



Legal Understanding of IEP and MLSS: Promoting Student Achievement through Intervention

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Working hand in hand: MLSS & IEP

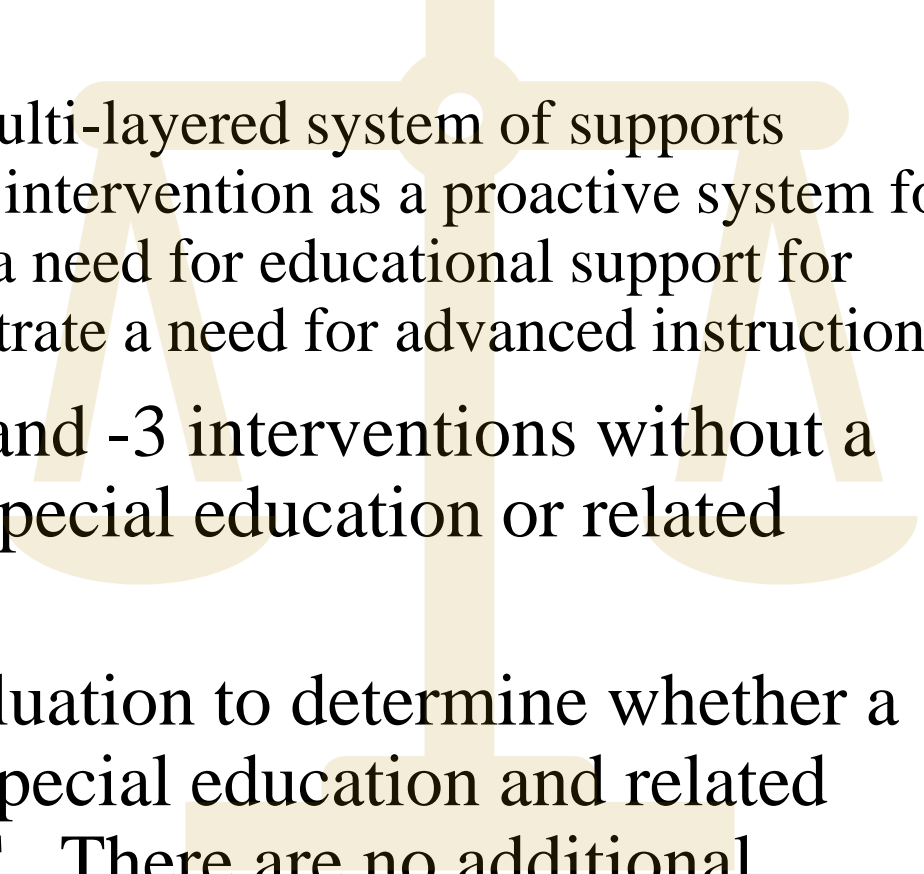


- All student who are facing problems as school for academics, well being and behavioral all need to go through the layers of MLSS first.
- MLSS provides different supports at each layer to determine if the student can be helped through this before going through testing and the IEP process.
- If a student can not be helped by the MLSS process then the student is deemed to require testing for special needs.
- If the student's test come back has special needs the school is required to create an IEP and go through that process.

