

Response to Intervention (RTI) and Child Find: Making a “Federal Case”? Case Study Scenario

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I.M. Itchey is in the third grade and has been displaying difficulty with academic and social skills. In response to these difficulties, the school’s RTI team has been assisting I.M. through “Tier II” interventions focused on reading and math, after continuous progress monitoring revealed that he did not respond adequately during the spring of last year.

Dissatisfied with I.M.’s educational progress, I.M.’s mother took him to a physician in early September. Medical documentation that she provided to the school provided a diagnosis of ADHD with a rule out for Dyslexia. The physician’s report suggested that the school consider conducting an evaluation for special education eligibility under the IDEA.

In response to the physician’s recommendation for an evaluation, I.M.’s RTI team quickly met with and advised his mother that it would be necessary to continue the RTI process and that the resulting progress monitoring data would later be used as part of a full psychoeducational evaluation of I.M. if necessary. During this meeting, the RTI team recommended additional educational interventions at Tier II, including math interventions in a small group setting. The RTI team also suggested possible future consideration of a Section 504 Plan.

After a month of continued Tier II interventions, the school convened a Section 504 eligibility team, which included the parent and which determined that I.M. met the Section 504 definition of disability based upon the ADHD diagnosis. The team’s resulting 504 Plan for I.M. consisted of accommodations in the regular education classroom. In addition, I.M. continued to participate in the RTI process with mixed results and likely consideration during the second semester for Tier III.

In mid-January, the RTI team met again to review I.M.’s limited progress in reading and math. The Team decided to continue the reading program but to change to a Tier III math intervention. By the end of March, however, the team determined that the district should proceed with a psychoeducational evaluation of I.M. for possible special education eligibility. On April 15th, the parent provided written consent and the district completed the evaluation in June. However, the district informed Mrs. Itchey that an IDEA eligibility meeting will be convened at the beginning of the upcoming school year, since school personnel are not available during the summer.

Frustrated, Mrs. Itchey consulted with an attorney. During mid-summer, she filed for a due process hearing, claiming that the district had violated its IDEA Child Find obligations.

- 1. Does Mrs. Itchey have a good case?*
- 2. Would the likely outcome at the due process hearing differ if Mrs. Itchey instead had formally requested an evaluation in the fall and the district had formally denied her request, enclosing a copy of the IDEA procedural safeguards?*
- 3. Would the likely outcome differ if Mrs. Itchey had filed a complaint with OCR under Section 504 instead of initiating an IDEA hearing?*
- 4. Would your answers to any of these questions be different if instead the diagnosis was Dyslexia from a private psychologist and I.M. had made more notably positive progress via RTI, though not as much as the psychologist or parent expected?*