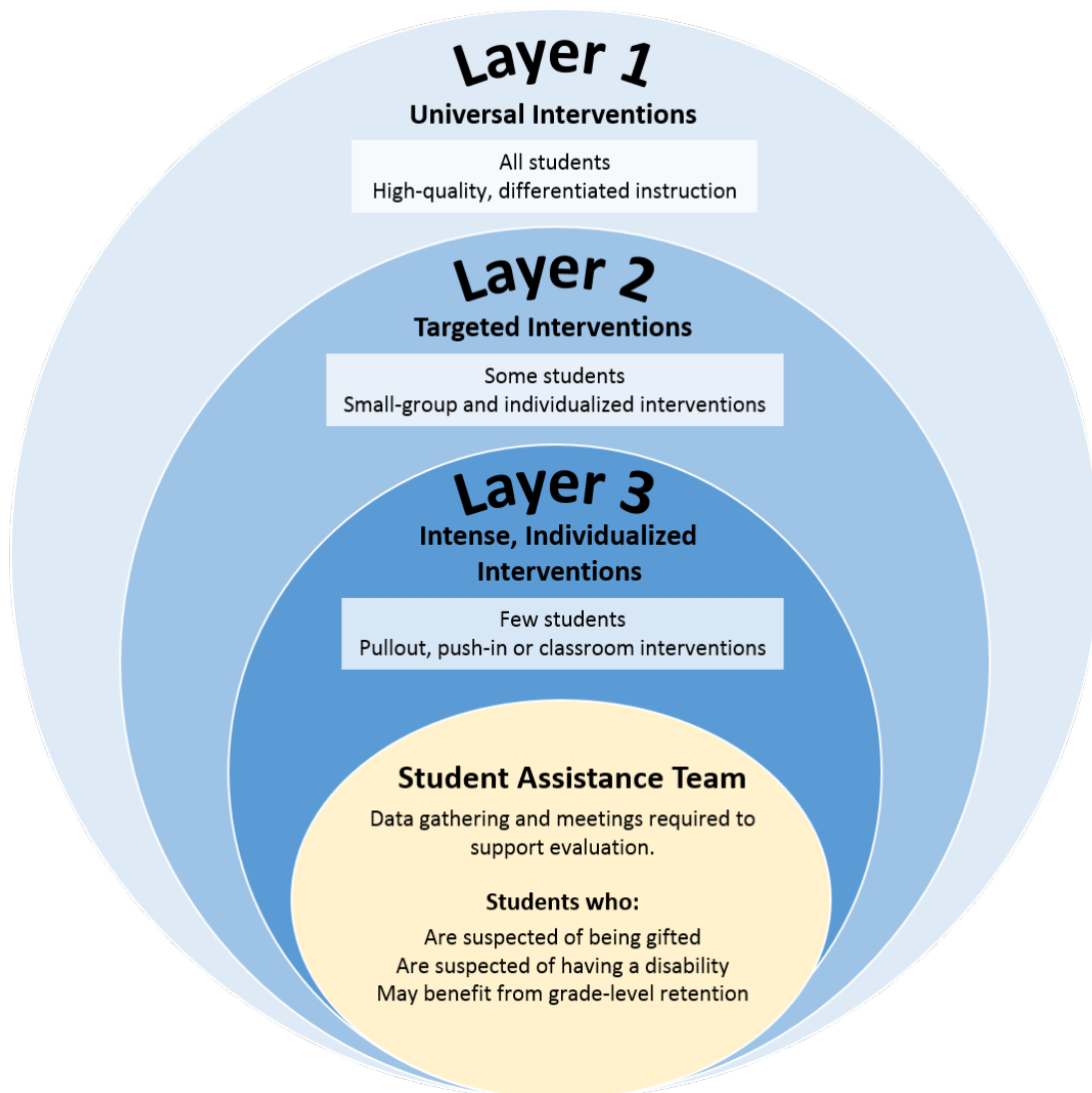


# MLSS Supplemental Guide for Student Assistance Team 2019



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## Introduction

This supplemental guidance incorporates the New Mexico Public Education Department's technical assistance manual *Response to Intervention Framework (2014)* and is intended for use by local education agencies, and/or select schools within a local education agency, identified as pilot sites for the Multi-Layered System of Support (MLSS) pilot phase during the 2019-2020 school year.