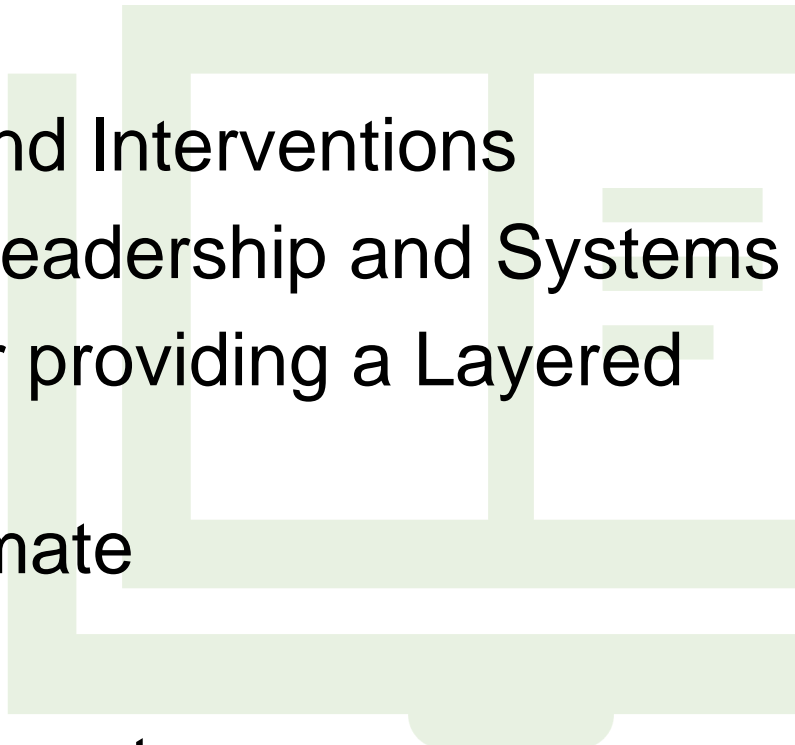
What is MLSS?

- The Multi-Layered System of Supports (MLSS) is New Mexico's comprehensive overhaul of the Response to Intervention (RtI) that improves support systems by removing administrative barriers to providing timely evidence-based supports and focuses on holistic student success through robust family partnerships.
- **Multi-layered system of supports (MLSS):** means a coordinated and comprehensive framework that uses increasingly intensive evidence-based academic and behavioral supports that address student needs as evidenced by student data. It is a model for holistic school improvement that provides progress measures for additional supports such as school-based team structures, professional development, health and wellness, and family and community engagement. MLSS satisfies the definition of "multi-tiered system of supports" contained within the ESSA. 6.29.1.7 (Z) NMAC.

MLSS Defined by State Law- 6.29.1.9(E) NMAC

- Student intervention system.
 - The school and school district shall follow the multi-layered system of supports (MLSS), which is a three-layer model of student intervention as a proactive system for early intervention for students who demonstrate a need for educational support for learning or behavior or for students who demonstrate a need for advanced instruction.
 - All students shall have access to layer-1, -2, and -3 interventions without a need to convene a SAT team or a referral to special education or related services.
 - At any layer, a parent may request initial evaluation to determine whether a student is a child with a disability requiring special education and related service, in accordance with [6.31.2.10](#) NMAC. There are no additional documentation requirements under the MLSS outside of what is already required for education professionals.
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7 Core Components of MLSS

