

Supplemental Material S1. Summary of Florida State Board of Education (SBE) rule changes reflecting response-to-intervention (RTI) process interface with the evaluation and identification of students with disabilities.

Response-to-intervention (RTI) components related to prereferral, evaluation, and eligibility processes were incorporated through a series of revisions for State Board of Education (SBE) rules, including the rules for identifying students with speech and language impairments. In Florida, disability prevalence data reported by the school districts to the state education agency includes the data for speech impairment separately from language impairment. Those numbers are then combined for the state's report to the federal education agency under the IDEA combined disability category of speech-language impaired. The advantage of reporting speech impairment (SI) and language impairment (LI) prevalence rates separately is that it avails additional ways to monitor statewide and district-specific prevalence rates over time.

In Florida, the SBE rule revisions were the result of collaborative efforts across a variety of stakeholders throughout the state, including school- and school district-level personnel in special education, general education, speech-language pathology, university faculty, and state education agency (FDOE) staff members (Hall-Mills & Crawford, 2009).¹ During the revision process, a number of concerns were voiced by stakeholders during public comment phases, the results of which are public record. Some of the public comments questioned the potential impact of a school district's population size on prevalence rates for speech and language impairments. School district sizes are designated by the average full-time equivalent (FTE) student population and range from $\leq 20,000$ to $> 100,000$ students. Stakeholders also expressed concern for whether the implementation of RTI criteria would result in increasing or decreasing caseloads of students with LI. A prior analysis of the state's prevalence data from 2003 to 2008 indicated there were no significant differences in the LI prevalence rates between school years in the 6 years prior to the period examined in the present investigation. A one-way repeated-measures analysis of variance (RM-ANOVA) was conducted with year as the within-subjects factor and LI prevalence rates as the repeated measure. Mauchly's test indicated that the assumption of sphericity had been violated, $\chi^2(14) = 629.01, p < .001$; therefore, degrees of freedom were corrected using Greenhouse–Geisser estimates of sphericity ($\epsilon = .23$). There were no significant effects for year: $F(1.17, 77.19) = 0.86, p = .37, \eta^2 = .01$. Therefore, a consistent pattern of LI prevalence was established prior to the school year in which the RTI mandate went into effect.

Stakeholders expressed concerns for potential under-identification of students with LI given the new process for evaluation and eligibility that incorporated RTI data. Conversely, there also were concerns for the possibility of a floodgate effect whereby significantly more children might qualify for special education as students with LI based on less emphasis on scores from standardized, norm-referenced measures of language in favor of multiple sources of data. There also was concern of a possible rush for preschool teams to determine eligibility prior to kindergarten to circumvent the general education interventions process that is required for kindergarten through grade 12. Collectively, stakeholder concerns over potential changes in the number of children determined eligible for special education as students with LI provided the initial impetus for the current study. The present study considered longitudinal data drawn from the district-level LI prevalence rates over a 10-year period.

The table below outlines the changes in SBE rules over time (2004–2014) that have set the stage for the present day RTI/MTSS mechanism, including implications for general education and special education processes.

¹Hall-Mills, S., & Crawford, K. (2009). *Changes in state policy: Impact on school-based SLP practices*. Poster session presented to the 2009 Annual Convention of the American Speech-Language-Hearing Association, New Orleans, LA.

