

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 285

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO SPECIAL EDUCATION; ENACTING THE SPECIAL EDUCATION ACT; PROVIDING POWERS AND DUTIES; PROVIDING FOR CONSULTATION AND COORDINATION AMONG THE PUBLIC EDUCATION DEPARTMENT, OTHER STATE AGENCIES AND SCHOOL DISTRICTS; PROVIDING FOR MULTI-LAYERED SYSTEMS OF SUPPORT; MAKING CLARIFYING AND CONFORMING AMENDMENTS IN ACCORDANCE WITH FEDERAL LAW; PROVIDING FOR AN INTERDEPARTMENTAL TRANSFER.

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

SECTION 1. Section 9-24-4 NMSA 1978 (being Laws 2004, Chapter 27, Section 4, as amended) is amended to read:

"9-24-4. DEPARTMENT CREATED.--

A. The "public education department" is created in the executive branch. The department is a cabinet department and includes the following office and divisions:

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- 1 (1) the administrative services division;
- 2 (2) the assessment and accountability
- 3 division;
- 4 (3) the charter schools division;
- 5 (4) the educator quality division;
- 6 (5) the Indian education division;
- 7 (6) the information technology division;
- 8 (7) the instructional support and vocational
- 9 education division;
- 10 (8) the program support and student
- 11 transportation division;
- 12 (9) the quality assurance and systems
- 13 integration division;
- 14 (10) the rural education division; [~~and~~]
- 15 (11) the office of special education; and
- 16 [~~(11)~~] (12) the vocational rehabilitation
- 17 division.

18 B. The secretary may organize the department and
19 divisions and the office of the department and may transfer or
20 merge functions between divisions and bureaus in the interest
21 of efficiency and economy."

22 SECTION 2. A new section of the Public School Code is
23 enacted to read:

24 "[NEW MATERIAL] SHORT TITLE.--Sections 2 through 7 of this
25 act may be cited as the "Special Education Act"."

1 SECTION 3. A new section of the Public School Code is
2 enacted to read:

3 "[NEW MATERIAL] DEFINITIONS.--As used in the Special
4 Education Act:

5 A. "director" means the director of the office;

6 B. "highly mobile students" means children and
7 youth experiencing frequent moves into new public schools and
8 school districts, including military-connected children,
9 migratory children, children who are homeless and children in
10 the foster care system;

11 C. "office" means the office of special education;
12 and

13 D. "school district" includes charter schools and
14 any other entity defined as a local educational agency pursuant
15 to the federal Individuals with Disabilities Education
16 Improvement Act of 2004, except schools funded by the bureau of
17 Indian education of the United States department of the
18 interior."

19 SECTION 4. A new section of the Public School Code is
20 enacted to read:

21 "[NEW MATERIAL] DUTIES OF DEPARTMENT.--The department
22 shall coordinate with the office to:

23 A. develop, adopt, promulgate and update an annual
24 state plan for policy, programs and standards to improve
25 special education outcomes for students;

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1 B. submit an annual report on the status of special
2 education to the secretary, the governor and the legislative
3 education study committee by November 30 of each year,
4 including the following special education data, collected in a
5 consistent and uniform format, to evaluate compliance with
6 federal and state special education law:

- 7 (1) student demographics;
- 8 (2) student achievement and outcomes;
- 9 (3) spending by school districts and public
10 schools of state and federal funds;
- 11 (4) types of services and programs;
- 12 (5) evaluations of services and programs,
13 including effectiveness and timeliness;
- 14 (6) transitions;
- 15 (7) every use of restraint and seclusion in
16 public schools;
- 17 (8) suspensions and expulsions; and
- 18 (9) other data as determined by the department
19 or office;

20 C. evaluate the state's compliance with the federal
21 Individuals with Disabilities Education Improvement Act of 2004
22 and state law pertaining to special education; and

23 D. monitor spending of state and federal funds for
24 special education programs for students with disabilities,
25 including state equalization guarantee distributions and

1 medicaid, and take actions to ensure appropriate spending, as
2 needed."

