Addressing Disproportionality by Building Infrastructure to Support RTI Implementation in a Large Urban School District

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Memphis, Tennessee
The IDEIA statute highlights the need for school districts to identify and address issues related to disproportionality, the over-identification and over-representation of minority students in special education. Further guidance is provided by the statute in terms of encouraging districts to explore Response to Intervention (RTI) methodologies and to adopt research-based interventions to increase student achievement. However, individual states and districts are ultimately responsible for defining RTI methodologies in operational terms.

The Clark County School District (CCSD) has moved proactively in developing data based decision making procedures related to disproportionality, collaborative problem solving and RTI. Data analysis pertaining to relative risk ratios for disproportionality and referral and outcome data for the Student Intervention Program provide the context for strategic planning in the development of school-wide intervention systems, to include RTI. The specific RTI procedures developed by CCSD to assist in the assessment of a student with a suspected learning disability will be presented. The successes and challenges faced by a large urban school district in operationally defining RTI procedures, practices and implementation will also be discussed.
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Understanding Disproportionality

- Constructive Policies
- Legal Requirements
- Risk Statistics
- Analysis & Interpretation
Constructive Policies and Practices Based On

- Understanding legal requirements
- Appropriate statistical analyses
- Reasonable criteria to define “significant disproportionality”
- Prevention in general education
- Early identification-Early intervention
- Non-discrimination in evaluation and placement
- Ensuring special education effectiveness
Legal Requirements

- Statute
- Regulations
- Litigation
- Interaction between litigation and legislation
§300.173 Overidentification and disproportionality

States must collect data on disproportionality to determine if significant disproportionality by race exists re:

- Identification of students with disabilities by category
- Placement options used, i.e., LRE profile
- Incidence and kind of disciplinary actions including suspensions and expulsions
Disproportionality Legal Requirements

- §300.173 Overidentification and disproportionality continued
- If significant disproportionality exists, the state must
  - Review and, if appropriate, revise the policies, procedures, and practices used in identification or placement
  - Allocate 15% of IDEA funds to EIS, especially focusing on children significantly overidentified
  - Require the LEA to publicly report on the revision of policies, practices, and procedures described under paragraph (b)(1) of this section.
Disproportionality Statistics

- Risk: Percent of total group in sped category
  - 100 white in MR out of 2000 white students in the student population, $100 \div 2000 = 5\%$
  - Risk = 5\%

- Composition: Percent of sped category by each group
  - Total of 150 students in MR
  - White composition of MR, $100 \div 150 = 67\%$
Illustration of Risk and Composition

- Consider gender and teaching
- Composition of educators by gender is heavily female, >80%
- "Risk" of being an educator for women is <1%
- Likewise with racial/ethnic group and special education representation
  - Composition sometimes appears large
  - Risk is relatively small
Comparing Risk Statistics Across Groups

- Relative Risk, ratio of two risk indices
- Useful for determining the severity of disproportionality
- Two methods
  - Risk of minority group to risk of white group
  - Risk of each group compared to the combined risk of the other groups
- See calculation exercises
Disproportionality Impressions

- Composition: African students constitute 17% of the US student population, but 35% of the US MR population is African American.
- Risk: Approximately 2.5% of African American students are classified as MR. The rate for white students is 1.1%
- The relative risk for MR for African American and white students is $2.5\% \div 1.1\% = 2.27$
- African American students are approximately 2.3 times more likely to be in MR than white students
National Problem Categories: MR

Composition: 35% of Students in MR are African American vs. 17% of the overall student population is African-American

Risk: 2.6% of African Americans are in MR vs. 1.1% of white students;

Relative Risk: Rate for Af-Am is 2.4 times higher than white rate.

No other groups are overrepresented in MR
National Problem Categories: ED

**Composition:** 26.4% of Students with ED are African American vs. 17% Af Am in general student population

**Risk:** 1.6% of African-American Students are in ED vs. 1.0% of White Students

**Relative Risk Ratio:** Af-Am rate is 1.6 times white rate

No other group overrepresented in ED
National Problem Categories: LD

**Composition:** 1.37% of Students with LD are Native American Indian vs. 1.1% of Indian Students in the General Population

**Risk:** 7.3% of Indian students are in LD vs. 6.1% of White Students

**Relative Risk:** Indians are 1.2 times more likely to be in LD than white students

No other group is overrepresented in LD
Overrepresentation and Overidentification

