

1 SENATE JOINT MEMORIAL 9

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

3 INTRODUCED BY

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9  
10 A JOINT MEMORIAL

11 REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO MONITOR  
12 IMPLEMENTATION OF THE RESPONSE TO INTERVENTION APPROACH TO  
13 IDENTIFYING SPECIAL EDUCATION STUDENTS AND TO EVALUATE ITS  
14 EFFECT ON STUDENTS' ACADEMIC PROGRESS AND IDENTIFICATION RATES  
15 IN SCHOOL DISTRICTS.

16  
17 WHEREAS, research indicates that special education should  
18 only be considered when a student's performance shows a dual  
19 discrepancy, which is when the student performs significantly  
20 below same-grade peers on measures of academic performance and  
21 also performs poorly in response to carefully planned and  
22 precisely delivered instruction; and

23 WHEREAS, the federal Individuals with Disabilities  
24 Education Improvement Act of 2004 allows school districts to  
25 use scientific, research-based interventions as an alternative

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1 method for identifying students with specific learning  
2 disabilities and to expend up to fifteen percent of the  
3 district's Part B funds for early intervention services for  
4 students not identified as needing special education or related  
5 services; and

6 WHEREAS, in the response to intervention approach, a  
7 student with academic delays is given one or more  
8 research-validated interventions and if the student fails to  
9 show significantly improved academic skills despite the  
10 interventions, this failure to respond to intervention may be  
11 viewed as evidence of an underlying learning disability; and

12 WHEREAS, the response to intervention approach may reduce  
13 referrals to special education by providing a means to  
14 distinguish between students who perform poorly in school due  
15 to learning disabilities and those who perform poorly in school  
16 due to other factors, such as reading problems; and

17 WHEREAS, the national center for education statistics  
18 indicates that New Mexico identifies children as having  
19 learning disabilities at a rate of fifteen and eight-tenths  
20 percent, which is two percent above the national average; and

21 WHEREAS, the public education department has required  
22 districts to implement the response to intervention approach as  
23 part of a dual discrepancy model for identifying children with  
24 learning disabilities in kindergarten through grade three; and

25 WHEREAS, the department has extended the implementation

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1 deadline from July 1, 2007 to July 1, 2009;

2 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
3 STATE OF NEW MEXICO that the public education department be  
4 requested to monitor the implementation of the response to  
5 intervention approach by school districts and to evaluate the  
6 impact that the approach has on the academic progress of  
7 students and on the identification of students as needing  
8 special education and related services; and

9 BE IT FURTHER RESOLVED that the department monitor the  
10 assessment instruments used by school districts to help  
11 identify student needs and to measure response to interventions  
12 to ensure that the assessments are both valid and appropriate  
13 for the purpose; and

14 BE IT FURTHER RESOLVED that the department provide  
15 periodic updates, including the number of school districts that  
16 have fully implemented the response to intervention approach,  
17 and report its findings and recommendations, if any, to the  
18 legislative education study committee prior to the first  
19 session of the forty-ninth legislature; and

20 BE IT FURTHER RESOLVED that a copy of this memorial be  
21 transmitted to the secretary of public education.