



esti

we

erm

.30

esti

ourc

uat

we

d v

n th

.17

uat

C.F

Th

U.S.C. §§ 1414(a)(1)(A) and (b)(4), and 34 C.F.R. §§ 300.301(a) and 300.306. In addition, special education services cannot be provided without parental consent after completing an evaluation and eligibility determination. 20 U.S.C. §§ 1414(a)(1)(A), (a)(1)(D)(i)(II), and (b)(4), and 34 C.F.R. §§ 300.300(b), 300.301(a), and 300.306. Therefore, IDEA Part B funds cannot be used to provide special education and related services during the secondary or tertiary level of an RTI framework to a child who has not been evaluated and found to be a child with a disability and eligible under IDEA, and whose parents have not provided parental consent for the initial provision of services.

Question 3: Is an RTI approach applicable to special education students (i.e., after rather than before an eligibility evaluation) as a framework for implementing least restrictive environment and/or FAPE under IDEA?

Answer: As discussed in response to Question 2, FAPE includes the provision of special education and related services provided in conformity with an IEP. While there is nothing in IDEA that prohibits children with disabilities who are receiving special education and related services under IDEA from receiving instruction using RTI strategies, all special education and related services must continue to be provided consistent with each child's IEP.

If you have any further questions, please do not hesitate to contact Ms. Pagano at 202-245-7413 or by email at Lisa.Pagano@ed.gov.

Sincerely,

/s/

Laurie VanderPloeg
Director
Office of Special Education Programs