

Pre-referral Intervention Strategies in General Education  
(Prior to a Referral for Special Education)

The school district has established a plan for implementing school wide approaches and pre-referral interventions in order to remediate a student's performance *prior to referral* for special education. This plan does include a Response to Intervention (RTI) process.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing pre-referral intervention strategies, the district may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973 and educationally related support services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of pre-referral/intervention instructional support plans. The district will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating pre-referral intervention strategies.

The district will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Building RTI Teams will be formed in accordance with law and/or regulations as may be applicable as well as district guidelines. This will include representatives from general and special education as well as other disciplines and include individuals with classroom experience.

Administration shall ensure that appropriate opportunities exist for collaboration between general education teachers and/or special educators, and that consultation and support are available to teachers and other school personnel to assist parents/guardians to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and pre-referral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff is familiar with intervention procedures and procedures for operating the Building RTI team.

Pre-referral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Pre-referral/intervention strategies and/or instructional support plans are to be reviewed and evaluated to determine their effectiveness and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing pre-referral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

Educational Related Support Services

*Educational related support services* (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations. ERSS may be utilized as a component of any pre-referral/intervention instructional support plan.

Section 504 of the Rehabilitation Act of 1973

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any pre-referral/intervention strategies as deemed necessary and/or appropriate.

Academic Intervention Services

*Academic Intervention Services* means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services, which may include guidance, counseling, attendance and study skills, which are needed to support improved academic performance.

However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic Intervention Services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The district has developed a description of the Academic Intervention Services offered to grades K through 12 students in need of such services. The district will review and revise this description every two (2) years based on student performance results.

Parental/Guardian notification of students who have been determined to need Academic Intervention Services will be provided as per Commissioner's Regulations.

In implementing prevention and/or pre-referral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Pre-referral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Education Law Sections 3602(32), 4401 and 4401-a

8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c) and Part 154

NOTE: Refer also to Policy No. 10 -- Response to Intervention (RTI) Process