

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 230

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

AN ACT

RELATING TO SPECIAL EDUCATION; REQUIRING INTERVENTIONS 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

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underscored material = new
[bracketed material] = delete

1 whose abilities render regular services of the public school to
2 be inconsistent with their educational needs;

3 C. "children with disabilities" means those
4 children who are classified as developmentally disabled
5 according to the Developmental Disabilities Act; ~~[and]~~

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

15 E. "dyslexia" means a condition of neurological
16 origin that is characterized by difficulty with accurate or
17 fluent word recognition and by poor spelling and decoding
18 abilities, which characteristics typically result from a
19 deficit in the phonological component of language that is often
20 unexpected in relation to other cognitive abilities and the
21 provision of effective classroom instruction and may result in
22 problems in reading comprehension and reduced reading
23 experience that may impede the growth of vocabulary and
24 background knowledge;

25 F. "response to intervention" means a multitiered

1 intervention model that uses a set of increasingly intensive
 2 academic or behavioral supports, matched to student need, as a
 3 framework for making educational programming and eligibility
 4 decisions; and

5 G. "student assistance team" means a school-based
 6 group whose purpose, based on procedures and guidelines
 7 established by the department, is to provide additional
 8 educational support to students who are experiencing
 9 difficulties that are preventing them from benefiting from
 10 general instruction."

11 Section 2. A new section of Chapter 22, Article 13 NMSA
 12 1978 is enacted to read:

13 "[NEW MATERIAL] INTERVENTION FOR STUDENTS DISPLAYING
 14 CHARACTERISTICS OF DYSLEXIA.--

15 A. A student who, despite effective classroom
 16 instruction in general education as provided by department
 17 standards, demonstrates characteristics of dyslexia and is
 18 having difficulty learning to read, write, spell, understand
 19 spoken language or express thoughts clearly shall be referred
 20 to a student assistance team.

21 B. In accordance with department response to
 22 intervention procedures, guidelines and policies, each school
 23 district or charter school shall provide timely, appropriate,
 24 systematic, scientific, research-based interventions prescribed
 25 by the student assistance team, with progress monitoring to

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1 determine the student's response or lack of response, for a
2 student in the secondary tier of response to intervention who
3 meets the criteria in Subsection A of this section prior to
4 referring the student for a special education evaluation.

5 C. A parent of a student referred to a student
6 assistance team shall be informed of the parent's right to
7 request an initial special education evaluation at any time
8 during the school district's or charter school's implementation
9 of the interventions prescribed by the student assistance team.
10 If the school district or charter school agrees that the
11 student may have a disability, the student assistance team
12 shall refer the child for an evaluation. The student shall be
13 evaluated within sixty days of receiving the parental consent
14 for an initial evaluation. If the school district or charter
15 school refuses the parent's request for an initial evaluation,
16 the school district or charter school shall provide written
17 notice of the refusal to the parent, including notice of the
18 parent's right to challenge the school district's or charter
19 school's decision as provided in state and federal law and
20 rules.

21 D. The department shall provide lists of
22 recommended teacher professional development materials and
23 opportunities for teachers and administrators regarding
24 research-based reading instruction for students at risk for
25 reading failure and displaying the characteristics of dyslexia.

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1 E. School districts and charter schools shall train
2 school administrators and teachers who teach reading to
3 implement appropriate research-based reading interventions
4 prior to referring the student for a special education
5 evaluation. School districts and charter schools shall train
6 special education teachers to provide appropriate specialized
7 reading instruction for students who are identified with
8 dyslexia as a specific learning disability and who are eligible
9 for special education services.

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

15 G. The department shall adopt rules, standards and
16 guidelines necessary to implement this section."

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