- 1. Data-Driven Decision Making
 - 2. High- Quality Core Instruction and Interventions
 - 3. Informed and Effective School Leadership and Systems
 - 4. Collaboration and Processes for providing a Layered Continuum of Supports
 - 5. Positive School Culture and Climate
 - 6. Student Wellness
 - 7. Family and Community Engagement
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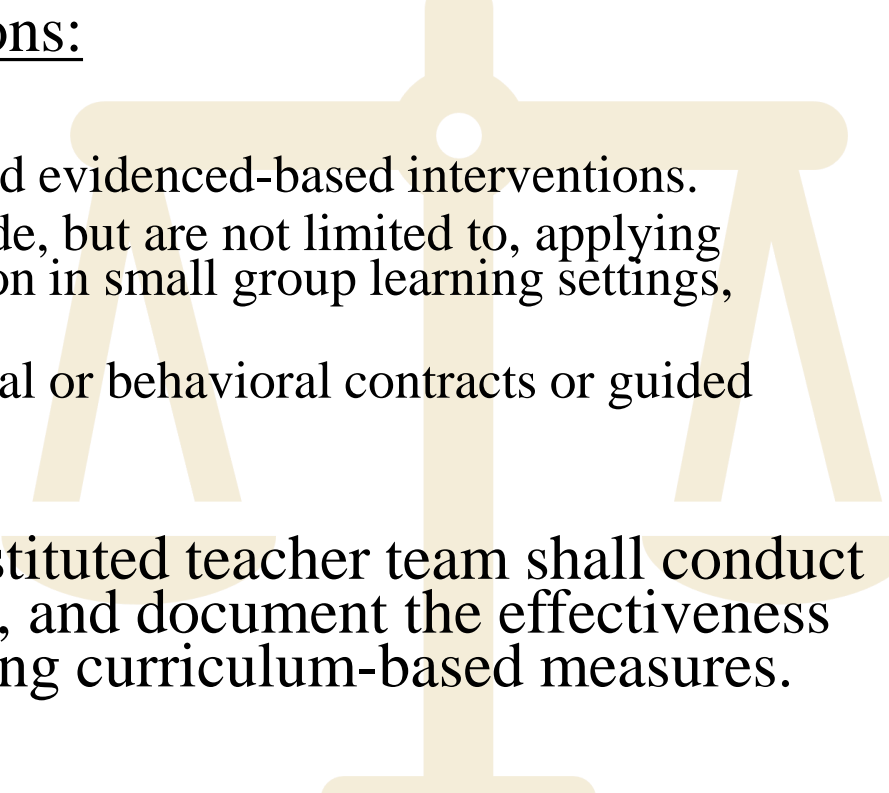
Layer 1: Universal Supports & Instruction

- **All students receive Layer 1** — universal supports and instruction aligned to the New Mexico State Standards (NMCS)
 - 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 supports and instruction alone.
- **6.29.1.9 (E) states, In layer 1,** “the school and school district shall ensure that adequate universal screening in the areas of general health and well-being, language proficiency status, and academic levels of proficiency has been completed for each student enrolled.”

