

SENATE BILL 398

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

INTRODUCED BY

Mimi Stewart

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

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

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

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

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

A. "special education" means the provision of

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services additional to, supplementary to or different from those provided in the regular school program by a systematic modification and adaptation of instructional techniques, materials and equipment to meet the needs of exceptional children;

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

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

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

E. "dyslexia" means a [~~condition of neurological~~] specific learning disability that is neurobiological in origin and that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities,

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which characteristics typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction and may result in problems in reading comprehension and reduced reading experience that may impede the growth of vocabulary and background knowledge;

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

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

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

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

A. HEC→~~Sfl~~→~~SEC~~→~~All Within the course of the 2020 and 2021 school years and in each subsequent school year, all~~←SEC Within the course of the 2020-2021 and 2021-2022 school years and in each subsequent school year, all←~~Sfl~~←HEC

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HEC→Within the course of the 2019-2020 and 2020-2021 school years and in each subsequent school year, all←HEC first grade students shall be screened for dyslexia.

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

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

SPAC→~~C. A parent of a student referred to a student assistance team shall be informed of the parent's right to request an initial special education evaluation at any time during the school district's or charter school's implementation of the interventions prescribed by the student assistance team.~~

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~~If the school district or charter school agrees that the student may have a disability, the student assistance team shall refer the child for an evaluation. The student shall be evaluated within sixty days of receiving the parental consent for an initial evaluation. If the school district or charter school refuses the parent's request for an initial evaluation, the school district or charter school shall provide written notice of the refusal to the parent, including notice of the parent's right to challenge the school district's or charter school's decision as provided in state and federal law and rules].~~ ←SPAC

SPAC → D. A parent of a student referred to a student

assistance team shall be informed of the parent's right to request an initial special education evaluation at any time during the school district's or charter school's implementation of the interventions prescribed by the student assistance team.

If the school district or charter school agrees that the student may have a disability, the student assistance team shall refer the child for an evaluation. The student shall be evaluated within sixty days of receiving the parental consent for an initial evaluation. If the school district or charter school refuses the parent's request for an initial evaluation, the school district or charter school shall provide written notice of the refusal to the parent, including notice of the

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parent's right to challenge the school district's or charter school's decision as provided in state and federal law and rules ←SPAC

SPAC → D. E. ←SPAC HEC → Sfl → SEC → Every Within the course of the 2020 and 2021 school years, every ←SEC Within the course of the 2020-2021 and 2021-2022 school years, every ←Sfl ←HEC HEC → Within the course of the 2019-2020 and 2020-2021 school years, every ←HEC school district SPAC → and charter school ←SPAC shall develop and implement a literacy professional development plan that includes a detailed framework for structured literacy training by a licensed and accredited or credentialed teacher preparation provider for all elementary school teachers and for training in evidence-based reading intervention for reading interventionists and special education teachers working with students demonstrating characteristics of dyslexia or diagnosed with dyslexia. HEC → Sfl → SEC → The plan shall continue to be implemented each school year. ←SEC The plan shall continue to be implemented each school year and may be updated as necessary. ←Sfl ←HEC HEC → The plan shall continue to be implemented each school year and may be updated as necessary. ←HEC The department shall provide lists of recommended teacher professional development materials and opportunities for teachers and school administrators regarding [research-based] evidence-based reading instruction for students at risk for reading failure and displaying the .212718.2

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characteristics of dyslexia.

SPAC→~~E.~~ **F.**←SPAC School districts and charter schools shall train school administrators and teachers who teach reading to implement appropriate [~~research-based~~] evidence-based reading interventions [~~prior to referring the student for a special education evaluation~~]. School districts and charter schools shall train special education teachers to provide [~~appropriate specialized reading instruction~~] structured literacy training for students who are identified with dyslexia as a specific learning disability and who are eligible for special education services.

SPAC→~~F.~~ **G.**←SPAC 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.

SPAC→~~G.~~ **H.**←SPAC The department shall adopt rules, standards and guidelines necessary to implement this section."

SEC→**SECTION 3. CONTINGENT EFFECTIVE DATE.--The provisions of this act shall become effective upon Senate Bill 536, House Bill 548 or similar legislation of the first session of the fifty-fourth legislature becoming law that contains an appropriation for early screening and intervention for students displaying characteristics of dyslexia.**←SEC