

Rationale for SLD/MTSS Bill

Section 1(a)

- The current definition of specific learning disability in Subpart 1 exceeds federal definition of a SLD.
- Recommendation: Align with federal definition of SLD.

Section 1(a)(1)

- Federal SLD criteria does not require the examination of strengths and weaknesses. This type of analysis is costly to districts and does not provide meaningful data to inform specially designed instruction for our students with disabilities.
- Recommendation: Removal of Item A (2) to align with federal SLD criteria.

Section 1(a)(2)

- Basic psychological processes are part of the federal SLD definition, but not criteria. Subpart 2, Item B states that “the child has a disorder in one or more of the basic psychological processes and includes and information processing condition...” There are not any reliable and valid measures of information processing, and even if there were, there is not any evidence that matching interventions to children’s processing styles results produces positive effects.
- Recommendation: Removal of Item B to align with federal SLD criteria.

Section 1(a)(3)

- The state of MN needs to sunset the severe discrepancy model of identifying students with a specific learning disability to align with research and the needs-based MTSS framework. Other states have already taken action to do so and it is propelling districts to make the systems-level changes required to address the needs of all learners.
- The severe discrepancy model is a wait to fail approach and is plagued with psychometric issues (e.g., reliability and validity). Students with learning issues often struggle in the early grades. But they rarely show a large enough discrepancy on test scores to be “officially” identified with a learning issue. It’s generally not until third or fourth grade that the work gets hard enough for the discrepancy to become large enough. In this model, students don’t receive help until they are doing poorly in school. Alternatively, the implementation of a Multi-Tiered System of Supports provides a framework for students to access targeted and, if needed, intensive levels of support prior to a special education referral. Students who don’t respond to increasing support may then be considered for special education. The benefits of this approach include getting students assistance early and not having to wait to prove eligibility in order to get support.

Section 1(a)(4)

- Minnesota Rules, part 3525.1341, subpart 2, item D, pertaining to the scientific, research based intervention model of identifying students with SLD, has several practical limitations.
 - (i) The specificity of the number of data points and weeks of intervention in current criteria does not account for the sensitivity of different progress monitoring measures and the frequency at which they should be administered to make sound data-based decisions regarding a student’s progress. Item D also references “consistent intervention” which requires teams to maintain potentially ineffective interventions longer than is necessary to obtain the required number of data point and school weeks. Teams need to be able to apply professional judgment to assess the student’s current level of performance, slope or rate of progress, and the number of consecutive data points below the student’s

aimline (goal line) to determine if an intervention change or modification to the current intervention is needed.

Recommendation: Remove specific number of weeks and number of data points; replace with “shall consider progress monitoring data from at least two intensive, scientific, research-based or evidence-based interventions, implemented with adequate fidelity and closely aligned to individual student learning needs.”

- (ii) The definition of inadequate rate of progress is not sufficient in Item D.

Recommendations: Inadequate rate of progress should not require all the listed components in Item D. The list should be written as an “or” versus an “and.” In addition, the definition of inadequate progress should include scenarios where the referred child's rate of progress is greater than that of his or her same-age peers, but will not result in the referred child reaching the average range of his or her same-age peer's achievement for that area of potential disability in a reasonable period of time; or the referred child's rate of progress is greater than that of his or her same-age peers, but the intensity of the resources necessary to obtain this rate of progress cannot be maintained in general education.

Section 2(a) & (b)

- Moving away from the severe discrepancy approach will require educators to learn new skills and implement a framework of tiered supports in general education and assessments to inform decision-making. This type of system change needs to be paired with technical assistance, coaching, and tools and resources to support implementation. Other states who have moved in this direction have established statewide technical assistance centers. These sections highlight the specific types of support districts need to implement a MTSS framework and the type of experience and expertise we believe applicants applying to host a center need in order to effectively host the Minnesota Multi-Tiered System of Support Center.

Potential Reactions of SPED Advocates

- It is predicted that using MTSS (Scientific Research Based Intervention) as a means to identify students will be required, not optional for states, when the Individuals with Disabilities Education Act (IDEA) is reauthorized.
- An MTSS framework helps districts with screening for dyslexia.
- Training programs for school psychologists are preparing school psychology graduates to implement a Multi-Tiered System of Supports framework and to identify students with a special learning disability using the scientific research based intervention model. Special education teacher preparation programs are also making this shift.
- Special Education Directors across the state have acknowledged that we need to move in this direction as there is not research supporting using the discrepancy model to identify students with special learning disabilities; however, the key to a successful transition requires pairing the sunset of the discrepancy model with adequate statewide technical assistance and support for districts in implementing an MTSS framework.
- We are predicting that PACER and other parent advocates will want reassurance that this model of identifying students with specific learning disabilities will not result in delaying a special education evaluation. Minnesota already has very specific statute in place (125A.56 Alternate Instruction Required Before Assessment Referral) to address this concern.