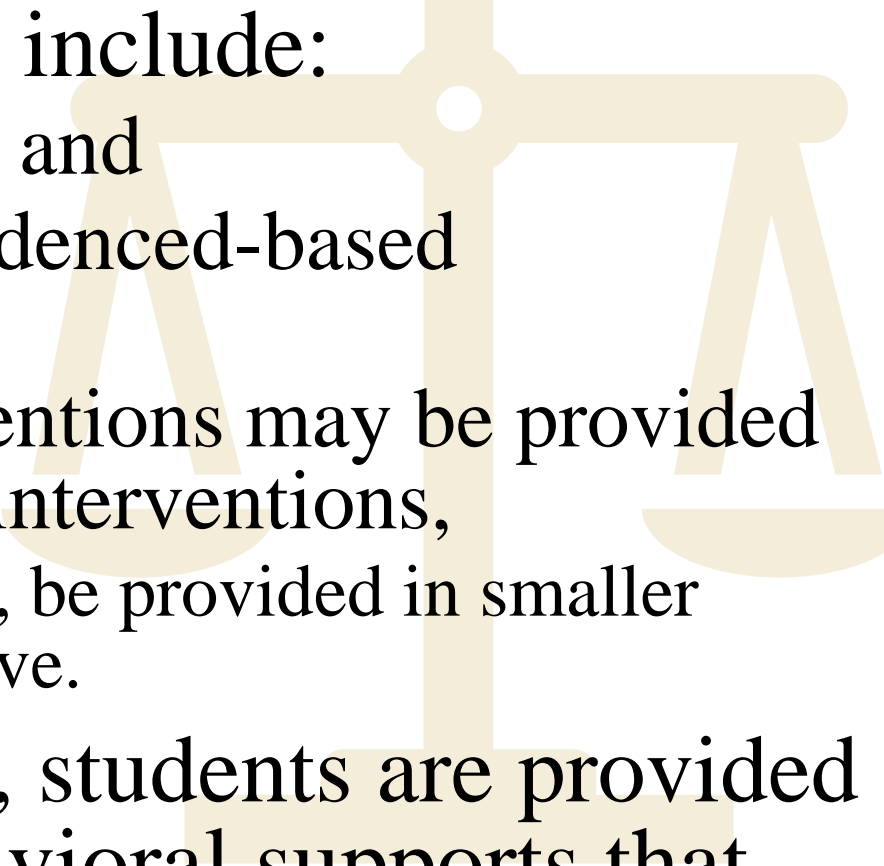
Moving between Layers

- **6.29.1.9 (E) states**, If data from universal screening and progress monitoring suggests that a particular student is in need of additional behavioral and academic supports, then teacher teams shall make a determination on whether or not the student would benefit from layer-2 interventions.
- Teacher teams, when making a determination for moving a student up or down a layer may consult with non-teacher staff such as counselors, paraprofessionals, administrators, and ancillary personnel to inform the teacher team on how to plan and implement relevant learner interventions in the general education environment.

Layer 2: Targeted Interventions + Layer 1

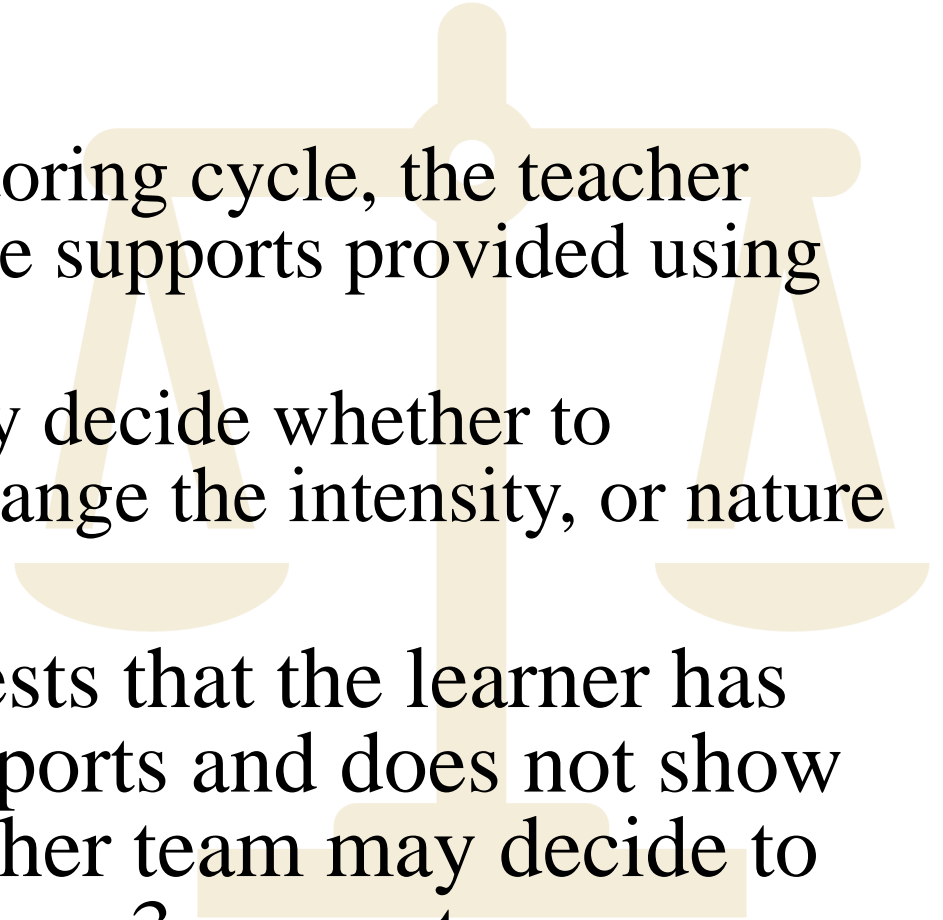
- Students receiving Layer 2 targeted interventions:
 - receive core curriculum and instruction plus targeted evidenced-based interventions.
 - Targeted evidenced-based interventions may include, but are not limited to, applying evidenced-based interventions and data driven instruction in small group 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.
 - **6.29.1.9 (E) states, In layer 2,** a properly constituted teacher team shall conduct the student study process and consider, implement, and document the effectiveness of appropriate evidence-based interventions utilizing curriculum-based measures.
 - As part of this process, the teacher team shall address culture and acculturation, socioeconomic status, possible lack of appropriate instruction in reading or math, teaching and learning styles and instructional delivery mechanisms in order to rule out other possible causes of the student's educational difficulties.
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Layer 3: Intensive Interventions + Layer 1&2

