

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 256

**51st Legislature, 1st Session, 2013**

**Tracking Number:** .191072.3

**Short Title:** School Special Education Coordinators

**Sponsor(s):** Senator Michael Padilla and Others

**Analyst:** Mark Murphy

**Date:** February 14, 2013

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**Bill Summary:**

SB 256 adds a new section to the *Public School Code* to require school districts to employ a qualified special education coordinator for every 250 students in a school district.

Among its provisions, the bill:

- defines a “qualified special education coordinator” as a level-three licensed special education teacher with six years of teaching experience, including three years in a special education classroom;
- requires a qualified special education coordinator to oversee the day-to-day operations of the special education program or programs and, among other duties determined through rule, oversee and arrange individual education plan meetings within three months of a referral; and
- specifies that a qualified special education coordinator is not required to manage a special education caseload.

The provisions of SB 256 also require that the Public Education Department (PED) verify that each public school district employs a qualified special education coordinator for each 250 students in the school district and phase in this requirement by department rule as follows:

- in school year 2013-2014, one-third of New Mexico’s districts must employ a qualified special education coordinator for each 250 students;
- in school year 2014-2015, two-thirds of New Mexico’s districts must employ a qualified special education coordinator for each 250 students; and
- in school year 2015-2016, all New Mexico school districts must employ a qualified special education coordinator for each 250 students.

**Fiscal Impact:**

\$3.0 million is appropriated from the General Fund to PED for expenditure in FY 14 for the purpose of implementing the requirement that one-third of public school districts in New Mexico employ a qualified special education coordinator for each 250 students. At the end of FY 14, any unexpended or unencumbered balance will revert to the General Fund.

The Legislative Finance Committee (LFC) Fiscal Impact Report (FIR) indicates that the appropriation of \$3.0 million dollars contained in this bill is a recurring expense to the General Fund.

### **Fiscal Issues:**

According to PED's bill analysis:

- the average salary of Level 3 special education teachers in New Mexico is \$53,355;
- by including the cost of benefits, approximated at 25 percent of a teacher's salary, the total cost for a special education coordinator to a school district would be approximately \$66,694;
- the anticipated cost per year based on the three-year phase-in would be broken down as follows:
  - in school year 2013-2014: \$3.8 million;
  - in school year 2014-2015: \$7.6 million; and
  - in school year 2015-2016: \$11.47 million.

Based on PED's calculations, this bill appears likely to underfund the estimated costs required by its provisions.

### **Substantive Issues:**

According to PED's bill analysis:

- providing one special education coordinator for each 250 students would require approximately 172 special education coordinators;
- there are presently 888 Level 3 special education teachers licensed by PED in New Mexico; however,
- there is not readily available data that show how many have six years of teaching experience and three years in a special education classroom.

Based on this information from PED, it appears that there will likely be enough qualified individuals in New Mexico to fill these positions. Also noted in PED's analysis, however, is that the qualified special education coordinator will not be required to carry a special education caseload. This provision may result in the need to replace a special education teacher who becomes a special education coordinator.

According to the most updated information available from the PED Special Education Bureau website, in school year 2009-2010 there were 2,084 highly qualified teachers serving children with disabilities and 44 not highly qualified teachers serving children with disabilities.<sup>1</sup> These figures raise the question whether there are enough highly qualified special education teachers in New Mexico to assume roles that may be vacated by qualified special education coordinators.

It is unclear whether a school district with fewer than 250 students would be required to have a qualified special education coordinator. If those districts do need a qualified special education coordinator, it is unclear if the district would need to provide this staff member or if such a

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<sup>1</sup> EdFacts data posted as of September 13, 2011.

district could enter an arrangement with a regional education cooperative or other school district to fulfill the requirements of this bill.

**Technical Issues:**

SB 256 requires a phasing in of the requirement statewide over three years. At the district level, however, one-third of the school districts must fully implement the requirements each year. An approach that may yield similar overall results and relax some of the immediate pressure on school districts would be a phase-in requirement as follows:

- school year 2013-2014, require all districts to hire at least one qualified special education coordinator for every 1,000 special education students in the district;
- school year 2014-2015, require all districts to hire at least one qualified special education coordinator for every 500 special education students in the district; and
- school year 2015-2016, require all districts to hire at least one qualified special education coordinator for every 250 special education students in the district.

PED’s bill analysis recommends technical amendments that may improve the clarity of this bill. The analysis recommends that the bill:

- replace the phrase “each two hundred fifty students” with “each two hundred fifty students with disabilities” each time it appears in the bill; and
- replace the phrase “individual education plan” with “individualized education program” on page 2, lines 4-5 of the bill.

**Background:**

Current state statute specifies that PED shall:

- make, adopt, and keep current a state plan for special education policy, programs, and standards;
- set standards for diagnosis and screening of and educational offerings for exceptional children in public schools, in private, nonsectarian, nonprofit training centers, and in state institutions under the authority of the secretary of health;
- establish and maintain a program of evaluation of the implementation and impact of all programs for exceptional children in public schools; and
- coordinate programming related to the transition of persons with disabilities from secondary and postsecondary education programs to employment or vocational placement.

Additionally, as provided in the *School Personnel Act*, in order for a licensed New Mexico teacher to obtain a Level 3-A license, the teacher must:

- hold a valid Level 2 license;
- complete three full school years of teaching experience at Level 2;
- hold a post-baccalaureate degree from a regionally accredited university or hold certification from the National Board for Professional Teaching Standards (NBPTS); and
- submit a completed licensure application and either a professional development dossier or certification from the NBPTS.

PED rule also specifies that in order for a new teacher candidate in New Mexico to successfully qualify for a Special Education teaching license, the candidate must either possess a certificate issued by the National Board for Professional Teaching Standards; or:

- complete:
  - a bachelor's degree earned from a regionally accredited college or university;
  - a minimum of 30 semester hours in a special education program including student teaching or practicum;
  - 6 semester hours of credit in the teaching of reading for those who first entered any college or university on or after August 1, 2001;
  - a minimum of 24 semester hours in one teaching field such as: mathematics, science, language arts, reading, and history, etc; and
- pass the New Mexico Teacher Assessments (NMTA):
  - Basic Skills;
  - Teacher Competency (Elementary or Secondary); and
  - Content Knowledge Assessment (CKA) in Special Education.

Finally, according to the *2012-2013 Teacher Shortage Areas Nationwide List* published by the US Department of Education, New Mexico is listed as having staff shortages in Special Education in 19 out of the last 22 years, including school years 2010-2011 and 2011-2012.

**Committee Referrals:**

SEC/SFC

**Related Bills:**

SB 475 *Evidence of Teacher Competency*

HB 459a *Special Education Equalization Guarantee*