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FISCAL IMPACT REPORT

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|--------------------|--------------------------------------|----------------------|-----------------|----------------|-----------------|
| SPONSOR | <u>HEC</u> | ORIGINAL DATE | <u>02/02/10</u> | HB | <u>230/HECS</u> |
| | | LAST UPDATED | <u>2/6/10</u> | SB | |
| SHORT TITLE | <u>Dyslexic Student Intervention</u> | | | SB | |
| | | | | ANALYST | <u>Hoffmann</u> |

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Non-Rec | Fund Affected |
|---------------|------|-------------------------|------------------|
| FY10 | FY11 | | |
| | NFI | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files
LESC Files

Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Education Committee substitute for House Bill 230 proposes to amend Section 22-13-6 NMSA 1978 to include the following definitions.

“dyslexia’ means a condition of neurological origin that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities, which characteristics typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction and may result in problem in reading comprehension and reduced reading experience that may impede the growth of vocabulary and background knowledge.”

“response’ to intervention” means a multitiered intervention model that uses a set of increasingly intensive academic or behavioral supports, matched to student need, as a framework for making educational programming and eligibility decisions.”

“student assistance team’ means a school-based group whose purpose, based on procedures and guidelines established by the department, is to provided additional educational support to students who are experiencing difficulties that are preventing them from benefiting from general instruction.”

The committee substitute bill also adds a new section to Chapter 22, Article 13 NMSA 1978 titled “INTERVENTION FOR STUDENTS DISPLAYING CHARACTERISTICS OF DYSLEXIA.”

This new section would require that students who demonstrate characteristics of dyslexia be referred to the student assistance team. The student assistance team would prescribe appropriate interventions and monitor the progress of students in the secondary tier of response to intervention prior to referring the student for a special education evaluation.

Parents would be given the right to request an initial special education evaluation at any time during the intervention process, and the student would be evaluated within sixty days of receipt of parental consent to the initial evaluation. If the school district or charter school refuses the parent’s request for an initial evaluation, the refusal must be in writing and inform the parent of his or her right to challenge the school district’s or charter school’s decision as provided in state and federal law and rules.

The PED would have the responsibility to provide lists of recommended teacher professional development materials and opportunities for reading instruction for students at risk for reading failure and displaying the characteristics of dyslexia. The PED would also be responsible for providing technical assistance for special education diagnosticians and other special education professionals regarding the formal special education evaluation of students suspected of having a specific learning disability such as dyslexia.

School districts and charter schools would be responsible for training school administrators and teachers who teach reading to implement reading interventions prior to referring a student for special education evaluation. The school districts and charter schools would also be responsible for training special education teachers to provide appropriate specialized reading instruction for students who are identified with dyslexia as a specific learning disability and who are eligible for special education services.

The proposed new section gives the PED the authority to “adopt” rules, standards and guidelines to implement this new section.

SIGNIFICANT ISSUES

The PED points out the following discordance between definitions proposed in the bill and those in use in other current nomenclatures.

Currently, Dyslexia is included in the definition of a specific learning disability in the IDEA. The IDEA regulations at 34 CFR §300.8 states a Specific Learning Disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

The PED states that although the definition of Student Assistance Team (SAT) as defined in the proposed statute does not match the definition in rule at Subsection D of 6.29.1.9 NMAC, page 3, lines 22-24 of the bill describes that the school district will provide timely, appropriate,

systematic, scientific, research-based interventions prescribed by the SAT, with progress monitoring to determine the student’s response or lack of response for a student in the secondary tier of Response to Intervention (RTI) before being referred for a special education evaluation. The state rules as set forth in Subsection D of 6.29.1.9 NMAC, sets procedures and guidelines in rule for the three tiers of interventions.

The PED reports that beginning with the 2009 - 2010 school year the department began collecting the number of students receiving special education services who had Dyslexia. The chart below shows the number of students with a Specific Learning Disability (SLD) in the state as of the 80th day reporting period (January 2010), and the number of students with Dyslexia as collected through the Student Teacher Accountability Reporting System (STARS).

| # of Students with SLD | # of Students with Dyslexia |
|------------------------|-----------------------------|
| 17,903 | 143 |

The PED also notes that for the past several years the department has funded the South West International Dyslexia Association (SWIDA) with money, which has been used for scholarships for annual conferences, which provides professional development for teachers on effective strategies for teaching students with Dyslexia.

PERFORMANCE IMPLICATIONS

The PED states that this bill could support the Public School Support Performance Measures by increasing the likelihood that students would receive appropriate educational interventions and possibly increase the number of students scoring proficient or above on the New Mexico Standards Based Assessment (NMSBA) and graduating from high school.

WHAT WILL BE THE CONSEQUENCES IF THIS

The PED states that dyslexia will remain as a disability category under SLD in the IDEA. School districts will continue to implement their own professional development and interventions in accordance with the SAT for working with students who have a Specific Learning Disability that includes Dyslexia.