

A bill for an act

relating to education; adopting a response to intervention model; requiring rulemaking; requiring a report; repealing Minnesota Rules, parts 3525.1329, subpart 3; 3525.1341, subpart 2, item B.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **RESPONSE TO INTERVENTION.**

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given.

"Intervention" means the systematic use of a technique, program, or practice designed to improve learning or performance in specific areas of pupil need and selected, to the extent possible, based on their scientific validation.

"Presenting problem" means a problem statement that describes the degree of discrepancy between the learning standards of the educational setting and a student's performance.

Subd. 2. **Rulemaking.** (a) The commissioner of education shall adopt and amend rules to establish a response to intervention method as the sole method for establishing eligibility standards for specific learning disabilities using insufficient student achievement and insufficient student progress as the criteria. These rules shall require:

(1) scientific research-based instruction and behavioral supports in general education settings and the use of a collaborative approach by school staff for development, implementation, and evaluation of the intervention process as defined in section 125A.56, subdivision 2;

(2) a description of the presenting problem in objective terms using data collection procedures including reviews of existing information, interviews, and informal testing that focus on alterable characteristics of the instructional environment;

(3) data collection and problem analysis using a systematic, data-based process to develop a hypothesis about why the problem is occurring;

(4) that data be used by the team to determine whether a pattern of strengths and weaknesses in performance exists that is relevant in designing an intervention;

(5) data collection procedures that are individually tailored, valid, and reliable and allow for frequent and repeated measurements of intervention;

(6) interventions that are designed based on the data collected, the defined problem, parent input, and professional judgments about the potential effectiveness of interventions;

(7) an intervention plan that includes goals and strategies, a progress monitoring plan, a decision-making plan for summarizing and analyzing progress monitoring data, and designation of the parties responsible for implementation;

(8) interventions implemented in a manner highly consistent with the intervention plan's design as verified through direct observation and interviews with responsible parties and provided to the pupil for at least 80 percent of the recommended number of weeks, sessions, and minutes per session; and

(9) decisions regarding the effectiveness of interventions to focus on comparisons with initial levels of performance.

Noncompliance with the length of instruction under clause (8) shall not be used to deny a parent's right to a special education evaluation for the student.

(b) The commissioner of education shall amend rules to:

(1) remove the severe discrepancy model of identifying specific learning disabilities;

(2) remove the use of intelligence quotient testing in determining emotional and behavioral disorders; and

(3) adopt rules using a positive behavior and intervention supports model for emotional and behavioral disorders.

(c) The commissioner shall not adopt rules under this section implementing models similar to those removed under paragraph (b).

(d) The rules adopted under this subdivision shall be effective July 1, 2014.

Subd. 3. Minnesota Response to Intervention Center. (a) The St. Croix River Education District shall reestablish the Minnesota Response to Intervention Center. The commissioner of education shall contract with the St. Croix River Education District to provide expert level consultation and assistance on response to intervention issues through the Minnesota Response to Intervention Center. The commissioner shall utilize

H.F. No. 1490, as introduced - 87th Legislative Session (2011-2012) [11-2875]

federal revenue provided through the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act for this contract. The contract shall begin not later than August 1, 2011, and shall end June 30, 2013. The amount of the contract shall be sufficient to enable the education district to perform the duties assigned in this section.

(b) Through the contract with the Department of Education, the Minnesota Response to Intervention Center shall:

(1) provide leadership for the state regarding the implementation of a response to intervention model;

(2) provide training and assistance to school districts and charter schools to assist them in successfully planning and implementing a response to intervention model which results in:

(i) students being provided assistance as soon as needed;

(ii) improved student learning and closing the achievement gap;

(iii) a reduction in the number of students in need of special education; and

(iv) a more efficient use of personnel and financial resources;

(3) assist the commissioner in drafting the rule revisions required under subdivision 2;

(4) develop model response to intervention manuals;

(5) provide training and consultation on the response to intervention framework, including the problem solving model, scientifically based instruction within a multitiered model of instructional supports, standards-aligned instruction, and the use of formative assessment to guide instructional decision making;

(6) provide training, coaching, and consultation to school sites to meet the requirements of Minnesota Rules, parts 3525.1329 and 3525.1341, and applicable federal requirements under the Individuals with Disabilities Education Act and the Elementary and Secondary Education Act;

(7) assist higher education institutions to incorporate the response to intervention research into applicable licensure programs; and

(8) evaluate the learning and financial impact of the response to intervention model in Minnesota.

Subd. 4. **Report.** By February 1, 2012, the commissioner of education shall report the proposed rule changes required under subdivision 2 to the policy and finance legislative committees with jurisdiction over kindergarten through grade 12 education.

Sec. 2. REPEALER.

H.F. No. 1490, as introduced - 87th Legislative Session (2011-2012) [11-2875]

- 4.1 Minnesota Rules, parts 3525.1329, subpart 3; and 3525.1341, subpart 2, item B, are
4.2 repealed.
- 4.3 **EFFECTIVE DATE.** This section is effective July 1, 2014.