3 SECTION 5. A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] DUTIES OF OFFICE.--

6 A. The office shall oversee and enforce the federal
7 Individuals with Disabilities Education Improvement Act of 2004
8 and state special education law compliance and implementation,
9 including all fiscal and program requirements. The department
10 and the office shall coordinate to ensure that the department
11 and the office perform the duties and responsibilities of the
12 state educational authority as required by the federal
13 Individuals with Disabilities Education Improvement Act of
14 2004.

15 B. In consultation with other units of the
16 department, the office shall develop and review state special
17 education rules to ensure that the rules address the needs of
18 students with disabilities, including highly mobile students.

19 C. The office shall develop policies and technical
20 guidance on special education for school districts, public
21 schools, parents and students.

22 D. The office shall consult and coordinate with:

23 (1) other units of the department to identify
24 and address the needs of and impacts on students with
25 disabilities in all educational activities, programs and

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1 policies;

2 (2) other state agencies, including the early
3 childhood education and care department, the higher education
4 department, the Indian affairs department, the children, youth
5 and families department, the vocational rehabilitation division
6 of the department, the developmental disabilities council and
7 other relevant state agencies, as well as public post-secondary
8 educational institutions, to prioritize and expand appropriate
9 special education services to New Mexico residents from birth
10 to career, which may include formal written agreements to
11 advance state educational policy and goals, and to comply with
12 special education requirements under state and federal law; and

13 (3) school districts and other state agencies
14 to ensure that students with disabilities, including children
15 and youth in the custody of the children, youth and families
16 department, receive free and appropriate public education in
17 residential treatment facilities and psychiatric hospitals.

18 E. The office shall:

19 (1) coordinate with school districts to track,
20 develop and provide professional development programs and
21 materials for licensed school employees, special education
22 assistants and other instructional support providers in
23 educating or providing instructional support to students with
24 disabilities; and

25 (2) coordinate with public post-secondary

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1 educational institutions on the education and training of
2 licensed school employees in teaching or providing
3 instructional support to students with disabilities.

4 F. The office shall provide technical assistance
5 and recommendations that comply with the requirements of the
6 federal Individuals with Disabilities Improvement Act of 2004
7 in the implementation of evidence- and research-based special
8 education programs and services in school districts, public
9 schools and other settings, as well as other state and
10 federally funded programs. Additionally, the office shall
11 identify state systems and policies that:

12 (1) maximize the provision of special
13 education services;

14 (2) expedite evaluation of the special
15 education needs of children beginning at thirty-three months of
16 age; and

17 (3) facilitate effective and meaningful
18 inclusion and integration of students with disabilities in all
19 educational settings.

20 G. The office shall coordinate with other units of
21 the department and other state departments to develop targeted
22 strategies and policies pursuant to the federal Individuals
23 with Disabilities Education Improvement Act of 2004 that:

24 (1) ensure that the identification, location,
25 screening and evaluation of students with disabilities and

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1 children with disabilities beginning at thirty-three months of
2 age are completed comprehensively, regardless of the severity
3 of the disability; and

4 (2) ensure that students with disabilities are
5 educated in the least restrictive environment, including
6 providing adequate staffing and resources for successful
7 inclusion and integration.

8 H. The office shall work with other divisions of
9 the department and other state agencies to ensure that school
10 districts implement culturally and linguistically responsive
11 and appropriate services, curricula and pedagogy to support
12 students with disabilities.

13 I. The office shall conduct activities to promote
14 the recruitment and retention of qualified special education
15 teachers, diagnosticians, special education assistants and
16 other instructional support providers.

17 J. The office shall analyze the recommendations of
18 the office of the special education ombud, collect data
19 relevant to the recommendations and take appropriate action as
20 needed.

21 K. The office shall audit implementation of the
22 federal Individuals with Disabilities Education Improvement Act
23 of 2004 and state law in school districts and public schools,
24 including conducting performance reviews to ensure the
25 provision of adequate special education services, performing

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1 site visits if needed and taking corrective action, including
2 providing assistance and support, if a school district or
3 public school is out of compliance.

4 L. The office shall coordinate with the department
5 to promulgate rules regarding performance reviews, site visits,
6 corrective action, technical assistance and other provisions as
7 determined by the office and the department.

8 M. The office shall collaborate with other units of
9 the department to track, develop and provide targeted annual
10 training as determined by the office to be appropriate for
11 local school boards, governing bodies of charter schools,
12 superintendents, school administrators, teachers, instructional
13 support providers, other school employees, school resource
14 officers and school security officers that addresses:

15 (1) the provisions and requirements of the
16 federal Individuals with Disabilities Education Improvement Act
17 of 2004, Section 504 of the federal Rehabilitation Act of 1973
18 and state laws that prohibit discrimination against students
19 with disabilities;

20 (2) disability-specific policies, practices
21 and interventions;

22 (3) de-escalation practices and techniques;

23 (4) positive behavior supports;

24 (5) inclusion and integration;

25 (6) formulation and implementation of

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1 effective individualized education programs and transitional
2 individualized education programs;

3 (7) effective engagement and communication
4 with students, parents and educational decision makers; and

5 (8) other subjects determined by the office.

6 N. The office shall ensure that transition planning
7 prepares:

8 (1) children with disabilities beginning at
9 thirty-three months to transition to public school;

10 (2) students with disabilities to transition
11 within the public school system; and

12 (3) students with disabilities to transition
13 to higher education or the workforce.

14 O. The office shall additionally monitor statewide
15 compliance with federal and state special education law by
16 collaborating with other units of the department to:

17 (1) solicit input from special education
18 students, parents, educational decision makers, regional
19 education cooperatives, disability providers and advocates,
20 teachers, instructional support providers and other school
21 employees on the provision of special education services in the
22 state;

23 (2) review publicly available information and
24 resources regarding special education services and programs;

25 and

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1 (3) monitor the academic and nonacademic
2 progress of students with disabilities.

3 P. The office shall support and collaborate with
4 other units of the department to ensure that gifted students
5 with disabilities, students with dyslexia and other specific
6 learning disabilities and students entitled to services
7 pursuant to the Section 504 of the federal Rehabilitation Act
8 of 1973 receive needed services in school districts as required
9 by state and federal law.

10 Q. The office shall assume the duties of the
11 special education division of the department; provided that the
12 division shall continue to function until the director has been
13 hired.

14 R. The director shall report directly to the
15 secretary and shall be exempt from the Personnel Act.

16 S. The office shall monitor special education
17 compensation trends in other states and make compensation
18 recommendations to the department and the legislature.

19 T. Nothing in the Special Education Act shall limit
20 the rights of students with disabilities or the
21 responsibilities and duties of the department, school districts
22 or public schools pursuant to federal and state law."

23 SECTION 6. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] SPECIAL EDUCATION SALARY DIFFERENTIAL

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1 LEVELS.--No later than July 1, 2024, the department and office
2 shall, in consultation with educators, legislative committees
3 and school districts, identify and study options and make
4 recommendations for salary differential levels, time
5 allocations and other supports for licensed school employees,
6 educational assistants and other instructional support
7 providers who educate or provide instructional support to
8 students with disabilities, taking into consideration their
9 duties and responsibilities."

10 SECTION 7. A new section of the Public School Code is
11 enacted to read:

12 "[NEW MATERIAL] TRANSFER OF PRESCHOOL SPECIAL EDUCATION.--
13 No later than July 1, 2024, the department and the office shall
14 consult and coordinate with the early childhood education and
15 care department to transfer the Part B, 619 coordinator to the
16 early childhood education and care department in compliance
17 with Part B of the federal Individuals with Disabilities
18 Education Improvement Act of 2004 through a formal written
19 agreement that identifies the administrative roles,
20 responsibilities and funding for the office and the early
21 childhood education and care department."

22 SECTION 8. Section 22-8-6 NMSA 1978 (being Laws 1967,
23 Chapter 16, Section 60, as amended) is amended to read:

24 "22-8-6. OPERATING BUDGETS--EDUCATIONAL PLANS--
25 SUBMISSION--CERTAIN REPORTS--FAILURE TO SUBMIT.--

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1 A. Prior to April 15 of each year, each local
2 school board shall submit to the department an operating budget
3 for the school district and any locally chartered charter
4 school in the school district for the ensuing fiscal year.

5 B. The date for the submission of the operating
6 budget for each school district and each charter school as
7 required by this section may be extended to a later date fixed
8 by the secretary.

9 C. The operating budget required by this section
10 may include:

11 (1) estimates of the cost of insurance
12 policies for periods up to five years if a lower rate may be
13 obtained by purchasing insurance for the longer term; or

14 (2) estimates of the cost of contracts for the
15 transportation of students for terms extending up to four
16 years.

17 D. The operating budget required by this section
18 shall include a budget for each charter school of the
19 membership projected for each charter school, the total program
20 units generated at that charter school and approximate
21 anticipated disbursements and expenditures at each charter
22 school.

23 E. For fiscal year 2021 and subsequent fiscal
24 years, each school district's and each locally chartered or
25 state-chartered charter school's educational plan shall

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1 include:

2 (1) information on the instructional time
3 offered by the school district or charter school, including the
4 number of instructional days by school site and the number of
5 hours in each instructional day and the frequency of early-
6 release days;

7 (2) a narrative explaining the identified
8 services to improve the academic success of at-risk students;

9 (3) a narrative explaining the services
10 provided to students enrolled in the following programs:

11 (a) extended learning time programs,
12 including a report of how the extended learning time is used to
13 improve the academic success of students and professional
14 learning of teachers; and

15 (b) K-5 plus programs;

16 (4) a narrative explaining the school
17 district's or charter school's beginning teacher mentorship
18 programs as well as class size and teaching load information;

19 (5) a narrative explaining supplemental
20 programs or services offered by the school district or charter
21 school to ensure that the Bilingual Multicultural Education
22 Act, the Indian Education Act, the Black Education Act and the
23 Hispanic Education Act are being implemented by the school
24 district or charter school;

25 (6) a narrative describing the amount of

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1 program cost generated for services to students with
2 disabilities by service level classification and grade level
3 and the spending of these revenues on services to those
4 students [~~with disabilities~~], which shall include the
5 following:

6 (a) program cost generated for students
7 enrolled in approved special education programs by service
8 level classification and grade level;

9 (b) budgeted expenditures of program
10 cost, for students enrolled in approved special education
11 programs, on students with disabilities;

12 (c) the amount of program cost generated
13 for personnel providing ancillary and related services to
14 students with disabilities;

15 (d) budgeted expenditures of program
16 cost for personnel providing ancillary and related services to
17 students with disabilities, on special education ancillary and
18 related services personnel; and

19 (e) a description of the steps taken to
20 ensure that students with disabilities have access to a free
21 and appropriate public education; and

22 (7) a common set of performance targets and
23 performance measures, as determined by the department in
24 consultation with the department of finance and administration,
25 the legislative finance committee and the legislative education

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1 study committee.

2 F. In addition to the requirements of Subsection E
3 of this section, a school district or charter school that
4 receives federal or local revenue shall include in its
5 educational plan a narrative explaining how the school district
6 or charter school will use the federal or local revenue to
7 improve outcomes for students or to improve the condition of a
8 school building. No later than October 1 of each year, a
9 school district or charter school that received federal or
10 local revenue in the prior fiscal year shall report to the
11 department on the actual uses of that revenue, including a
12 comprehensive evaluation of how the programs and services
13 provided with that revenue improved outcomes for students or
14 how capital projects undertaken improved the condition of a
15 school building. A school district or charter school that is
16 required under federal law to consult with tribal entities as a
17 condition of receiving impact aid funds shall include in its
18 educational plan a detailed narrative of its consultations with
19 tribal entities and the results of those consultations. The
20 school district or charter school shall transmit the October 1
21 spending and outcomes report to the appropriate tribal
22 authorities. No later than November 15 of each year, the
23 department shall compile the federal and local revenue outcomes
24 reports into a statewide report to the legislative education
25 study committee and the legislative finance committee that

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1 includes an analysis and identification of effective programs
2 and strategies that improve outcomes for students.

3 G. A school district or charter school operating
4 budget and educational plan shall prioritize federal and local
5 revenue for purposes relating to the Indian Education Act; for
6 capital expenditures authorized by the Public School Capital
7 Outlay Act, the Public School Capital Improvements Act or the
8 Public School Buildings Act; or for research-based or evidence-
9 based social, emotional or academic interventions for which at-
10 risk program units may be used.

11 H. If a local school board or governing board of a
12 charter school fails to submit an operating budget pursuant to
13 this section, the department shall prepare the operating budget
14 for the school district or charter school for the ensuing
15 fiscal year. A local school board or governing board of a
16 charter school shall be considered as failing to submit an
17 operating budget pursuant to this section if the budget
18 submitted exceeds the total projected resources of the school
19 district or charter school or if the budget submitted does not
20 comply with the law or with rules and procedures of the
21 department.

22 I. As used in this section:

23 (1) "federal revenue" means seventy-five
24 percent of the revenue derived from:

25 (a) federal forest reserve funds

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1 distributed in accordance with Section 22-8-33 NMSA 1978; or

2 (b) federal assistance to those areas
3 affected by federal activity authorized in accordance with
4 Title 20 of the United States Code, commonly known as "PL 874
5 funds" or "impact aid funds"; and

6 (2) "local revenue" means seventy-five percent
7 of the revenue from a school district one-half mill school
8 district property tax and revenue from the Oil and Gas Ad
9 Valorem Production Tax Act and the Oil and Gas Production
10 Equipment Ad Valorem Tax Act."

11 SECTION 9. Section 22-13-5 NMSA 1978 (being Laws 1972,
12 Chapter 95, Section 1, as amended) is amended to read:

13 "22-13-5. SPECIAL EDUCATION.--School districts shall
14 provide special education and related services appropriate to
15 meet the needs of students [~~requiring special education and~~
16 ~~related services. Rules and standards shall be developed and~~
17 ~~established by the department]~~ with disabilities, gifted
18 students and gifted students with disabilities. The office and
19 the department shall coordinate to develop and establish rules
20 and standards for the provision of special education and
21 related services in the schools and classes of the public
22 school system in the state and in all institutions wholly or
23 partly supported by the state. The [~~department]~~ office and
24 department shall coordinate to monitor and enforce the rules
25 and standards. School districts shall also provide services

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1 for three-year-old and four-year-old preschool children with
 2 disabilities, unless the parent or guardian chooses not to
 3 enroll the child. Services for students age three through
 4 twenty-one may include, but are not limited to, evaluating
 5 particular needs, providing learning experiences that develop
 6 cognitive, motor and social skills, arranging for or providing
 7 related services [~~as defined by the department~~] and providing
 8 parent education. The services may be provided by licensed
 9 school employees or contracted for with other community
 10 agencies and shall be provided in age-appropriate, integrated
 11 settings, including home, daycare centers, head start programs,
 12 schools or community-based settings."

13 **SECTION 10.** Section 22-13-6 NMSA 1978 (being Laws 1972,
 14 Chapter 95, Section 2, as amended) is amended to read:

15 "22-13-6. SPECIAL EDUCATION--DEFINITIONS.--As used in the
 16 Public School Code:

17 A. "special education" means the provision of
 18 services additional to, supplementary to or different from
 19 those provided in the regular school program by a systematic
 20 modification and adaptation of instructional techniques,
 21 materials and equipment to meet the needs of exceptional
 22 [~~children~~] students;

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

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1 C. "[children] students with disabilities" means
2 ~~[those children who are classified as developmentally disabled~~
3 ~~according to the Developmental Disabilities Act and the federal~~
4 ~~Individuals with Disabilities Education Act]~~ students who are
5 classified as children with disabilities according to Part B of
6 the federal Individuals with Disabilities Education Improvement
7 Act of 2004 and persons with developmental disabilities
8 according to the Developmental Disabilities Act;

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

18 E. "dyslexia" means a specific learning disability
19 that is neurobiological in origin and that is characterized by
20 difficulty with accurate or fluent word recognition and by poor
21 spelling and decoding abilities, which characteristics
22 typically result from a deficit in the phonological component
23 of language that is often unexpected in relation to other
24 cognitive abilities and the provision of effective classroom
25 instruction and may result in problems in reading comprehension

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1 and reduced reading experience that may impede the growth of
2 vocabulary and background knowledge;

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

8 ~~G.]~~ F. "multi-layered systems of support" means a
9 coordinated and comprehensive framework that uses evidence-
10 based academic and behavioral supports to address student
11 needs, as determined by student data; is a model for holistic
12 school improvement that provides progress measures for
13 practices that support student success and additional supports
14 such as school-based team structure, professional development,
15 health and wellness and family and community engagement; and
16 complies with the requirements of multi-tiered systems of
17 supports in accordance with the federal Every Student Succeeds
18 Act;

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

25 H. "office" means the office of special education."

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1 SECTION 11. Section 22-13-32 NMSA 1978 (being Laws 2010,
2 Chapter 59, Section 2, as amended) is amended to read:

3 "22-13-32. INTERVENTION FOR STUDENTS DISPLAYING
4 CHARACTERISTICS OF DYSLEXIA.--

5 A. Within the course of the 2019-2020 and 2020-2021
6 school years and in each subsequent school year, all first
7 grade students shall be screened for dyslexia. Beginning with
8 the 2024-2025 school year, the department shall ensure that the
9 results of the screenings are provided to the parents of first
10 grade students within thirty days of the student's screening.

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~~] multi-layered systems of support procedures,
18 guidelines and policies, each school district or charter school
19 shall provide timely, appropriate, systematic, scientific,
20 evidence-based interventions prescribed by the student
21 assistance team, with progress monitoring to determine the
22 student's response or lack of 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

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

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

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

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

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

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

20 SECTION 12. TEMPORARY PROVISION--INTERDEPARTMENTAL
21 TRANSITION.--

22 A. On July 1, 2024, the special education division
23 of the public education department shall become the office of
24 special education and shall be responsible for carrying out the
25 provisions of the Special Education Act and other laws that

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1 relate to special education of public school students or three-
2 and four-year-old children who are developmentally disabled
3 unless otherwise provided by law.

4 B. On July 1, 2024, all agreements and contractual
5 obligations of the special education division of the public
6 education department or for which the division has been given
7 responsibility by the secretary of public education shall be
8 agreements and contractual obligations of the office of special
9 education.

10 C. On July 1, 2024, all rules of the public
11 education department pertaining to students with disabilities,
12 except for special education funding, shall be the rules of the
13 office of special education until amended or repealed.

14 D. On July 1, 2024, the budget and personnel of the
15 special education division of the public education department
16 shall transfer to the office of special education, subject to
17 the approval of the secretary of public education.

18 SECTION 13. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2023.