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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

1 1978 and standards adopted by the department pursuant to that  
2 section. Nothing in this section shall preclude a school  
3 district or charter school from offering additional gifted  
4 programs for students who fail to meet the eligibility  
5 criteria; however, the state shall only provide state funds  
6 for department-approved gifted programs for those students  
7 who meet the established criteria;

8 E. "dyslexia" means a specific learning disability  
9 that is neurobiological in origin and that is characterized  
10 by difficulty with accurate or fluent word recognition and by  
11 poor spelling and decoding abilities, which characteristics  
12 typically result from a deficit in the phonological component  
13 of language that is often unexpected in relation to other  
14 cognitive abilities and the provision of effective classroom  
15 instruction and may result in problems in reading  
16 comprehension and reduced reading experience that may impede  
17 the growth of vocabulary and background knowledge;

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

23 G. "student assistance team" means a school-based  
24 group whose purpose, based on procedures and guidelines  
25 established by the department, is to provide additional

1 educational support to students who are experiencing  
2 difficulties that are preventing them from benefiting from  
3 general instruction."

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

6 "22-13-32. INTERVENTION FOR STUDENTS DISPLAYING  
7 CHARACTERISTICS OF DYSLEXIA.--

8 A. Within the course of the 2019-2020 and  
9 2020-2021 school years and in each subsequent school year,  
10 all first grade students shall be screened for dyslexia.

11 B. A student whose dyslexia screening demonstrates  
12 characteristics of dyslexia and who is having difficulty  
13 learning to read, write, spell, understand spoken language or  
14 express thoughts clearly shall receive appropriate classroom  
15 interventions or be referred to a student assistance team.

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

23 D. A parent of a student referred to a student  
24 assistance team shall be informed of the parent's right to  
25 request an initial special education evaluation at any time

1 during the school district's or charter school's  
2 implementation of the interventions prescribed by the student  
3 assistance team. If the school district or charter school  
4 agrees that the student may have a disability, the student  
5 assistance team shall refer the child for an evaluation. The  
6 student shall be evaluated within sixty days of receiving the  
7 parental consent for an initial evaluation. If the school  
8 district or charter school refuses the parent's request for  
9 an initial evaluation, the school district or charter school  
10 shall provide written notice of the refusal to the parent,  
11 including notice of the parent's right to challenge the  
12 school district's or charter school's decision as provided in  
13 state and federal law and rules.

14 E. Within the course of the 2019-2020 and  
15 2020-2021 school years, every school district and charter  
16 school shall develop and implement a literacy professional  
17 development plan that includes a detailed framework for  
18 structured literacy training by a licensed and accredited or  
19 credentialed teacher preparation provider for all elementary  
20 school teachers and for training in evidence-based reading  
21 intervention for reading interventionists and special  
22 education teachers working with students demonstrating  
23 characteristics of dyslexia or diagnosed with dyslexia. The  
24 plan shall continue to be implemented each school year and  
25 may be updated as necessary. The department shall provide

1 lists of recommended teacher professional development  
2 materials and opportunities for teachers and school  
3 administrators regarding evidence-based reading instruction  
4 for students at risk for reading failure and displaying the  
5 characteristics of dyslexia.

6 F. School districts and charter schools shall  
7 train school administrators and teachers who teach reading to  
8 implement appropriate evidence-based reading interventions.

9 School districts and charter schools shall train special  
10 education teachers to provide structured literacy training  
11 for students who are identified with dyslexia as a specific  
12 learning disability and who are eligible for special  
13 education services.

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

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

21 SECTION 3. CONTINGENT EFFECTIVE DATE.--The provisions  
22 of this act shall become effective upon Senate Bill 536, House  
23 Bill 548 or similar legislation of the first session of the  
24 fifty-fourth legislature becoming law that contains an  
25 appropriation for early screening and intervention for