- Layer 3 intensive interventions include:
 - core curriculum and instruction, and
 - intensive and individualized evidenced-based intervention
 - 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.
 - **6.29.1.9 (E) states, In layer 3,** students are provided with intensive academic and behavioral supports that are progress-monitored on a bi-weekly basis.
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After Layer 3

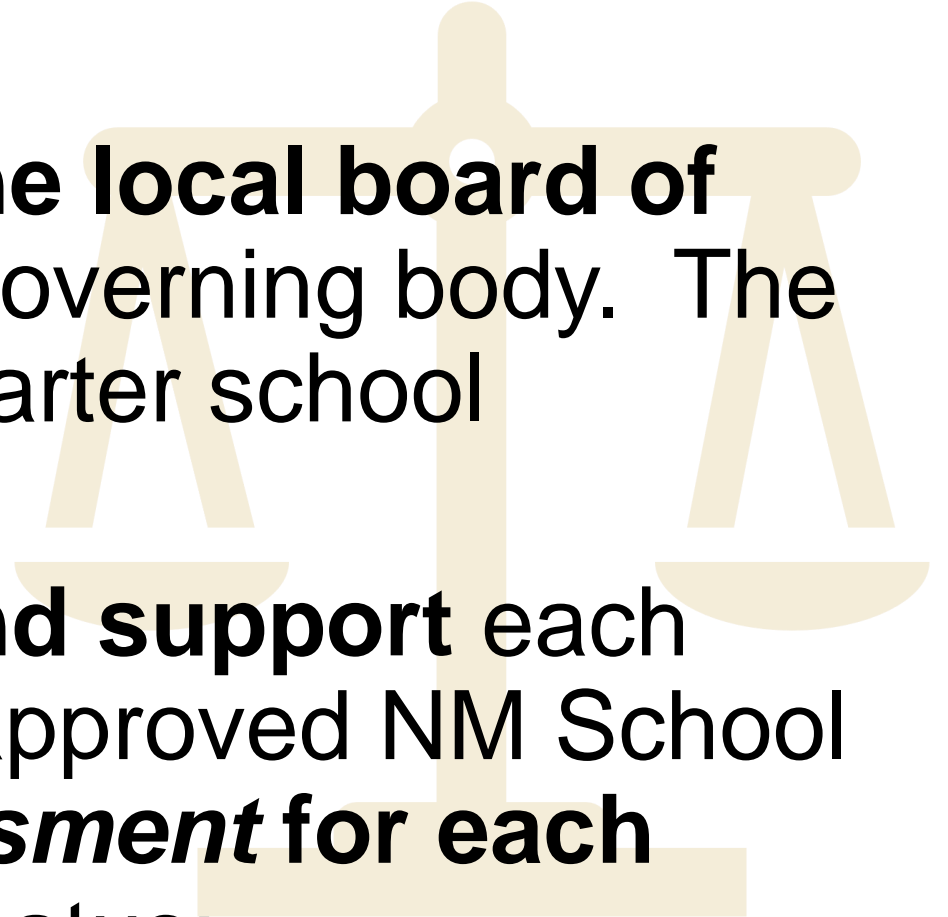
- **6.29.1.9 (E) states,**
 - At the end of each progress monitoring cycle, the teacher team shall evaluate the efficacy of the supports provided using all available data.
 - At that time, the teacher team may decide whether to continue with the current support, change the intensity, or nature of support.
- If progress monitoring data suggests that the learner has benefited from provided layer-3 supports and does not show concern for regression, then the teacher team may decide to move the student out of receiving layer-3 supports.
- Or move to the IEP process.



School Board requirements for MLSS

6.29.1.9 NMAC

- **A. Duties and powers of the local board of education or charter school governing body.** The local board of education or charter school governing body shall:
 - (1) **review, approve, and support each school site-level department-approved NM School DASH and *MLSS Self-assessment* for each school site** in improvement status;



REQUIREMENTS FOR ALL DISTRICTS AND CHARTERS

- Assign a team member to act as the MLSS POC
- POC attends monthly statewide webinars
- POC ensures that all schools have submitted the MLSS Self-Assessment

Additional Resources

- MLSS Manual 2021
- https://webnew.ped.state.nm.us/wp-content/uploads/2021/07/MLSS_Manual_2021-1.pdf

Then what?

The student may need to receive evaluation for special education.

WHO IS RESPONSIBLE for an IEP

- Every member of a student's IEP team bears responsibility for ensuring that the IEP is implemented in accordance with its agreed upon provisions. No single member of the IEP team can modify the IEP, refuse to implement the IEP or ignore the provisions of the IEP.
- In today's environment, it is important that any individual who becomes aware of the school's failure to implement the IEP or feels that the accommodations are not working has an obligation to speak up and request an IEP meeting or a staffing meeting to discuss the issues.
- **“Decisions about a child's program and/or placement are not simple. Districts must follow a process outlined in the IDEA. It takes a team of people, which includes the parents or guardians, using their combined knowledge and expertise to make decisions that are in the best interest of the child.”** *NM PED Procedural Safeguards Notice*

Judged at time written

- An IEP must be judged as to its appropriateness at the time that it is written, not with respect to subsequently obtained information about the student. *Roland M. v. Concord Sch. Comm.*, 16 IDELR 1129 (1st Cir. 1990), *reh'g en banc denied*, 110 LRP 65965 (1st Cir. 09/14/90), *cert. denied*, 499 U.S. 912, 110 LRP 66026 (1991) ("An IEP is a snapshot, not a retrospective" and "must take into account what was objectively reasonable at the time the IEP was drafted").

- The "reasonably calculated" standard of *Endrew* shows that **crafting an appropriate program of education requires a prospective judgment by school officials, informed by their own expertise and the views of a child's parents or guardians.** The Court explained that any review of an IEP must determine whether the IEP is reasonable, not whether it is ideal.

Goals Must be Measurable

- An annual Goal is a statement that describes what a child with a disability can *reasonably* accomplish within a twelve month time period in the special education program.
- The Short-term Objective should be written in a sequential order to reflect a progression through the various skills needed to meet the goal.

Goals cont..

- Remember:
 - District's must periodically report progress toward IEP goals.
 - The report needs to include a statement of the extent to which the student's progress is sufficient to enable the student to achieve the goal by the end of the year.

