

## Special Education: Synthesis of Listening Sessions

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### Overview of the Listening Sessions

- The Legislative Education Study Committee (LESC) facilitated nine stakeholder listening sessions statewide from June to August 2023 to provide stakeholders with an opportunity to share feedback and suggestions about special education services in New Mexico.
- The purpose of the listening sessions was for stakeholders to express opinions, share ideas, and tell their stories, and then use that context as a starting place for a special education stakeholder working group. The special education stakeholder working group is currently meeting, and will provide feedback on policy proposals that emerged from the listening sessions, to ensure these proposals can reflect both research and community voice. The culmination of this work will be presented to the LESC at its December 2023 meeting.

### Common Themes

- Combined, listening sessions ran 19.57 hours, 411 stakeholders attended the nine sessions, and LESC staff received 73 emails from 44 unique stakeholders that were included in the qualitative analysis process.

### Bright Spots in Special Education:

- Required educator training in structured literacy is beneficial for students with disabilities.
- School districts and charter schools are experimenting with innovative strategies to support special education students.
- Positive experiences within special education often stem from strong leadership.
- Dedicated school staff that go above and beyond support students in special education.

### Identified Issues in Special Education:

- Parents and families report negative experiences and inadequate support for students.
- Stakeholders report a need for cultural change regarding special education at all levels.
- Schools find alternative ways to remove students in special education from school, for example by placing a student into online learning, informal removals, or indefinite expulsion or long-term suspension.
- There is a need for more supports for special education educators and ancillary staff (including but not limited to training, compensation, and help with workload, for example through case managers) and more staff.
- Stakeholders report excessive use of restraint and seclusion.
- Schools and districts often lack the resources to adequately respond to behavior needs.
- Stakeholders report Individualized Education Plans (IEPs) not being followed, as well as the need for IEP redesign, a consistent statewide IEP, and the need for training on IEPs.
- Inclusion teachers report struggling to meet the needs of all students in inclusion classrooms.

- Stakeholders discussed issues with the Public Education Department (PED) centered on a lack of school and district oversight, a lack of support or communication, inadequate support, or a lack of enforcement, and a need for accountability.
- Partnerships between schools and police can lead to criminalization of special education students.
- Stakeholders discussed challenges with transportation that led to students with disabilities not getting the transportation they needed to get to school.
- Parents and families reported barriers to accessing gifted services.
- There is a need for collaboration to support student transitions from early childhood to kindergarten, primary to secondary schools, supporting transitioning from IEPs to adulthood, and a need for stronger and earlier workforce preparation programs

## Policy Suggestions from the Listening Sessions

- The following policy suggestion “buckets” emerged from the listening sessions and are being used as a starting place for working group members. Please see the full report for more details, the policy suggestions below are only a few examples.

### Opportunities for the Legislature to Consider:

- Funding
  - Transitioning to a census-based formula model in the state equalization guarantee (SEG). This would mean transitioning from add-on factors for special education (A/B, C, D, ancillary) to a census-based formula.
  - Require PED to provide the structures so ABA and similar services can be billed through school-based Medicaid and create guidance for districts that instruct them to allow medical treatment.
  - Require PED to develop an accountability tool to track special education funds from the federal government and the state to the classroom level, allowing full transparency and efficient resource allocation.
- A need for more high-quality staff
  - Pay differentials for special education teachers.
  - Salary incentives for inclusion teachers that have a certain number of special education students in their general education classrooms.
  - Require PED to hire subject matter experts in particular areas of disability to have them as resources for schools.
- Training
  - Fund and require PED to provide annual statewide training for special education educators.
  - Fund and require PED to provide annual statewide training for all school staff to better support students with disabilities.
  - Fund and require local education agencies (LEAs) to provide special education training, either for special education educators or for all staff.
- Accountability
  - Require PED to adopt a single statewide mandatory IEP and Behavior Improvement Plan.
  - Require the creation of a data collection and reporting system that spans all agencies that serve special education students.
  - Clearly define restraint and seclusion and enforce restraint and seclusion tracking by all schools.

### Opportunities for the Public Education Department or Local Education Agencies to Consider:

- Prohibit the covering of classroom door windows in all classrooms.



- Require a comprehensive sexual education class designed for individuals with disabilities beginning in middle school, extending through high school, and extending to the transition programs (18-21 year-old-programs). This is in response to stakeholder concerns regarding the vulnerability of students with disabilities to sexual assault. Department of Justice [statistics](#) show people with multiple disabilities are at the highest risk, with 65 percent reporting a lifetime history of rape or sexual assault.
- Repeal or amend 6.11.2.12 NMAC—Procedures for Detentions, Suspensions, and Expulsions—to ensure the rights of students with disabilities to receive an education is absolute, as the second sentence of this rule reads, “The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violations of school rules.”