- National overall rate: 11.96%, 5,549,913
- Modify Indian and African-American rates to the white rate of 12.06%
- Indian to 12.06%, reduces by 5,474
- Af-Am to 12.06%, reduces by 172,675
- National rate reduced by 0.25%, from 11.96% to 11.71%
Overrepresentation and Overidentification

- Overrepresentation has a negligible influence on overidentification.
- Significant number of students: 178,149
- Overrepresentation is controversial.
- NRC Panel analysis of, “Is overrepresentation discriminatory?
- Do we expect equal representation by all groups?”
Criteria for Significant Disproportionality

- No precise numerical guidelines (Grutter and Gratz Supreme Court Cases)
- Tenative Guidelines:
  - Relative Risk of (RR) 1.0 to 1.2 acceptable
  - RR of 1.2 to 1.5 moderate, questionable, more study
  - RR of 1.5-2.0 Clearly significant
  - RR > 2.0 Highly significant, nearly certain scrutiny
Analysis Strategies

- Require minimum numbers in the population for analysis N=30 minimum
- Conduct chi square analyses
  - Group by classification
  - Group by LRE
  - Ignore non-significant results
- Examine relative risk statistics
- Examine simple risk statistics
Building School Wide Intervention Systems

Strategic Efforts to Complement Other District Activities
Multi-Level Tier Approach

Data-based decision making at all levels

Tier III
Intensive Individualized Intervention and problem solving

Tier II
Individualized Small Group Intervention for Students Demonstrating Need

Tier I
Effective School & Class-wide Interventions/Instruction

Intensity of Resources
CCSD Practical Applications

Specially Designed Instruction and Support

RESPONSE TO INTERVENTION
Student Intervention Program
*Evidence Scale
*Longitudinal Referral Data

System of Intervention Programs and Progress Monitoring
Targeted Outcomes

- High quality academic and behavioral interventions (multi-tiered)
  - Improve achievement and behavior outcomes for all children
  - Reduce the number of students with very low achievement
  - Prevent special education placement and reduce disproportionality

- Issue: Ensuring high quality for all students
Building Effective Collaborative Problem Solving Teams for At-Risk Students

Student Intervention Program (SIP) Model
Prescriptive Teaching Methodologies
Student Intervention Program (SIP)

- **Purpose** – Providing educational alternatives and supports to teachers and students
  - Assists in problem clarification/solutions
  - Provides hands-on support with teachers for academic and behavioral concerns
  - Assists in data collection/progress monitoring
  - Other considerations: retention, suspicion of disability, 504 Plans, etc.
Overview of SIP Process

1. Teacher requests assistance from SIP member (e.g., at grade level PLCs)
2. Case Manager is assigned
3. Goals are set and an Intervention Plan is created
   1. Target Behaviors
   2. Implementation and measurement procedures
   3. Responsible parties
4. Implement Interventions
   1. Ongoing data collection
5. SIP team evaluates student’s progress over time
   1. Team determines next course of action
Progress Monitoring

How often?
- Weekly for academic goals
- 9-18 weeks
- Daily for behavior goals
- Ten data points minimum

How?
- Pre-testing to establish baseline
- Frequent probes using curriculum
- Graphing and self-monitoring
Progress Monitoring

Possible Outcomes?

- End Intervention
- Continue Intervention
- Modify Intervention and continue
- Referral for Special Education evaluation
6. If possible referral to MDT team, complete *Cumulative Folder Review and Evidence Scale for MDT Referral* to rule out presence of exclusionary factors (e.g., transience, attendance, second language issues, etc.).

   1. If exclusionary factors cannot be ruled out, reassess regular education resources available to student, including continuation of SIP.
Important SIP Forms/Procedures

- SIP Intervention Plan Summary
- Graphing of Student Progress
- Evidence Scale for MDT Referral
Incorporating RTI Methodologies

Data Based Groundwork for Improved Special Education Decision Making
Response to Intervention
Validated Intervention

- Research-based Quality Indicators (Upah & Tilly 2002)
  - Target concern functionally defined
  - Performance standards quantified
  - Adequate response defined
  - Student skill & instruction matched
  - Procedures specified

- Intervention Integrity
  - Implemented as planned
Response to Intervention
Three Operational Phases

- Baseline
- Intervention
- Outcome
Response to Intervention
Baseline Phase

**Purpose**
- Benchmarks current level of performance

**Performance Indicator Selected**
- Representative skill specified
- Observable & measurable
- Quantified and scaled
- Operationally defined
Response to Intervention

Intervention Phase

- **Purpose**
  - Improve baseline performance

- **Target Goal & ART Determined**
  - Criterion-referenced to existing standards

