

LFC Requester:

Sunny Liu

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) 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: 1/28/26

Check all that apply:

Bill Number: SB 64Original Correction Amendment Substitute

Sponsor: Mimi Stewart
Joy Garratt
Cindy Nava

Short Title: Create Office of Special Education

Agency Name and Code: Developmental Disabilities Council 647

Number: _____

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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
\$0	\$0	\$0	N/A	N/A

(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	\$0	\$0	\$0	\$0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: This bill establishes the Office of Special Education, established by Executive Order in April 2023, within the Public Education Department (PED) into New Mexico law. The bill tasks the new Office of Special Education (OSE) with oversight and enforcement of statewide compliance with the federal Individuals with Disabilities Education Improvement Act and laws that prohibit discrimination against students with disabilities. The bill also tasks the OSE to develop and maintain a unified online statewide system for individualized education programs, which is the foundation for ensuring students with disabilities receive special education services.

FISCAL IMPLICATIONS

The Developmental Disabilities Council (DDC) does not anticipate any fiscal implications to the agency.

SIGNIFICANT ISSUES

In May of 2023, the Governor signed Executive Order 2023-062, establishing the Office of Special Education (OSE) within the PED. In the past two years, the OSE has accomplished more to raise the standards of special education policymaking, planning, data analysis, and problem solving than state and local systems have been able to accomplish in over a decade.

The OSE's initial success demonstrates the enormity of progress that is achievable when leaders possess subject matter expertise, fearlessness in the face of systemic inertia, the ability to navigate a complex landscape with nuance, and a humble desire to listen and learn from many perspectives. This bill institutionalizes the OSE in state law and ensures that the significant progress already made by the OSE, established by Executive Order in 2023, is preserved and can form a strong foundation for much-needed future progress in New Mexico's special education system.

PERFORMANCE IMPLICATIONS

DDC's Office of the Special Education Ombud provides comprehensive and personalized information, resources, and support to public school students with disabilities and their families who need assistance acquiring education services. With the continuation of OSE's work, the need for ombud services should decline over time.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Special education families, advocates, teachers, and directors all agree that special education in New Mexico needs an extraordinary amount of attention, resources, and support. The Office of Special Education has already made enormous strides towards improving the quality of special education in this state by engaging in technical support, data collection, interagency collaboration, and other activities to promote best practices across the state. This bill recognizes that enormous need and is the next important step in ensuring the state meets those needs. Without this law, the state may lose the progress it is already making to improve special education for New Mexican students and their families.

New Mexico's school system still has a long way to go to adequately serve its students with disabilities. This bill work help ensure that New Mexico schools continually strive to meet the highest standards of education for its students with disabilities. Over the past two years, the OSE has worked tirelessly to begin the process of transforming New Mexico's special education system. This bill will maintain the OSE's momentum and secure a better future for New Mexico students with disabilities.

AMENDMENTS

The amendments incorporated in the Senate Education Committee on January 28, 2026, clarify gifted education definitions within the Public School Code. Gifted education has been well served by a different division in the Public Education Department for over seven years and will continue to be served by that division.

The DDC and OSEO serve New Mexican students with disabilities who also receive gifted education services. The establishment of the Office of Special Education by Executive Order in April 2023 has not in any way negatively impacted the extensive protections and resources that gifted education in public schools receive. Indeed, DDC and special education ombuds have observed that the improvements made in special education by the OSE has improved access to gifted education by students with disabilities, which raises the quality of gifted education for all gifted students.