

LFC Requester:	Sunny Liu
-----------------------	------------------

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(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: 2/3/2026 *Check all that apply:*
Bill Number: SB 64 Original Correction
 Amendment Substitute

Sponsor:	<u>Mimi Stewart, Joy Garratt, and Cindy Nava</u>	Agency Name and Code Number:	<u>604</u>
Short Title:	<u>CREATE OFFICE OF SPECIAL EDUCATION</u>	Person Writing	<u>G. Nathan Gomme</u>
		Phone:	<u>505.383.6530</u> Email <u>Nathan.gomme@cdhh.</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
\$0	\$0	\$0	-	-

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Amendments:

The amendments creates a few key differences for example amendments and additions for the definitions with E defining “exceptional child”, as well as F where “gifted child” is defined. There are also amendments in Section 4, B. (5) and (6) with regards to the actions of the office, and Section 5. B. with regards to the deletion of “whose parents have requested special education services”.

In their context the changes are as follows—

The SEC amendment refines the definitions to ensure that the “gifted” students are legally distinct from “students with disabilities”, the addition of the “exceptional child” definition removes the umbrella term that legally included both disability and gifted. This clarification in the definitions prevents funding and policy from being mixed with regards to compliance creating distinct educational needs rather than putting them in a single “exceptional” category. This ensures that the new Office of Special Education is focused on compliance with federal language.

The SFC amendment adds a new requirement which has the Office of Special Education consulting quarterly with a committee of school district superintendents and charter school head administrators. This creates a selected committee of peers not appointments by the secretary and provides representation of districts views into the discussion of planning and improvement to the systems provided throughout the state. The amendment also clarifies that the office is to add the duty of monitoring compliance with laws that prohibit discrimination against students with disabilities.

In all this creates a collaborative compliance model, discrimination monitoring and accountability.

Original:

Senate Bill 64 (SB64) establishes the Office of Special Education directly within the Public Education Department (PED), led by a newly created Deputy Secretary of Special Education who reports directly to the Secretary of Public Education. The bill has an emphasis on compliance with and enforcing state and federal law this includes verifying that students receive a Free Appropriate Public Education (FAPE) and ensure stability and consistency of services. In addition, it removes gifted education special education" to align the state definition strictly with the federal Individuals with Disabilities Education Act (IDEA), focusing resources and policy on students with disabilities.

The bill continues to mandate a Statewide Online IEP System creating a uniform online system for Individualized Education Programs (IEPs) that all school districts must use. This aims to standardize how students’ progress, services, and compliance are tracked across the state and recompiles existing laws requiring dyslexia screening for first graders and mandates structured literacy training for teachers. There are also definitions such as student assistance team (SAT)

and multilayered systems of support (MLSS) to the Public-School Code. While this language has already existed in dialogue in the Public Education of New Mexico it is now codified.

FISCAL IMPLICATIONS

The original SB64 does not contain a specific dollar appropriation in the bill, however the costs were covered through the FY27 budget recommendations. This would mean that outside of formalizing the Office of Special Education there are no additional funding needs.

The amendment does not change this.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS