

## Act 28 Advisory Council-An Overview of the Early MTSS and VTmtss Frameworks - February 8, 2023, Questions and Answers

### Purpose

The purpose of this document is to answer questions that were posed after the Act 28 Advisory Council's February 8, 2023, meeting. During this meeting, Tracy Watterson, the Agency of Education's VTmtss Program Manager, presented information regarding the Early MTSS and VTmtss Frameworks.

Q1: What are the requirements of a tiered system of support in Vermont?

A: The tiered system of support and educational support team is located at [16 V.S.A. § 2902](#). The [VTmtss Field Guide 2019](#) and [supporting tools and resources](#) provide guidelines to the field regarding this statute.

The VTmtss Survey is the annual school-based data collection in accordance with [16 V.S.A. § 2904](#) to report the status of the educational support systems in each school in the supervisory union to the Secretary of Education.

Q2: How does RtI fit into the VTmtss Framework?

A: The VTmtss Framework, led by the administration working in collaboration with staff, community, families, and students, is designed to improve and expand the infrastructure of the system. The VTmtss Framework takes a broad approach to address the needs of the whole student. Response to Intervention (RtI) is a proactive approach that involves closely monitoring student academic progress to measure students' skills and uses this data to decide which interventions to use. RtI can play an important role within the VTmtss Framework yet should not be conflated with the framework itself.

Q3: What is the Agency of Education's recommendation for the identification of a specific learning disability? Is the state recommending a Response to Intervention (RtI) or Patterns of Strengths and Weaknesses (PSW) model?

A: The option to select the eligibility model for specific learning disability (SLD) identification resides in each school district and should include either a; "process based on the child's response to scientific, research-based intervention" ... or "other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in §300.8(c)(10)."

### Contact Information:

If you have questions about this document or would like additional information please contact:

Tracy Watterson or Cassie Santo, Student Support Services, [tracy.watterson@vermont.gov](mailto:tracy.watterson@vermont.gov),  
[cassie.santo@vermont.gov](mailto:cassie.santo@vermont.gov).

For further support on systems and approaches, resources related to RtI and PSW, literature and organizations related to this topic, and a plethora of additional topics, please visit the [General Resources](#) of the [Specific Learning Disability Eligibility Guidance](#).

If districts are looking for individualized systemic support related to systems of instruction and intervention, please consider the [State Systemic Improvement Plan](#) (SSIP) and the [Vermont State Personnel Development Grant](#) (SPDG). The SSIP is a requirement for all states and territories receiving federal funds for IDEA programs. It includes a comprehensive, ambitious, achievable, multi-year plan for improving results for children with disabilities with stakeholder involvement in all phases. For more information on SSIP, please contact [Chris Kane](#). The SPDG is a grant awarded to the Agency of Education (AOE) to address students' access to high-quality instruction and intervention delivery systems along the continuum from birth through age 21. For more information on the SPDG, please contact [Meg Porcella](#).

Q4: Can you clarify the change in the use of the discrepancy model in the mid-2000s and the change Vermont is doing in July 2023? Was this a federal shift in the mid-2000s, with State decisions at that time, and then the shift in July 2023 is Vermont's shift?

A: The Individuals with Disabilities Education Act (IDEA) of 2004 is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children from birth through age 21. IDEA is the primary federal program that authorizes state and local aid for special education and related services for children with disabilities.

Specific learning disability (SLD) is the only disability category covered by IDEA where there is federal law that specifies the allowable methods to determine eligibility.

Prior to 2004, federal law only allowed the use of the IQ-achievement discrepancy model (a calculation of the difference between a student's academic performance and IQ). While reauthorizing IDEA in 2004, the law still permitted the use of the severe discrepancy model, but it encouraged states to move away from this method. This reauthorization of IDEA in 2004 changed the federal requirements for evaluations for special education under the SLD category and afforded states more flexibility to select among three methods. The changes encouraged the use of more than one data point to determine eligibility and encouraged the use of researched-based methods separate from the IQ-ability achievement model.

In response to the reauthorization of IDEA in 2004, which ended the required use of the discrepancy model to identify student with significant learning disabilities, the then Vermont Department of Education sought an alternate way to identify students with specific learning disabilities. In working with focus groups, the areas of early literacy and behavior were chosen as priorities. The Vermont Integrated Instruction Model (ViiM) was designed to provide regional training capacity to support teams of educators in the use of evidence-based educational practices within a multi-tiered framework. Response to

Intervention (RtI) was selected as the evidence-based practice to be used for literacy, Positive Behavior Interventions and Supports (PBIS) was chosen as the tiered model for behavior, and the Early MTSS Pyramid Model as the tiered model for social-emotional learning.

Since 2004, many State Education Agencies (SEA)s transitioned away from the discrepancy model of identification, and state agencies have their own specific regulations as it relates to the definition of a specific learning disability and its identification. This information was found in the [Evaluation for Specific Learning Disabilities: Allowable Methods of Identification & Their Implications](#) from the National Center for Learning Disabilities. This resource, published in 2019, goes deeper into this topic, the current federally allowable methods for the evaluation of students with SLD, and research and implementation of federally permissible approaches.

Q5: How are students supported before, during, and after identification of a learning disability?

A: [The Evolution of Tiered Systems of Support in Vermont](#) outlines Vermont’s efforts to support all students with tiered systems of support. Also recommend is the [Evaluation Guide section 3](#) regarding the relationship between a tiered system of support and the Special Education evaluation process in Vermont school systems.