States across the country, including New Mexico, are embracing a multi-tiered system of supports (MTSS) framework to address and support student behavioral and academic needs. In New Mexico, this system is known as the Multi-Layered System of Supports (MLSS). This data-informed system of layered supports provides a shared decision-making approach toward addressing the academic and behavioral needs of all students.

During the 2019-2020 school year, select local education agencies (LEAs) have partnered with the New Mexico Public Education Department (PED) to pilot the PED's MLSS. This supplemental guidance to the PED's *Multi-Layered System of Supports (MLSS) 2019 Guide* serves as an assistance tool for LEA partners participating in the MLSS pilot project. This guide, specific to these LEAs and charter schools, provides guidance on the Student Assistance Team (SAT) process as defined in both New Mexico State Statute and in New Mexico Administrative Code, 6.29.1, Standards for Excellence.

The SAT process and the provision of high-quality instruction and interventions can help teachers meet the needs of students. The *approach* to interventions and the *movement* between universal, targeted and intensive interventions, as detailed in the MLSS, provides for a greater impact on student achievement and well-being. MLSS will strengthen New Mexico's supports for all students including those experiencing academic or behavioral needs. MLSS also employs student wellness to improve outcomes in student achievement.

## Utilizing MLSS as an Intervention

MLSS supports teachers and health and wellness staff, to intervene quickly when students are struggling academically or behaviorally. MLSS provides immediate support in instances of educational crisis. Decisions regarding layered interventions are made by the classroom teachers and support personnel closest to the students. An SAT Meeting is not required to increase or reduce layered supports within a layer, or move back and forth across layers in the MLSS process.

MLSS recognizes family engagement as a foundation for student success. Family participation in the MLSS process is essential for interventions to achieve their intended impacts. Schools provide support to families through this process, so parents and families understand the needs for the process and for moving up and down increasingly intensive layered interventions and can support the interventions, changes of interventions, and intervention adjustments.

Interventions through MLSS provide the opportunity for initial interventions as defined in excerpts from the PED's *Multi-Layered System of Supports (MLSS) 2019 Guide* shown below.

A student's response to those interventions may indicate the SAT process is necessary, particularly if the instructional staff may want to retain the student, or suspect the student is gifted or has a disability.

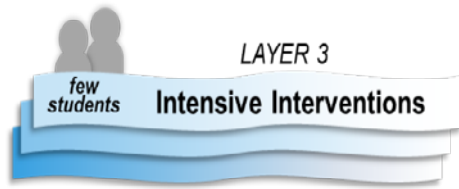
### Multi-Layered System of Supports (MLSS) 2019 Guide Excerpts



New Mexico's MLSS model addresses student needs by providing three layers of intervention. All students receive Layer 1, universal interventions, which include high-quality differentiated core instruction aligned to the **Common Core State Standards (CCSS)** delivered via **Culturally and Linguistically Responsive Instruction** to meet the needs of most students. Layer 1 also includes a system of **Positive Behavioral Interventions and Supports (PBIS)** for all students, and **universal screening (assessments)** to identify students whose needs are not satisfactorily met by Layer 1 interventions alone.