- **Validated Intervention Implemented**
  - Research-based (shown to be effective)
  - Integrity (implemented as planned)

- **Progress Monitoring Conducted**
  - Repeated measurement of performance
Response to Intervention Outcome Phase

- **Purpose**
  - Evaluate Response Adequacy

- **Baseline Compared to Expectations**
  - Target goal expectation
  - ART expectation

- **Focus on need NOT on disability**
Response to Intervention
Outcome Phase

Graphical Analysis of Performance
- Performance compared to standards
  - Baseline (current performance)
  - Target Goal (expected performance)
  - ART (Acceptable Response Threshold)
- Aim line (dynamic target goal)
- Trend (slope of progress)
- Level (magnitude of progress)
Response to Intervention: Graphing Data – Step 1
Chart baseline and Target Goal, draw intervention line

INTERVENTION PROGRESS

TIME/Probes

Performance Level

Baseline Intervention Target Goal

Baseline Intervention Line
Response to Intervention: Graphing Data – Step 2
Draw Aimline and ART line

INTERVENTION PROGRESS

Baseline Intervention

Performance Level

TIME/Probes

Aim Line

ART Line

Baseline

Intervention

Baseline (Blue)

Intervention (Pink)
Response to Intervention: Graphing Data – Step 3
Chart Intervention progress data

INTERVENTION PROGRESS

Performance Level

TIME/Probes

Baseline
Intervention
Aim Line
Adequate Response Zone
Inadequate Response Zone

Baseline
Intervention

0 2 4 6 8 10 12

0 2 4 6 8 10 12

ART
Evaluate the Intervention

What is Acceptable?
- Evidence of forward movement
- No drastic setbacks
- A reasonable learning rate
- Consider the frequency, intensity, and duration of interventions needed for a child to progress
Ask Yourself

- Was the problem clarified and the goal appropriate?
- Did the intervention address the concern?
- Was the intervention fully implemented?
- How much progress did the student make?
- Can the problem be resolved within the school setting?
- What action is recommended?
Possible Outcomes

Resolved: Discontinue services
Being resolved: Continue intervention
Unresolved:
  ● New goal or
  ● MDT referral?
LD Eligibility Criteria

Alternative Procedures and Criteria
Traditional LD Model

- **Best practices???
  - Has Severe Discrepancy become the single LD criterion?
  - Are other required eligibility criteria ignored?

- **Adverse consequences of traditional practices
  - Over identification of LD (52% of Spec. Ed.)
  - Over representation of minority groups

- **Assessment and eligibility practices should change to mitigate these adverse consequences**
● **Best practices???
  – Has S/D become the single LD criterion?
  – Are other required eligibility criteria ignored?

● **Adverse consequences
  – Over identification of LD (52% of SpEd)
  – Over representation of minority groups

● **Assessment and eligibility practices should change to mitigate these adverse consequences**
Required Eligibility Components

- Two-part special ed. eligibility test
  - Is there an IDEA disability?
  - Is there a need for Special Education?

- LD disability
  - Not LD if exclusionary factors are the primary reason for learning problems

- Need for special education
  - Not needed if general education modifications can reasonably correct a student’s academic problems
Primary means of determining need for SpEd

MDT Assessment of Prior Intervention
- Protocol provides assessment framework
- MDT formally analyzes the evidence
- SIP is primary source of evidence
- Impact of Prior Intervention determined
- Assessment decision documented
- MDT participants sign off
# Severe Discrepancy Analysis

## Prior Intervention Protocol

**Specific Learning Disability Assessment**

<table>
<thead>
<tr>
<th>Student</th>
<th>ID Number</th>
<th>Date</th>
<th>Intervention Dates</th>
</tr>
</thead>
</table>

**Describe Prior Individualized General Education Intervention** *(Describe best example of intervention)*

**Specific Target Concern of Prior Intervention**

**Performance Indicator (PI)** *(Specific Target Concern skill measured to indicate progress toward the intervention goal)*

## Appropriateness of Intervention Design

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>DK</th>
<th>There is evidence that...</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>1. An appropriate Target Concern was identified for intervention.</td>
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<td>2. A representative skill of the Target Concern was identified as the Performance Indicator.</td>
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<td>3. A baseline level of the Performance Indicator was determined before intervention began.</td>
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<td>4. Intervention instruction was appropriate for the student's baseline skill level.</td>
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<td>5. Intervention intensity &amp; timelines were appropriate for determining performance changes.</td>
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<td>6. A reasonable intervention Target Goal was established given baseline and timelines.</td>
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</tbody>
</table>

