

1 A JOINT MEMORIAL

2 REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO MONITOR
3 IMPLEMENTATION OF THE RESPONSE TO INTERVENTION APPROACH TO
4 IDENTIFYING SPECIAL EDUCATION STUDENTS AND TO EVALUATE ITS
5 EFFECT ON STUDENTS' ACADEMIC PROGRESS AND IDENTIFICATION
6 RATES IN SCHOOL DISTRICTS.

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8 WHEREAS, research indicates that special education
9 should only be considered when a student's performance shows
10 a dual discrepancy, which is when the student performs
11 significantly below same-grade peers on measures of academic
12 performance and also performs poorly in response to carefully
13 planned and precisely delivered instruction; and

14 WHEREAS, the federal Individuals with Disabilities
15 Education Improvement Act of 2004 allows school districts to
16 use scientific, research-based interventions as an
17 alternative method for identifying students with specific
18 learning disabilities and to expend up to fifteen percent of
19 the district's Part B funds for early intervention services
20 for students not identified as needing special education or
21 related services; and

22 WHEREAS, in the response to intervention approach, a
23 student with academic delays is given one or more
24 research-validated interventions and if the student fails to
25 show significantly improved academic skills despite the

1 interventions, this failure to respond to intervention may be
2 viewed as evidence of an underlying learning disability; and

3 WHEREAS, the response to intervention approach may
4 reduce referrals to special education by providing a means to
5 distinguish between students who perform poorly in school due
6 to learning disabilities and those who perform poorly in
7 school due to other factors, such as reading problems; and

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

12 WHEREAS, the public education department has required
13 districts to implement the response to intervention approach
14 as part of a dual discrepancy model for identifying children
15 with learning disabilities in kindergarten through grade
16 three; and

17 WHEREAS, the department has extended the implementation
18 deadline from July 1, 2007 to July 1, 2009;

19 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
20 STATE OF NEW MEXICO that the public education department be
21 requested to monitor the implementation of the response to
22 intervention approach by school districts and to evaluate the
23 impact that the approach has on the academic progress of
24 students and on the identification of students as needing
25 special education and related services; and

1 BE IT FURTHER RESOLVED that the department monitor the
2 assessment instruments used by school districts to help
3 identify student needs and to measure response to
4 interventions to ensure that the assessments are both valid
5 and appropriate for the purpose; and

6 BE IT FURTHER RESOLVED that the department provide
7 periodic updates, including the number of school districts
8 that have fully implemented the response to intervention
9 approach, and report its findings and recommendations, if
10 any, to the legislative education study committee prior to
11 the first session of the forty-ninth legislature; and

12 BE IT FURTHER RESOLVED that a copy of this memorial be
13 transmitted to the secretary of public education. _____

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