A student not making expected progress (academically, behaviorally, or who is insufficiently challenged academically with high-quality core curriculum and Layer 1 universal interventions may need additional academic or behavioral interventions or Layer 2 – targeted interventions. The focus of Layer 2 interventions is individualized and targeted to support students' acquisition of the knowledge and skills identified in the CCSS and to support student success with Layer 1 high-quality differentiated instruction. Students receiving Layer 2 targeted interventions receive core curriculum and instruction plus targeted evidence-based interventions. Targeted evidence-based interventions may include, but are not limited to applying evidence-based interventions and data-driven instruction in small-group learning settings, and/or instruction with reading or math coaches. Health and wellness interventions may include social or behavioral contracts or guided small-group social work interventions.

A key aspect of Layer 2 targeted interventions is progress monitoring to assess students' responses to targeted interventions. Frequent communication with parent(s) or guardian(s) regarding assessed student progress is vital during Layer 2 targeted interventions. If a student receiving Layer 2 targeted interventions is not making expected progress, the student may need even more intensive intervention (i.e., Layer 3 intensive interventions).

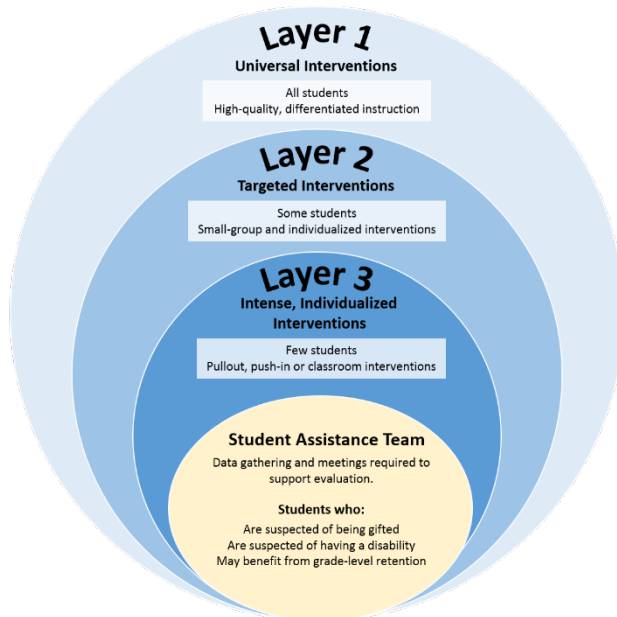


Layer 3 intensive interventions include core curriculum and instruction, and intensive and individualized evidence-based interventions. Layer 3 evidenced-based interventions may be provided for a longer duration than Layer 2 interventions, may be provided more frequently, be provided in smaller groups, or otherwise be more intensive.

Students receiving Layer 3 interventions receive all Layer 1 and 2 interventions needed for the student to achieve a desired pattern of learning. Layer 3 intensive interventions may include, but are not limited to, pullout services provided by a reading specialist, push-in services provided by a behavior specialist, counseling services, or interventions provided by the general education teacher in the classroom. Layer 3 intensive interventions include progress monitoring on a biweekly basis to assess students' responses to intensive interventions. Frequent communication (at least biweekly) with parent(s) or guardian(s) regarding assessed student progress is mandatory during Layer 3 intensive interventions.

MLSS identifies resources for educators to meet their students' needs, including job-embedded professional development, feedback on instructional practices by school leaders, focused collaboration with colleagues, high-quality instructional materials, and MLSS supportive policies.

## MLSS and SAT



While the MLSS provides immediate, data-informed supports for students struggling academically and behaviorally, it does not preclude the initiation of the SAT process for students who may benefit from the creation of an Academic Improvement Plan (AIP) or a Behavior Intervention Plan (BIP). Under NM state statute, the AIP is a written plan

required for students in grades K–8 who have been retained and those who have been promoted despite a retention recommendation. The AIP is developed by the SAT.

A BIP outlines the behavioral interventions and supports to assist a student in demonstrating appropriate behavior and in replacing problematic behaviors. A BIP is often precipitated by a

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Functional Behavioral Assessment (FBA), allowing for a problem-solving process that relies on a variety of techniques and strategies to identify the purposes of the behavior or its function from the student's perspective. This process supports school teams in the selection of interventions to address student behavior. An FBA may occur in layer 2 or 3 of the MLSS process.

