is higher or lower than their proportion in the general population and placed in more restrictive special educational settings.
- **Disciplinary Disproportionality** encompasses the disproportionately high rates at which students from certain racial/ethnic groups are subjected to office discipline referrals, suspensions, school arrests, and expulsion (Skiba, Shure, & Williams, 2012)

# Disproportionality exists in various forms

- **Over-identification** of students as disabled, or under-identified as gifted/talented
- **Over-representation** can occur in classification, placement, and suspension
- **Under-representation** can occur in intervention services, resources, access to programs and rigorous curriculum and instruction.
- **Higher incidence rates** for certain populations in specific special education categories, such as cognitively impaired or emotionally disturbed.
- **Excessive** incidence, duration, and types of **disciplinary actions**, including suspensions and expulsions experienced by minority students

Source: New Jersey Department of Education, Office of Special Education (2015-16). Effectively Utilizing Data to Inform Decision-Making (Disproportionality), LRE Training Module.



# Disproportionality – Devastating Consequences

- Labeling a student tends to remain throughout school career
- Lower expectations can lead to diminished academic and post-secondary opportunities
  - ✓ Limited employment & less participation in post-secondary education
- Students identified as disabled have a greater risk of dropping out.
- Students in special education programs may be educated separate from their typical peers and denied access to general education curriculum.
  - ✓ Limited curriculum & lower teacher expectations
- Students identified as disabled are often stigmatized socially contributing to social emotional challenges.
- The over-identification of students from minority populations can contribute to significant racial separation, because they are more likely to be placed in segregated classes.

# What has *Not* Worked to Reduce Disproportionality

- More stringent special education (or program specific) eligibility criteria
- “Nonbiased” assessments
- Admonishments to teachers to adopt more culturally sensitive curricula and instructional practices
- Scrutiny of the characteristics of minority children in special education
- Special education disproportionality has only improved slightly since 1970. (Minority Special Education Disproportionality, 2007)

# Strategies to Reduce Disproportionate Representation

- **Prevention in early grades is essential.**
  - Students below proficiency in reading leaving 3<sup>rd</sup> grade are unlikely to read well by age 18, successfully complete challenging course work in high school, access and successfully complete postsecondary education and acquire employment that will support a family
  - Reading failure in 3<sup>rd</sup> grade present a greater risk to successful high school completion than living in poverty
  - Substantial evidence exists with regard to BOTH behavior and achievement that early identification and intervention is more effective than later identification and intervention

# Strategies to Reduce Disproportionate Representation

- Academic and Behavior problems can be identified in early grades when they are less severe and more amenable to successful intervention
  - Universal screening
  - Early intervention
  - Application of evidence-based practices in a multi-tiered system of supports that emphasizes prevention and early identification
  - Use of Early Warning System at Middle and High School Levels are essential



# Evidence Based Practices for Reducing Disproportionality

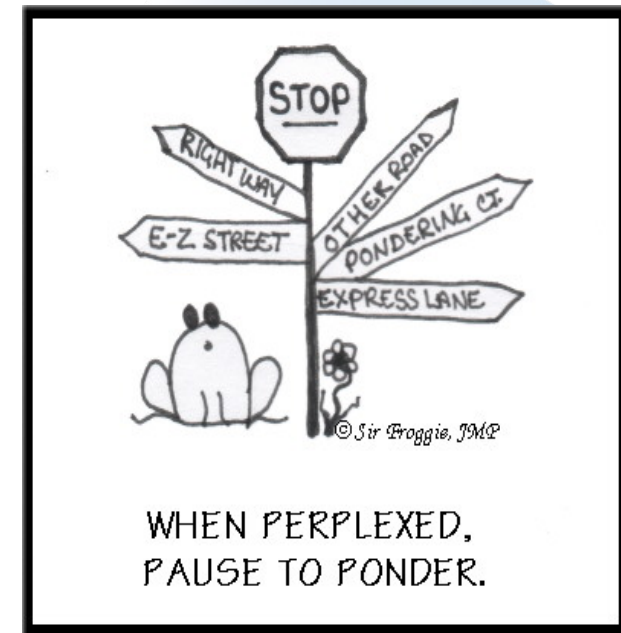
The National Education Agency's (NEA) (2007) recommendations for making a difference in disproportionality include, but are not limited to:

