

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)**

*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 02/06/2025 *Check all that apply:*  
**Bill Number:** SB 38 Original  Correction   
 Amendment  Substitute

**Sponsor:** Mimi Stewart **Agency Name and Code:** Developmental Disabilities Council  
**Short Title:** Special Education Act **Number:** 647  
**Title:** \_\_\_\_\_ **Person Writing:** Alice Liu McCoy  
**Phone:** (505) 225-4973 **Email:** aliceliu.mccoy@ddc.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	N/A	

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0	\$493,861.68	\$0	\$0	NA	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: This bill establishes the Office of Special Education, established by Executive Order in April 2023, within the Public Education Department (PED) into New Mexico law. The bill tasks the new Office of Special Education with oversight and enforcement of statewide compliance with the federal Individuals with Disabilities Education Improvement Act.

The bill empowers the Office to perform specific functions to accomplish its duties. The bill tasks the Office with providing special education professional development, training on specific issues, and technical assistance to schools and school personnel; monitoring spending of state and federal special education funds; responding to the Office of the Special Education Ombud; and collecting and reporting specific special education data.

The bill requires PED and school districts to determine increased salaries for special education teachers and staff, and transfers preschool special education to the Early Childhood Education and Care Department.

The bill additionally transfers the Office of the Special Education Ombud from the Developmental Disabilities Council to PED.

#### **FISCAL IMPLICATIONS**

The Developmental Disabilities Council would transfer \$493,861.68 for five (5) FTEs to the PED for the transfer of the Office of the Special Education Ombud.

#### **SIGNIFICANT ISSUES**

The Office of the Special Education Ombud (OSEO) provides comprehensive and personalized information, resources, and support to public school students with disabilities and their families who need assistance acquiring education services. Since its launch in December 2021, OSEO staff and volunteers have assisted over 635 students and families across New Mexico through individualized support, including hundreds of school meetings in 73 districts and 30 counties in every region of the state.

The OSEO works to develop and strengthen advocacy skills in students and families, while building support systems in schools so that students with disabilities can attain the highest levels of independence and achievement. The support systems include not only teachers, but support staff, administrators, ancillary staff, and outside agencies, all collaborating to implement solutions that remove barriers and increase opportunities for students with disabilities in New Mexico public schools. At the center of the OSEO's work is the students. At the heart of OSEO's goals is measurable, sustained, intergenerational improvement of student outcomes.

The OSEO Annual Report, published in December 2024, states:

In May of 2023, the Governor signed Executive Order 2023-062, establishing the Office of Special Education (OSE) within the PED. In only one year, the OSE has accomplished more to raise the standards of special education policymaking, planning, data analysis, and problem solving than state and local systems have been able to accomplish in over a decade.

The OSE's initial success demonstrates the enormity of progress that is achievable when leaders possess subject matter expertise, fearlessness in the face of systemic inertia, the ability to navigate a complex landscape with nuance, and a humble desire to listen and learn from many perspectives. The NM Developmental Disabilities Council and OSEO therefore urge lawmakers to institutionalize the OSE in state law and preserve the hard work and progress already made—and soon to be made—in New Mexico's special education system.

## **PERFORMANCE IMPLICATIONS**

The transfer of OSEO to PED would allow more comprehensive and streamlined data special education data, particularly data on barriers to special education services and student outcomes.

## **ADMINISTRATIVE IMPLICATIONS**

Because PED is a much larger agency that has a better resourced infrastructure, the transfer will allow OSEO to access greater resources, which is critical for the success of the ombuds.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

The OSEO is required to keep individual student and family information it collects for advocacy purposes confidential unless the student or family explicitly gives consent to ombuds to share information with certain parties. PED should use the rulemaking authority granted in this bill to ensure a firewall exists between OSEO and other divisions and offices within the department.

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Special education families, advocates, teachers, and directors all agree that special education in New Mexico needs an extraordinary amount of attention, resources, and support. The Office of Special Education has already made enormous strides towards improving the quality of special education in this state by engaging in technical support, data collection, interagency collaboration, and other activities to promote best practices across the state. This bill recognizes that enormous need and is the next important step in ensuring the state meets those needs. Without this law, the state may lose the progress it is already making to improve special education for New Mexican students and their families.

## **AMENDMENTS**