A student receiving Special Education services is eligible to receive all appropriate supports through MLSS.

New Mexico's MLSS provides schools with immediate intervention tools, including a specific focus on student health and wellness, which supports a focus on [The Whole School, Whole Community, Whole Child Model](#).

### **The Student Assistance Team Process**

The Student Assistance Team (SAT) is a school-based group that provide additional educational and behavioral support to students experiencing difficulties that prevent them from progressing in core instruction (SS22-13-6).

The SAT process is a means for collecting and reviewing data, identifying and documenting interventions and their effects, making retention determinations (SS22-2C-6), and referring students to a Multi-Disciplinary Team (MDT) for special education or gifted evaluation.

Referral to the SAT is not required for assigning a student to layered interventions as part of New Mexico's Multi-Layered System of Supports (MLSS). Appropriate interventions should be provided to all students regardless of referral to the SAT, and regardless of special education or gifted determination, or potential determination. Students in the SAT process are entitled to receive all appropriate Layer 1, 2 and 3 interventions.

### **SAT Composition**

While the composition of an SAT will vary by school, in accordance with 22-2C-6 NMSA, 1978 each team's membership must include:

- School administrator
- Teacher
- School counselor
- Parent

(SS22-2C-6)

Additionally, the following persons should participate in the SAT as necessary and as available:

- Student (as appropriate)

- Instructional support providers (e.g., speech-language pathologists, school nurses, school psychologists, etc.)
- Truancy coordinators
- Reading or math specialists
- McKinney-Vento homeless education coordinators
- Second-language acquisition specialists (e.g., bilingual or TESOL endorsed teachers, etc.)
- Representatives from the Children Youth and Families Department
- Representatives from community agencies (e.g., school-based health centers, community-based truancy centers, etc.)

Note: When inviting outside agencies to the SAT, it is important that they agree to sign a confidentiality agreement.

## **SAT Procedures**

### **Step 1: Referral to SAT Coordinator**

There are several key criteria for referring a student to the SAT process: (a) a lack of expected student progress; (b) multiple data points including a test-in-hand analysis of a universal screener or short cycle assessment; (c) action plans; (d) delivery of high quality, documented, differentiated instruction; and (e) evidence-based interventions with a student. SAT referral for behavior is based on observation, discipline data, and documented behavioral interventions with lack of expected progress.

Universal screening tools (including vision and hearing screenings) and objective data from multiple assessments should be provided when referring a student to the SAT. The school/district determines cut scores on universal screening assessments as a method to identify advanced, proficient, satisfactory growth, or the need for more intense interventions.

The measurable, relevant, current and objective criteria used for determining appropriate intervention should be widely available to the school community, such that students, teachers, and families know the reasons or rationale for a student referral to the SAT. Multiple classroom interventions should be implemented and student progress monitored prior to referring to SAT. For a SAT referral, a teacher completes a SAT referral packet and submits it to the SAT coordinator.

Data triangulation for SAT is the practice of using objective data from three sources for determining movement into and out of the SAT process. Examples of measurable, relevant, and objective data include grade-level wide assessments such as short-cycle assessments, common formative assessments, STAR reading and math, Istation, unit tests, curriculum-based assessments, tracked behavioral data, behavioral referrals, attendance logs, and others. Classroom grades are often less objective measures of achievement and occur far less frequently than other data sources; nevertheless, it may be useful to refer to classroom grades as one of the three data sources.

A high rate of SAT referral and/or retention recommendations suggests that the school or district leadership may wish to evaluate the school's culture and climate, core instructional program, instructional practices (especially in math and literacy skills), and that clearly communicated and clear behavioral expectations are consistently implemented.