## Integrity of Intervention Implementation

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>DK</th>
<th>There is evidence that...</th>
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<tbody>
<tr>
<td></td>
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<td></td>
<td>1. The intervention plan was documented in writing. <em>(if &quot;Yes,&quot; attach a copy to this document)</em></td>
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<td>2. Responsibilities were explained to participants, including the student.</td>
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<td>3. Materials and resources were obtained and appropriately utilized.</td>
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<td>4. Performance data was appropriately collected.</td>
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<td></td>
<td>5. Performance data was appropriately analyzed.</td>
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<td>6. The intervention was implemented as designed and as planned.</td>
</tr>
</tbody>
</table>

## Prior Intervention Analysis Statements

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t Know</th>
</tr>
</thead>
</table>

- Analysis of prior intervention indicates that general education intervention can adequately correct this student’s achievement deficits over a reasonable period of time.
- Analysis of prior intervention indicates that this student’s educational needs can be adequately accommodated in general education.

## General Conclusion:

- NOTE: "Yes" responses indicate that special education services are NOT needed for this student to receive FAPE.

## Eligibility MDT Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Agree?</th>
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<tbody>
<tr>
<td></td>
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<td>Yes</td>
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<td>Yes</td>
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<td>No</td>
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</table>
Exclusionary Factors Protocol

- Primary means of examining non-LD reasons for learning problems
- MDT Assessment of *Exclusionary Factors*
  - Protocol provides assessment framework
  - MDT formally analyzes the evidence
  - Evidence Scale (CCF-572) primary source of evidence
  - Impact of *Ex. Factors* determined
  - Assessment decision documented
  - MDT participants sign-off
# Severe Discrepancy Analysis

**Exclusionary Factors Protocol**

**Specific Learning Disability Assessment**

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<thead>
<tr>
<th>Student</th>
<th>ID Number</th>
<th>School</th>
<th>Date</th>
</tr>
</thead>
</table>

## Evidence

<table>
<thead>
<tr>
<th>Evidence</th>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environmental, Cultural &amp; Economic Disadvantage</strong></td>
<td></td>
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<tr>
<td>There is evidence that learning problems are primarily due to:</td>
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<td></td>
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</tr>
<tr>
<td>• Interfering environmental factors (e.g., chronic absences, transportation, lack of opportunity to learn, instruction not matched to student skill level)</td>
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<tr>
<td>• Interfering cultural, religious and/or life-style factors (e.g., culture or religious beliefs, discrimination, ingestive abuse, dependency)</td>
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<tr>
<td>• Interfering economic factors (e.g., lack of funds for school supplies, lack of opportunity to participate in pre-school activities)</td>
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</tbody>
</table>

## Other Disabling Conditions

There is evidence that learning problems are primarily due to:

- Emotional disturbance
- Mental retardation
- Visual, hearing or motor impairment

## Other Exclusionary Factors

There is evidence that learning problems are primarily due to:

- Lack of appropriate reading instruction
- Lack of appropriate math instruction
- Limited English proficiency
- Other:
- Other:
- Other:
- Other:

## Exclusionary Factors Impact Statement

Based on the evidence cited above, check the response below that best describes the impact of exclusionary factors on this student's educational performance.

NOTE: None or more “Yes” responses checked above (were believed to clearly and convincingly account for more than 50% of the “advantage affect” on the student’s educational performance, then the severe discrepancy and any significant achievement deficit(s) would be regarded as primarily the result of exclusionary factors.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>This assessment clearly and convincingly indicates that this student’s severe discrepancy and significant achievement deficits are primarily the result of exclusionary factors.</td>
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</tbody>
</table>

## Eligibility MDT Members

| Name | Position | Agree? | | Name | Position | Agree? |
|------|----------|--------| |------|----------|--------|
|      |          | Yes    | |      |          | Yes    |
|      |          | No     | |      |          | No     |
|      |          | Yes    | |      |          | Yes    |
|      |          | No     | |      |          | No     |
|      |          | Yes    | |      |          | Yes    |
|      |          | No     | |      |          | No     |
|      |          | Yes    | |      |          | Yes    |
|      |          | No     | |      |          | No     |
Exclusionary Factors Protocol

- Not LD if the primary reason for the Severe Discrepancy (S/D) is the result of Exclusionary Factors

- Primary is defined as more than 50% of the reason for the S/D
  - Measurement precision
  - Juries weigh the evidence (state of the art)
  - Standard of Proof: Clear and convincing