How do we prepare

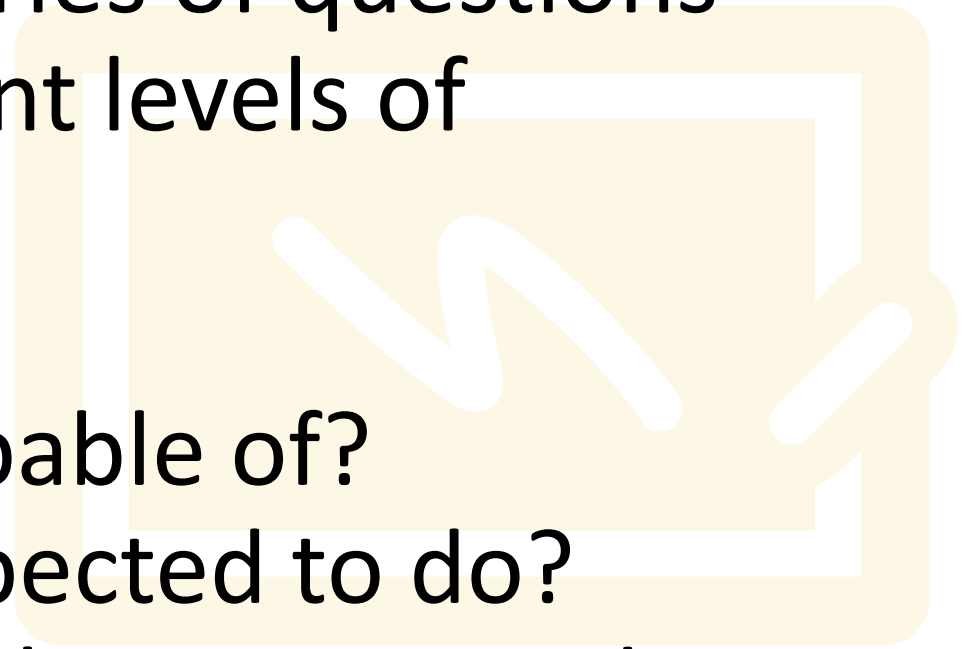
- Present levels of performance will become even more critical to the development of an IEP when looking at the issue of appropriate and reasonable. Without a clear cut view of the student's current status, it will be difficult, if not impossible, to design a program that will meet the needs of the student for the next 12 months.
- Present levels of performance which tie directly into the goal and objectives of a student will allow for measurement of progress as well as implementation.

STUDENT PERFORMANCE MEASURED

- IEP teams should ask a series of questions to develop a child's present levels of performance.

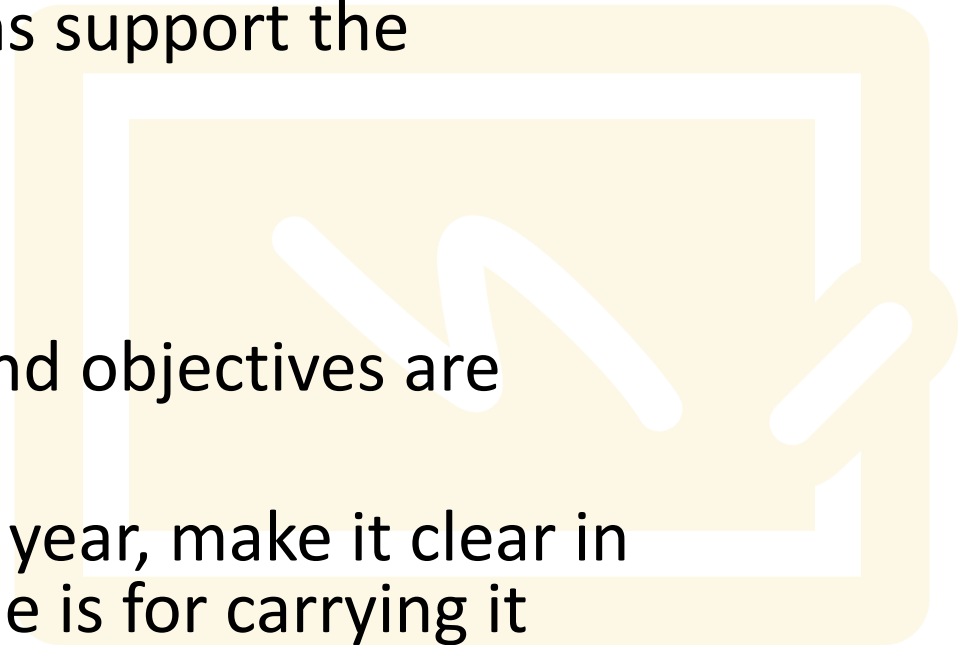
These questions include:

- What is the student capable of?
- What is the student expected to do?
- What will be the focus this year in order to narrow the gap between the two?