For a student struggling with a mental, emotional, or physical impairment that substantially limits one or more major life activities, a Section 504 plan may be developed. For a student with a mental or physical impairment, it is not required that an SAT referral packet be completed prior to a Section 504 plan being developed. If the student's mental or physical impairment qualifies the student for special education services through the eligibility determination process, an Individualized Education Program (IEP) must be developed for the student. A student should not be served through both a 504 plan and an IEP.

## **Step 2: SAT Referral Packet Review and Certification**

Prior to an initial SAT meeting, the SAT coordinator reviews the SAT referral packet, collects all relevant information about the student, and determines if the data meets the criteria for SAT referral. The SAT referral packet requires that a teacher document the academic or behavioral interventions he or she has already implemented and the multiple data points demonstrating a lack of student progress over time. Though districts and charter schools may use or develop whichever forms that meet their particular needs, the SAT referral packet should include the following information:

- Academic and or behavioral concerns (Sample forms include - [Teacher Form](#), [Teacher Input for Addressing Behavior Form](#), [Intervention for Behavior Form](#), [Student Profile](#));
- Documentation of outcomes of attempted intervention progress monitoring (sample forms for progress monitoring include - [SAT Action/Intervention Plan](#));
- Parent/guardian communications (included in the Teacher Form);
- Results of universal screening (sample [Vision Screening Form](#) and [Hearing Screening Form](#));
- Observations of the student (sample [Student Observation Form](#));
- Implementation data regarding the use of rigorous, high-quality curriculum and methodologies (sample [Fidelity Assurance Form](#)).
- [MLSS Individual Student Intervention Sheet](#)

### **SAT Referral Form**

Beyond the SAT referral packet, the SAT coordinator should consider: (a) student work samples; (b) documentation of parent contacts; (c) results of universal screening, including vision and hearing screenings; (d) student attendance data; (e) discipline records; (f) student performance reports; (g) the next step plan (for students in grades 8 to 11); (h) any observations or interviews; and (i) any other relevant data. If this review demonstrates that the student has received core instruction with differentiation and interventions and/or behavioral interventions with lack of



expected progress over time, then the SAT coordinator certifies the referral. If the student is referred to the SAT for behavior, the SAT can recommend that a Functional Behavioral Assessment (FBA) be completed.

### **Step 3: The SAT Meeting**

If the SAT referral meets the criteria, the SAT coordinator schedules a SAT meeting. The SAT coordinator ensures that the student's parents, teachers, and other SAT members are notified of the meeting in advance with a [Notice of Invitation to an SAT Meeting](#) and [Student Case History](#) is sent to the parents. All communication with parents should be conducted in a language or mode of communication the parents can understand. The initial SAT meeting should cover the following items:

1. The referring teacher shares the reason(s) for the student's referral to the SAT.
2. The SAT reviews and discusses all relevant data about the student including, but not limited to:
  - a. Strengths
  - b. Areas in need of improvement,
  - c. Attendance
  - d. Behavior (persistence of challenging behaviors, the severity of challenging behaviors, inability to maintain relationships with peers and teachers)
  - e. Academic data history (progress monitoring that falls behind the aim line for at least four data points)
  - f. Grades
  - g. Academic observations
  - h. Developmental health history
  - i. Evaluations (if any)
  - j. Teacher input
  - k. Academic observations
  - l. Medical documentation (medical diagnosis, anxiety, etc.)
3. The SAT should also consider if core instruction has been appropriately delivered and differentiated based on the following data points:
  - a. Lack of instruction from a credentialed and licensed teacher
  - b. Mental/behavioral/physical health
  - c. Student's status as an English learner and appropriate instruction in English language development
  - d. Student background
4. The referring teacher shares interventions implemented and progress monitoring data.

