

Educating Children with Disabilities

NM Developmental Disabilities Planning Council

Draft Position on Special Education¹

Most New Mexico children with disabilities (and many children with special healthcare needs) are eligible for special education services. Many, in fact, will spend all of their school years in special education. Ensuring that children in special education receive an adequate education and the supportive services they need to succeed in school is a priority of the Developmental Disabilities Planning Council.


1. Special Education needs a **transformation**.

- a. Parents, teachers, therapists—the people that work with students—are convinced that, long before COVID-19, special education students were not receiving an adequate education nor the supportive services they need to succeed in school.
- b. There is no vision for special education: no agreement on what special education should accomplish. The focus is on money and compliance rather than on student outcomes.
- c. Special education is too often seen as a replacement for, rather than a supplement to, general education.
- d. A system that is intended to adapt to each individual student's needs is in fact rigid and unresponsive.
- e. The problem is not with system design nor the laws and regulations that govern the system. The problem is in what happens to the student and to his or her parents, to the teachers, and those who support them. It's not the what, but the how.

2. There is no **transparency**.

- a. We don't know what happens to students after they leave school. It is, therefore, difficult to determine whether special education is working.
- b. We don't know how much is spent on special education from all sources. We don't know how each school district is spending the funds it receives.
- c. We know the severity of each district's special education students' disabilities (A thru D) because funds are based on severity. But we don't know what the disability is. For example, we don't know how many children are on the autism spectrum, or use a wheelchair, or have an intellectual disability.

¹ . This is the second draft of a document that will be considered for adoption at the next meeting of the Council.

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- d. We don't know whether the Individual Education Plans ("IEP's") are based on each student's needs, and whether the student receives the education and services required by his or her plan.
 - e. We know that schools have trouble handling student behavior. We also know that too often the school's behavior specialists are not asked to help. We don't know enough about use of restraint and seclusion to control behavior nor about the use (or, better, misuse) of police and the juvenile justice system to control behavior.
 - f. While there are methods to file and settle complaints, the process is not well understood and intimidating, and outcomes are not known due to non-disclosure agreements.
 - g. Parents, teachers and the public do not trust the information the districts provide to PED. There are too many instances where the information released by PED is simply not creditable.

3. **Parents, teachers, administrators, therapists—all school personnel—need training and support.**

- a. Even parents who are lawyers (or legislators) have difficulty understanding the system and obtaining what their student needs. Parents, who, as the student's chief caregiver, ought to be full partners in his or her education are instead isolated and alienated. Training and support for all parents is urgently needed.
- b. While "inclusion"—delivering supplemental services to the special education student in his or her general education classroom—is the least restrictive way to meet the student's needs, too few general education teachers have the training and support needed to execute this strategy.
- c. There are not enough certified special education teachers and support specialists (therapists, behavior specialists, etc.). Too often, special education classrooms are in the hands of people of good will who are unable to handle their classroom.
- d. Even certified teachers and specialists need more training and support. Training and support for experienced teachers expected to handle the explosive growth in the number of students on the autism spectrum is urgently needed.
- e. Administrators frequently do not understand what the regulations require. "Lack of funds" is too often used to block access to required services.

4. **PED needs a new role.**

- a. PED needs to shift its focus from compliance to ensuring that every special education student graduates ready to lead a productive, self-directed life, with all needed supportive services in place.
- b. Much more training and support must be provided, either by PED staff, or by contractors.

- c. PED needs to collect more information about what is happening in each district and must make sure that the information is accurate.
- d. PED needs to monitor what is happening in classrooms, must periodically evaluate student outcomes, and must regularly make reports to the legislature on what is happening to special education students and their families.