

1 SENATE BILL 398

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Mimi Stewart

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10 AN ACT

11 RELATING TO SPECIAL EDUCATION; REQUIRING EARLY SCREENING AND
12 INTERVENTION FOR STUDENTS DISPLAYING CHARACTERISTICS OF
13 DYSLEXIA.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 22-13-6 NMSA 1978 (being Laws 1972,
17 Chapter 95, Section 2, as amended) is amended to read:

18 "22-13-6. SPECIAL EDUCATION--DEFINITIONS.--As used in the
19 Public School Code:

20 A. "special education" means the provision of
21 services additional to, supplementary to or different from
22 those provided in the regular school program by a systematic
23 modification and adaptation of instructional techniques,
24 materials and equipment to meet the needs of exceptional
25 children;

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1 B. "exceptional children" means school-age persons
2 whose abilities render regular services of the public school to
3 be inconsistent with their educational needs;

4 C. "children with disabilities" means those
5 children who are classified as developmentally disabled
6 according to the Developmental Disabilities Act and the federal
7 Individuals with Disabilities Education Act;

8 D. "gifted child" means a school-age person who is
9 determined to be gifted pursuant to Section 22-13-6.1 NMSA 1978
10 and standards adopted by the department pursuant to that
11 section. Nothing in this section shall preclude a school
12 district or charter school from offering additional gifted
13 programs for students who fail to meet the eligibility
14 criteria; however, the state shall only provide state funds for
15 department-approved gifted programs for those students who meet
16 the established criteria;

17 E. "dyslexia" means a [~~condition of neurological~~]
18 specific learning disability that is neurobiological in origin
19 and that is characterized by difficulty with accurate or fluent
20 word recognition and by poor spelling and decoding abilities,
21 which characteristics typically result from a deficit in the
22 phonological component of language that is often unexpected in
23 relation to other cognitive abilities and the provision of
24 effective classroom instruction and may result in problems in
25 reading comprehension and reduced reading experience that may

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1 impede the growth of vocabulary and background knowledge;

2 F. "response to intervention" means a multitiered
3 intervention model that uses a set of increasingly intensive
4 academic or behavioral supports, matched to student need, as a
5 framework for making educational programming and eligibility
6 decisions; and

7 G. "student assistance team" means a school-based
8 group whose purpose, based on procedures and guidelines
9 established by the department, is to provide additional
10 educational support to students who are experiencing
11 difficulties that are preventing them from benefiting from
12 general instruction."

13 SECTION 2. Section 22-13-32 NMSA 1978 (being Laws 2010,
14 Chapter 59, Section 2) is amended to read:

15 "22-13-32. INTERVENTION FOR STUDENTS DISPLAYING
16 CHARACTERISTICS OF DYSLEXIA.--

17 A. All first grade students shall be screened for
18 dyslexia.

19 [~~A.~~] B. A student [~~who, despite effective classroom~~
20 ~~instruction in general education as provided by department~~
21 ~~standards]~~ whose dyslexia screening demonstrates
22 characteristics of dyslexia and who is having difficulty
23 learning to read, write, spell, understand spoken language or
24 express thoughts clearly shall receive appropriate classroom
25 interventions or be referred to a student assistance team.

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1 ~~[B.]~~ C. In accordance with department response to
2 intervention procedures, guidelines and policies, each school
3 district or charter school shall provide timely, appropriate,
4 systematic, scientific, ~~[research-based]~~ evidence-based
5 interventions prescribed by the student assistance team, with
6 progress monitoring to determine the student's response or lack
7 of response ~~[for a student in the secondary tier of response to~~
8 ~~intervention who meets the criteria in Subsection A of this~~
9 ~~section prior to referring the student for a special education~~
10 ~~evaluation.~~

11 ~~G.~~ ~~A parent of a student referred to a student~~
12 ~~assistance team shall be informed of the parent's right to~~
13 ~~request an initial special education evaluation at any time~~
14 ~~during the school district's or charter school's implementation~~
15 ~~of the interventions prescribed by the student assistance team.~~
16 ~~If the school district or charter school agrees that the~~
17 ~~student may have a disability, the student assistance team~~
18 ~~shall refer the child for an evaluation. The student shall be~~
19 ~~evaluated within sixty days of receiving the parental consent~~
20 ~~for an initial evaluation. If the school district or charter~~
21 ~~school refuses the parent's request for an initial evaluation,~~
22 ~~the school district or charter school shall provide written~~
23 ~~notice of the refusal to the parent, including notice of the~~
24 ~~parent's right to challenge the school district's or charter~~
25 ~~school's decision as provided in state and federal law and~~

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1 ~~rules~~].

2 D. Every school district shall develop and
3 implement a literacy professional development plan that
4 includes a detailed framework for structured literacy training
5 by a licensed and accredited or credentialed teacher
6 preparation provider for all elementary school teachers and for
7 training in evidence-based reading intervention for reading
8 interventionists and special education teachers working with
9 students demonstrating characteristics of dyslexia or diagnosed
10 with dyslexia. The department shall provide lists of
11 recommended teacher professional development materials and
12 opportunities for teachers and school administrators regarding
13 [~~research-based~~] evidence-based reading instruction for
14 students at risk for reading failure and displaying the
15 characteristics of dyslexia.

16 E. School districts and charter schools shall train
17 school administrators and teachers who teach reading to
18 implement appropriate [~~research-based~~] evidence-based reading
19 interventions [~~prior to referring the student for a special~~
20 ~~education evaluation~~]. School districts and charter schools
21 shall train special education teachers to provide [~~appropriate~~
22 ~~specialized reading instruction~~] structured literacy training
23 for students who are identified with dyslexia as a specific
24 learning disability and who are eligible for special education
25 services.

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F. The department shall provide technical assistance for special education diagnosticians and other special education professionals regarding the formal special education evaluation of students suspected of having a specific learning disability, such as dyslexia.

G. The department shall adopt rules, standards and guidelines necessary to implement this section."