5. The SAT develops one or more hypotheses about why the student is not making expected progress.
6. After reviewing all collected data, the SAT makes one of the following decisions:
  - a. The student appears to need no new interventions at this time and no SAT intervention plan is necessary. The student continues in MLSS with the appropriate layer(s) of support.
  - b. The student's challenges suggest an AIP and/or BIP are warranted.
  - c. The existing data are insufficient for complete determination. The referring teacher must provide additional information.
  - d. The student's performance indicates a possible disability or that the student has a disabling condition that significantly restricts a major life activity, and requires an evaluation to confirm the presence of such a disability and the necessity of special education services or Section 504 supports.
7. If an AIP and/or BIP is needed, the SAT team determines interventions to be implemented. The team identifies the progress monitoring frequency and goals and responsible individuals for each aspect of the plan.
8. The team completes an [SAT Meeting Summary](#) (or similar document) with signatures of attendance and a written summary of the meeting.

#### **Step 4: Implement and Monitor Interventions**

After the responsible individuals have implemented interventions according to the AIP and/or BIP, the SAT coordinator schedules a follow-up SAT meeting. It is recommended that a student's progress be monitored and graphed every two weeks to determine if the student is meeting goals. The evidence-based interventions applied during the two-week intervals must be monitored and documented. After appropriate data collection, and not less than once per semester after initial SAT meeting, follow-up SAT meetings should be scheduled to determine the effectiveness of the intervention plan and whether to continue interventions, adjust interventions, or refer for special education or gifted evaluation. If a student continues to not make expected progress despite additional interventions and progress monitoring, nothing precludes the SAT from reconvening and adjusting the student evidence-based intervention(s), programs, practices, and supports, and on the schedule they perceive is needed.

#### **Notes about English Learners (ELs):**

- EL students being served in an EL program (receiving English language development instruction and sheltered content instruction) can be referred to the SAT for supplemental support.
- For a student identified as EL, a second language acquisition specialist (e.g., bilingual or TESOL endorsed teacher, etc.) shall serve on the SAT. The individual will be involved in the

design of interventions and interpretation of the student's responses to those interventions.

- English language interventions should be provided in conjunction with interventions in a student's native language as appropriate.
- Interventions should simultaneously support academic learning while promoting English language development. Appropriate literacy instruction or academic English should not be postponed while waiting for the student to acquire the English language.
- Interventions must be culturally and linguistically responsive and appropriate.

## SAT Process

### Referral for Special Education or Gifted Services

#### Important Implementation Note:

Parents of a student referred to the SAT must be informed of their right to request an initial special education evaluation (SS 22-13-32). Parents may request an initial special education evaluation at any time. If the public agency (school district or state charter school) agrees with the parent that the child may be eligible for special education services, the public agency must evaluate the child. If the public agency declines the parent's request for an evaluation, the public agency must issue a prior written notice in accordance with 34 CFR Sec. 300.503. The parent can challenge this decision by requesting a due process hearing (NMAC 6.31.2.10).

If the student has been unresponsive to prescribed SAT interventions based on progress-monitoring data, and it is suspected that the student may possess an unidentified disability, then the SAT may recommend referral for special education or gifted evaluation. Data triangulation from the SAT is the basis for student referral for special education or gifted assessment, except in cases where a student is clearly disabled or has a disabling condition.<sup>1</sup> When it is determined that a student has an obvious disability or a serious and urgent problem, the SAT shall address the student's needs promptly on an individual basis, which may include a referral for a multidisciplinary evaluation to determine eligibility for special education and related services consistent with the requirements of 34 CFR Sec. 300.300. A sample [Referral for Evaluation](#) form is available on the PED webpage.

Services for students with disabilities, and services for students who meet the state criteria for gifted, are individualized and should be reserved for a small number of students.

