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

B. A student 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.

C. In accordance with department response to
intervention procedures, guidelines and policies, each school
district or charter school shall provide timely, appropriate,
系统atic, scientific, evidence-based interventions
prescribed by the student assistance team, with progress
monitoring to determine the student's response or lack of
response.

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

E. Within the course of the 2019-2020 and 2020-2021 school years, every school district and charter school 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. The plan shall continue to be implemented each school year and may be updated as necessary. The department shall provide
lists of recommended teacher professional development materials and opportunities for teachers and school administrators regarding evidence-based reading instruction for students at risk for reading failure and displaying the characteristics of dyslexia.

F. School districts and charter schools shall train school administrators and teachers who teach reading to implement appropriate evidence-based reading interventions. School districts and charter schools shall train special education teachers to provide structured literacy training for students who are identified with dyslexia as a specific learning disability and who are eligible for special education services.

G. 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.

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

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.