



CDE Issues Guidance on Response to Intervention

When Congress enacted IDEA 2004, it altered the definition of specific learning disability (“SLD”) to allow school districts to utilize a pupil’s response to scientific, research-based intervention, RtI, as a method of determining whether a pupil is eligible under the SLD category. Congress, however, left it to the states to determine the specific criteria for determining eligibility using RtI. It has therefore been expected that the California Department of Education (“CDE”) will issue regulations governing the use of RtI. However, there has been no definitive answer from CDE on when or if such regulations will be forthcoming.

However, CDE has recently released a handbook entitled *Determining Specific Learning Disability Eligibility Using Response to Instruction and Intervention (RtI²)*, the term coined by CDE to refer to California’s interpretation of RtI. The handbook provides guidance on developing and implementing a RtI² program that will be used as both a means of improving classroom instruction and as a tool to determine a pupil’s eligibility for special education under the category of SLD. As outlined in the handbook, implementation of a successful RtI² program will require the training, participation, and collaboration from all staff—from administrator to general education teacher to paraeducator.

Although the handbook is not binding on school districts, it appears to be a first step in the process of developing regulations mandating the implementation of RtI². A copy of the handbook is available at <http://www.cde.ca.gov/sp/se/ac/>.

If you have any questions regarding the handbook or the implementation of a RtI² program, please contact any of our four offices.

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