If a student is suspected of having a disability or being gifted, a multidisciplinary evaluation is completed with written parental consent and prior written notice. Following the evaluation, a

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<sup>1</sup> Office of Special Education Programs (OSEP) Policy Letter <https://sites.ed.gov/idea/files/osep-letter-to-zirkel-01-29-2019.pdf>

qualified group of professionals, known as the Eligibility Determination Team (EDT) uses the available data from the multidisciplinary evaluation report, the SAT, and other data sources to determine the student's eligibility for special education and related services. The EDT determines if the case meets the criteria of one or more of the categories of disabilities, as defined by the Individuals with Disabilities Education Act (IDEA), the New Mexico Technical Evaluation and Assessment Manual (NM TEAM), and/or the state criteria for gifted. Based on the information gathered, the eligibility determination team (EDT) makes one of the following decisions:

1. The student is not eligible for gifted, special education, or related services but shows a need. In this case, the student should continue to receive Layer 1, 2 and 3 interventions as appropriate through MLSS and may be referred back to the SAT, should instructional staff be considering retention.
2. The student has a qualifying condition but does not show the need for gifted or special education and related services. The student may have a qualified disability under IDEA criteria or the state criteria for gifted, but the team that makes the eligibility determination finds that the student's disability or giftedness does not require specially-designed instruction, which is the second prong of eligibility. The student remains in the general education program and may be considered for Section 504 eligibility.
3. The student is eligible and shows the need for gifted or special education and related services. The Individualized Education Program (IEP) team develops, implements, and revises, as needed, an IEP for the student.

The SAT must be careful not to unduly delay referring for evaluation, a student who is suspected of having a disability or of being gifted (This same level of expediency applies to students experiencing homelessness). At the same time, a purpose of the SAT process is to reduce unnecessary evaluation referrals.

### **Parents as Partners**

A parent's/guardian's consent along with prior written notice is required for a student to be evaluated for special education or gifted services. Parents should be active members of the IEP team in developing an appropriate educational program to meet a student's individual needs. Parents must be provided with regular progress reports that document a student's progress towards meeting established annual goals and objectives. All communication with parents should be conducted in a language the parents can understand. Where needed, parent notices should be translated into a parent's home language. [Procedural safeguards may be located at this website.](#)

### **Notes about the SAT for English Learners (ELs):**

Over-identification of children from diverse backgrounds as children with disabilities has detrimental outcomes for children who are misdiagnosed. Assessment of students who are culturally and linguistically diverse (CLD) is a process that explores language, cultural, and acculturation matters while gathering data from numerous sources, in different contexts, and through a variety of techniques. Bias during the assessment and evaluation process may contribute to the over-identification of CLD students.

Critical information for determining the eligibility of CLD students for special education services is provided in [Section Four of the NM TEAM](#).

Section Four provides evaluators and eligibility determination teams (EDT) guidelines for reducing biases leading to incorrect identification and inclusion in special education programs.

For an EL student appropriately identified as a student with a disability, the IEP team must consider the student's language learning needs. A second-language acquisition specialist, such as a teacher endorsed in Teaching English to Speakers of Other Languages (TESOL) or bilingual educator, is required to provide feedback and assist with planning services. This requirement ensures the student receives all the services for which he/she is eligible. Special education services do not supersede language support services for which the EL student is eligible.

### **Grade Retention: (SS22-2C-6)**

Should a student in grades one through seven not meet academic proficiency by school year's end, despite remediation efforts, the student may be retained. When a student is retained in grades one through seven, the SAT must develop an academic improvement plan (AIP) to support the student in reaching grade-level proficiency.

Parents or guardians may refuse to allow their child (in grades one through seven) to be retained for one year by signing a waiver, in which case the SAT will develop an AIP outlining interventions and progress monitoring activities to ensure progress toward overcoming the student's academic deficiencies.

A student who is not academically proficient at the end of the eighth-grade year will be retained for one year, unless the SAT determines that retention will not assist the student in becoming academically proficient.

For a student retained in the eighth grade, the SAT will develop an AIP that delineates the student's academic deficiencies and prescribes a specific remediation plan to address those deficiencies.

When the SAT determines that retention would not assist an eighth-grade student in meeting academic proficiency, the SAT is charged with creating a high-school graduation plan to meet the student's needs for entry into the workforce or a post-secondary educational institution.

An AIP is a document developed by a SAT that describes specific grade-level content standards which a student has yet to achieve, and that prescribes specific remediation programs such as summer school, extended day or week school, and tutoring.

### **SAT Process: Exiting Special Education or Gifted Services**

Through the provision of appropriate special education services, a student may gain the skills necessary to succeed academically such that he or she no longer requires specially-designed instruction. When specially-designed instruction is no longer required for a student with a learning disability, or for a student who meets the state criteria for gifted, a multidisciplinary IEP team will exit the student from special education or gifted services. Students exiting special education and gifted services receive appropriate MLSS interventions to support them during the transition period from special education or gifted interventions. In cases where specially designed instruction is no longer needed, but accommodations may be needed, students should be considered for Section 504 accommodations and supports.

Parental permission and consent is required for the initial provision of special education and gifted services. Should parents or guardians no longer grant permission and revoke consent for special education or gifted services, students will receive appropriate interventions through MLSS.

Students who are evaluated, but who do not qualify for special education or gifted services will receive appropriate interventions through MLSS. Students with learning disabilities are evaluated at least once every three years to determine continued eligibility for special education services, however, gifted students remain eligible for gifted services regardless of evaluation. For further information and guidance, refer to [the Gifted Education in New Mexico Technical Assistance Manual](#).

### **SAT Process: Exiting SAT**

Targeted SAT interventions may provide students not making expected progress with the knowledge and skills to be successful in the general curriculum. Students receiving SAT interventions are regularly assessed to determine if they should be retained if they should be referred for special education or gifted services, or if they may be ready to exit SAT. The SAT may consider exiting a student from the SAT process if the student is no longer suspected of having a learning disability or of being gifted, and if the student will not be retained in the same grade for the following year.

### **Resources**

The forms listed below are resources for districts and charter schools and are not required forms. Districts and charter schools are encouraged to use forms that best support their students' needs, while also meeting SAT process requirements.

Form Name	Description
<a href="#">Teacher Form</a>	Provides the SAT with information for student strengths and areas of concern with respect to academics, behaviors, and actions taken to address concerns. A sample Communication Log is provided in the document.
<a href="#">Student Profile</a>	Provides for a student school, attendance and discipline history, as well as current program placement and language profile. A document review checklist is also included.
<a href="#">Teacher Input for Addressing Behavior Form</a>	Provides the SAT with a description of problem behaviors, consequences, and attempted interventions.
<a href="#">Intervention for Behavior Form</a>	Provides the SAT with information as to the nature of the unwanted behavior(s) and a functional behavior assessment checklist.
<a href="#">SAT Action/Intervention Plan</a>	Provides for the documentation of area of concern, description of interventions, progress monitoring and SAT meeting roster.
<a href="#">Vision Screening Form</a>	Provides the SAT with information as to student visual acuity.
<a href="#">Hearing Screening Form</a>	Provides the SAT with information as to student hearing.
<a href="#">Student Observation Form</a>	Provides the SAT with information as to observable behaviors of the student during classroom instruction furnished by a third party.
<a href="#">Fidelity Assurance Form</a>	Indicates that evidence-based instruction and interventions have been provided by qualified personnel with fidelity.
<a href="#">Notice of Invitation to an SAT Meeting</a>	Provides a sample of the required parent/guardian notification of an impending SAT meeting.
<a href="#">Student Case History</a>	Document provided by parents regarding family history, health and social history of the student.
<a href="#">SAT Meeting Summary</a>	Notes taken at the meeting documenting student attendance, academic and behavioral performance as well as discussion regarding a hypothesis and interventions.
<a href="#">Referral for Evaluation</a>	Coversheet assuring that comprehensive interventions have occurred and are supported by included documentation.

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