- Offering coordinated early intervening services to address gaps in student achievement and school behavior; **(NJTSS/I&RS)**
- Employing a response to intervention (RtI) process; using **progress monitoring** tools to measure a student's response to interventions
- Implementing school-wide positive behavior and intervention support **(PBIS)** programs and enhancing classroom management skills



# Consider:

- What are some **possible outcomes** if general education interventions are not documented, implemented, and monitored appropriately?
- How do you currently **identify students at risk** in the areas of literacy, math, and behavior?
- How much **time** is it taking you to synthesize data from multiple sources?
- How are you currently **documenting and monitoring** intervention effectiveness?
- Do you have an easy way to **communicate intervention** progress to parents & administrators?



## What are some possible outcomes when interventions are **not** managed appropriately?

- **Over identification** of students needing special education supports and services
- **Disproportionality**
- An increase in the number of **parental requests** for evaluation and complaints regarding misguided instruction
- **Higher suspension** rates
- **Fewer** students receiving appropriate and **equitable services**
- A **strain on** human and financial **resources**

# Questions to Consider

- Do your I&RS teams considering cultural differences as having any impact on student outcomes?
- Do your teams see their purpose as supporters of the instructional development of teachers rather than as a group that attempts to “fix” students?
- Are there established ways for private, “safe space” conversations to occur?
- Do your teams recognize all students come to school with prior knowledge and valuable experiences that can contribute to learning?
- Are teachers willing to modify their specific adult practices in order to change student outcomes?
- Do they seek more creative strategies to include parents as educational partners?

# Keeping an Open Dialogue

- Get “ahead of the game” and pinpoint where any disproportionality may exist.
  - ✓ Are certain programs racially/culturally unbalanced?
  - ✓ Do certain administrators or teachers express a bias?
- If you identify areas of disproportionality, ensure your policies and procedures are compliant and develop a plan to address the root causes.

# Discussion/Q&A



New Jersey  
Special Education  

---

ANNUAL SUMMIT

*Mollye Kiss, M.S.*

Senior Consultant

MTSS/RtI and SPED Subject Matter Expert

[mkiss@pcgus.com](mailto:mkiss@pcgus.com)

772-834-5015

# References

- ❑ National Association of School Psychologists. (2013). *Racial and ethnic disproportionality in education* [Position statement]. Bethesda, MD: Author.
- ❑ National Education Association (2007). Truth in Labeling: Disproportionality in Special Education. (available online at <http://www.nea.org/assets/docs/HE/EW-TruthInLabeling.pdf>)
- ❑ Source: New Jersey Department of Education, Office of Special Education (2015-16). Effectively Utilizing Data to Inform Decision-Making (Disproportionality), LRE Training Module.
- ❑ Oswald, D. P., Coutinho, M. J., Best, A. M., & Singh, N. N. (1999). Ethnic representation in special education: The influence of school related economic and demographic variables. *The Journal of Special Education*, 32, 194–206.
- ❑ Skiba, R. J., Simmons, A. B., Ritter, S., Gibbs, A. C., Rausch, M. K., Cuadrado, J., & Chung, C. (2008). Achieving equity in special education: History, status, and current challenges. *Exceptional Children*, 74, 264–288.
- ❑ Skiba, R. J., Shure, L., Williams, N. (2012). Racial and ethnic disproportionality in suspension and expulsion. In A. L. Noltemeyer & C. S. McLoughlin, *Disproportionality in Education and Special Education* (pp. 89–118). Springfield, IL: Charles C. Thomas Publisher, Ltd.





New Jersey  
Special Education  

---

ANNUAL SUMMIT



#njspecialsummit

Proudly Sponsored by:

