

LFC Requester:	Sunny Liu
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(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: 2/21/2025 *Check all that apply:*
Bill Number: SB 38 Original Correction
 Amendment Substitute

Sponsor: Sen. Mimi Stewart **Agency Name and Code** Developmental Disabilities Council
Short Title: Special Education Act **Number:** _____
Title: _____ **Person Writing** Alice Liu McCoy
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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
Total	\$0	\$0	\$0	\$0	N/A	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.

FISCAL IMPLICATIONS

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. 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 and preserve 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.

This bill requires vital functions to be performed by OSE and confers the authority to OSE in state law to carry out those functions. Importantly, the bill requires OSE to perform oversight and compliance activities to ensure schools and districts are spending funding allocations received for their special education students on special education services. Accountability is key to ensuring that state investments to improve the special education system reach special education students and result in measurable, improved student outcomes.

This bill requires the OSE to develop and provide professional development and training related

to special education. Nowhere is the need for continual, high-quality training starker than in the area of behavioral support for students with disabilities. Of the 634 total families assisted by the OSEO, 286 families (45.1%) sought assistance to address how schools were handling behavior and discipline. Because cases involving unmet behavioral needs and improper disciplinary actions require significantly more time and attention, they constituted well over half of the work ombuds performed. Many cases became focused on behavioral needs after an ombud began working with the family and realized low levels of academic performance were a result of unrecognized student behaviors that require accommodations or an IEP.

In FY 24, of the 227 total families assisted by the OSEO, 124 families (52.86%) sought assistance to address how schools handled behavior and discipline. Of the 89 new cases received in the first quarter of FY 25, 28 cases (24.93%) seek assistance to address how schools handle behavior and discipline. The data demonstrates the vast need for additional support, resources, and professional development so schools can adequately serve students with behavioral needs. State and local leaders and policymakers must provide schools with the necessary tools and resources to conduct individualized and positive functional and behavioral plans for the success of students with disabilities. Compliance with the IDEIA requires that the student's educational needs are met in all school environments. Without adequate professional development and training, students will continue to be funneled into the school to jail pipeline instead of learning to develop life and career skills.

Finally, this bill recognizes and prioritizes the need to raise the salaries of special education staff and educators. Any policies crafted by state and local leaders to improve the special education system relies on successful implementation by trained professionals. The special education workforce needs significant growth and retention. Raising salaries is the first critical step to building that workforce.

PERFORMANCE IMPLICATIONS

The need for OSEO services should decline over time. OSE's oversight functions will hold schools accountable for the spending of their special education funding and complying with the requirements of IDEIA. More comprehensive professional development and training of school staff and district leaders will improve the IEP process. A stronger, better compensated special education workforce will ensure that special education system improvements are successfully implemented.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

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.

New Mexico's school system still has a long way to go to adequately serve its students with disabilities. The requirements outlined in this bill—particularly OSE's oversight and compliance activities, professional development and trainings, and elevating special education professional salaries—will ensure that New Mexico schools continually strive to meet the highest standards of education for its students with disabilities. Over the past year, the OSE has worked tirelessly to begin the process of transforming New Mexico's special education system. This bill will maintain the OSE's momentum and secure a better future for New Mexico students with disabilities.

AMENDMENTS