- Critical assessment question
  - Based on the assessment evidence, is the S/D more likely the result of LD or Exclusionary Factors?
Using Data to Plan and Evaluate Systemic Change

Targeted Indicators
Pattern and Trend Analyses
Qualitative Interpretations
Students Served by SIP District Wide
Percent of Total CCSD Referrals by Region
2005/2006
Students Served by SIP District Wide

# of Referrals – Multiple Years

School Year

Frequency

Year-End 2002-03 Year-End 2003-04 Year-End 2004-05 Year-End 2005-06

East Northeast Northwest Southeast Southwest CCSD Ave
SIP Interventions Successfully Completed
Percent of Total SIP Referrals per Region or RTI Subgroup
2005/2006
SIP Interventions Successfully Completed
Percentages – Multiple Years

Year-End 2002-03
Year-End 2003-04
Year-End 2004-05
Year-End 2005-06

School Year

East
Northeast
Northwest
Southeast
Southwest
CCSD Ave
SIP Interventions Modified and Continued
Percent of Total SIP Referrals per Region or RTI Subgroup
2005/2006
SIP Interventions Modified and Continued
Percentages – Multiple Years

Year-End 2002-03
Year-End 2003-04
Year-End 2004-05
Year-End 2005-06

School Year
SIP Cases Referred to MDT for Evaluation
(Percent of Total SIP Referrals per Region or RTI Subgroup)
SIP Cases Referred to MDT for Evaluation
Percentages – Multiple Years

School Year

Year-End 2002-03
Year-End 2003-04
Year-End 2004-05
Year-End 2005-06

East
Northeast
Northwest
Southeast
Southwest
CCSD Ave
SIP Cases Referred to MDT Resulting in Spec. Ed. Eligibility
(Percent of Total SIP to MDT Referrals per Region or RTI Subgroup)
SIP Cases Referred to MDT Resulting in Spec. Ed. Eligibility
Percentages – Multiple Years

Year-End 2002-03
Year-End 2003-04
Year-End 2004-05
Year-End 2005-06

School Year

East
Northeast
Northwest
Southeast
Southwest
CCSD Ave

0 10 20 30 40 50 60 70 80 90 100

Percent
Comparison of Two RTI Schools Matched on Demographic Variables

How do they differ?
What variables are in play?
RTI School Comparison
# of Students Referred to SIP

Adams ES
Brookman ES

2003-04 2004-05 2005-06
RTI School Comparison

Interventions Successfully Completed (%)
RTI School Comparison
SIP Cases Referred to MDT
Resulting in Spec. Ed. Eligibility (%)
RTI School Comparison

- Comparable Student Populations
- Comparable Demographic Variables
- Comparable Staffing / Resources

*How do the school differ?*
Ongoing Challenges

Successes and Setbacks
Lessons Learned
Implications for Disproportionality
Ongoing Challenges

- **Old Dogs and New Tricks**
  - Paradigm shifts require time and effort

- **Travel Needs – Airplane Tickets and a Car**
  - Mixture of systemic change and progressive steps

- **Laws of Physics**
  - Inertia / Opposite and Equal Reactions
Ongoing Support for the SIP Team Model Psychological Services

- Conducting school-based trainings
- Providing school-based consultation support
- Ongoing data tracking, analysis and interpretation
- Progressively incorporating RTI methodologies
Completed School SIP Team Trainings

# of Trainings – Multiple Years

- East
- Northeast
- Northwest
- Southeast
- Southwest
- CCSD Ave

Year-End 2002-
Year-End 2003-
Year-End 2004-
Year-End 2005-

School Year

Trainings

0 5 10 15 20 25 30 35
Ongoing Challenges

● Implications for Disproportionality
  – Striving for Universal Design
  – Striving for Improved Student Outcomes
Special Acknowledgements

- Administrators
  - Ron Jordan, Coordinator, Northwest Region
  - Rick Shaw, Coordinator, Southwest Region

- SIP Trainers
  - Bonnie Johnson, East Region
  - Jami Pro, East Region
  - Melody Thompson, East Region
Selected Resources

Selected Resources cont’d


Web Resources

- Intervention Central
  - http://www.interventioncentral.org
- DIBELS (Dynamic Indicators of Basic Early Literacy Skills)
  - http://dibels.uoregon.edu/
- Edformation/AIMSweb
  - http://www.edformation.com/
- National Center on Student Progress Monitoring
  - http://www.studentprogress.org/
- Institute for the Development of Educational Achievement
  - http://idea.uoregon.edu/