| Date; Document or Rule Title | RTI Items Noted |
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| <p>9/2004 SBE Rule 6A-6.0331, F.A.C. <i>Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction</i></p> | <p>First mention of general education interventions prior to ESE evaluation. “(2) Kindergarten Through Grade Twelve Students. It is the school board’s responsibility to address through appropriate interventions and, to the extent possible, resolve a student’s learning or behavioral areas of concern in the general education environment prior to a referral for evaluation to determine eligibility as a student with a disability.”</p> |
| <p>9/2006 FDOE Paper Number FY 2006-8; Technical Assistance Paper 12740; <i>The Response to Intervention (RtI) Model</i></p> | <p>Provided an introduction to the nature of the RTI model as it applies to general and special education.</p> |
| <p>12/2008, 12/2009 SBE Rule 6A-6.0331, F.A.C. <i>General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education Services</i></p> | <p>Language was added in 2008 to reflect the Federal Regulations for implementing IDEA (2004; Federal Regulations released in 2006), including Coordinated Early Intervening Services (CEIS). Literacy interventions are noted specifically. “(1) General education intervention procedures for kindergarten through grade twelve (12) students suspected of having a disability. It is the local school district’s responsibility to develop and implement coordinated general education intervention procedures for students who need additional academic and behavioral support to succeed in the general education environment. In implementing such procedures, a school district may carry out activities that include the provision of educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction and professional development for teachers and other school staff to enable them to deliver scientifically based academic and behavioral interventions and, where appropriate, instruction on the use of adaptive and instructional software.” “(1)(g) A school district may not use more than fifteen (15) percent of the amount it receives under Part B of the IDEA for any fiscal year to develop and implement coordinated general education intervention procedures for students in kindergarten through grade twelve (12) who are not currently identified as needing special education or related services but who need additional support to succeed in the general education environment. Funds made available to carry out this section may be used to carry out general education intervention procedures aligned with activities funded by and carried out under the Elementary and Secondary Education Act (ESEA), if those</p> |

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| | <p>funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this section. For IDEA Part B funds used in this way, the school district must annually report to the Florida Department of Education on the number of students served under this section who received general education interventions and the number of students who received such services and subsequently receive special education and related services under Part B of the IDEA during the preceding two (2) year period.”</p> |
| <p>SBE Rule 6A-6.030121, F.A.C. <i>Exceptional Student Education Eligibility for Students with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services</i></p> | <p>RTI process is explicitly linked for the first time to all initial language evaluations for students in kindergarten through grade 12. The RTI process is indicated via general education intervention requirements prior to referral for evaluation, as part of minimum language evaluation requirements, and as one criterion among several for determining a student eligible for special education and related services as a student with a language impairment.</p> <p>“(5) General education intervention procedures and activities for students in kindergarten through grade twelve. Prior to obtaining consent for initial evaluation, the requirements of subsection 6A-6.0331(1), F.A.C., related to general education procedures for kindergarten through grade twelve students, must be met.</p> <p>(6) Evaluation procedures for students in kindergarten through grade twelve.</p> <p>(a) The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs exceptional student education in the following circumstances:</p> <ol style="list-style-type: none">1. Prior to obtaining consent for evaluation, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or2. Prior to obtaining consent for evaluation, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of exceptional student education; or3. Whenever a referral is made to conduct an evaluation to determine the student’s need for exceptional student education and the existence of a disability. <p>(b) To ensure that the decreased performance and/or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:</p> <ol style="list-style-type: none">1. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings; |

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| | <p>2. Data-based documentation, which was provided to the student’s parent(s) or guardian(s), of repeated measures of performance and/or functioning at reasonable intervals, communicated in an understandable format, reflecting the student’s response to intervention during instruction”</p> |
| <p>3/2014 SBE Rule 6A-6.0331, F.A.C. <i>General Education Intervention Procedures, Evaluation, Determination of Eligibility, Reevaluation and the Provision of Exceptional Student Education Services</i></p> | <p>Added the term MTSS = Multitiered Systems of Support. First time the rule explicitly required a “data-based problem-solving process.” Added the term “coordinated continuum of evidence-based instruction and intervention practices...”, first use of the term evidence-based; maintained the term “scientifically-based academic and behavioral interventions”.</p> <p>“(1) General education intervention procedures for kindergarten through grade twelve (12) students suspected of having a disability who are enrolled in public schools. It is the local school district’s responsibility to develop and implement a multi-tiered system of support which integrates a continuum of academic and behavioral interventions for students who need additional support to succeed in the general education environment. In implementing a data-based problem solving process designed to develop, implement and evaluate a coordinated continuum of evidence-based instruction and intervention practices, a school district may carry out problem solving activities that include the provision of educational and behavioral evaluations, services, and supports, including evidence-based literacy instruction and professional development for teachers and other school staff to enable them to deliver scientifically based academic and behavioral interventions and, where appropriate, instruction on the use of adaptive and instructional technology.”</p> |

Note. SBE = State Board of Education; F.A.C. = Florida Administrative Code. Full text of each document noted in the table above can be accessed via <http://www.flrules.org>