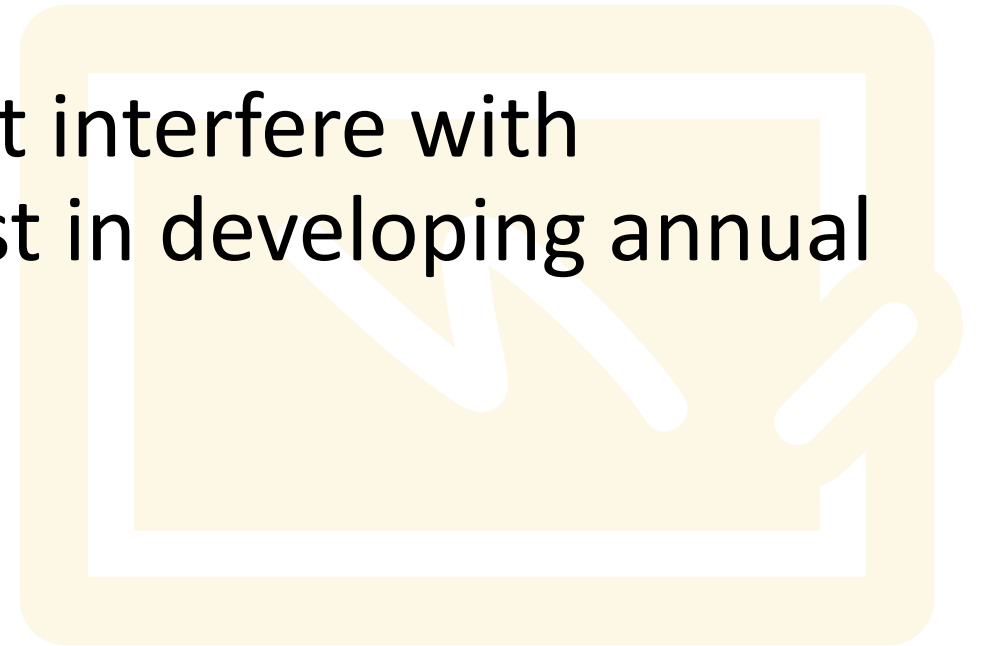
CONSIDERATIONS

- What is the impact of disability on academic and functional performance?
 - What strategies and accommodations support the student?
 - What motivates the student?
- Other Matters to Consider
- 1) Be careful to ensure that IEP goals and objectives are individualized to student.
- 2) If a goal is carried over from year to year, make it clear in the PWN what the educational rationale is for carrying it over.
- 3) If you include objectives in the IEP. make sure they are the building blocks for the goals



Present Levels of Performance

- Purpose:
 - to describe the problems that interfere with student's education and assist in developing annual goals.
- Present levels should include:
 - Academic achievement
 - Test scores including an evaluation of the results
 - Student's current physical condition
 - Description of social/emotional maturity



Present Levels of Performance

- Strengths and weaknesses including learning style
 - Present levels should include a description of modalities which are the most effective. PLP is not only a measure of academic achievement, but of functional performance.
- Can you answer the following question?
 - “Does the student learn better through visual, auditory or kinesthetic activities (or some combination of these)?” If not, begin keeping records of student’s performance using each modality.

Accommodations and Modifications

- Ensure that accommodations and modifications are carried out, in full, in general education setting. If extra time is given, determine whether this includes in-class testing and consider what accommodations or modifications are going to apply in testing situations.

Accommodations and Modifications

- State form includes place to include information from the PLP concerning instructional presentation mode(s), instructional strategies and student response mode. These should be considered not only in the goals area but also in the general education setting.

Accommodations & Modifications In the General Education setting

- The IEP should include a statement of the modification necessary for the student to advance appropriately toward attaining his annual goals.

Accommodations and Modifications

- To be involved and make progress in the general education curriculum and participate in extracurricular and nonacademic activities.
- To be educated and participate with non-disabled children.



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Questions?

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