



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2026 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: January 28 2026

Bill No: SB64a

Committee Referrals: SEC/SFC

Agency Name and Code: PED - 924

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: [House Bill 133](#), the current version of the General Appropriation Act, includes \$4 million for special education initiatives.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

**Synopsis of SFC amendment:** The Senate Finance Committee amendment to SB64/aSEC (SB64/aSEC/aSFC) adds an item to the list of the Office of Special Education’s (OSE) duties that would require the office to consult with a committee of superintendents and charter school administrators on a quarterly basis to implement continuous improvement of systems and services for students with disabilities.

**Synopsis of SEC amendment:** The Senate Education Committee amendment to Senate Bill 64 (SB64/aSEC) makes a fix by re-including definitions for “exceptional child” and “gifted child” that would have been removed by the bill’s proposed repeal of Section 22-13-6 NMSA 1978. It removes the OSE’s responsibility to enforce laws that prohibit discrimination against students with disabilities, and instead only requires the OSE to monitor compliance with those laws. It also amends the requirement that the Public Education Department (PED) set standards for diagnosis, screening, and educational offerings. The amended language requires the PED to set those standards for all developmentally delayed three- and four-year-olds, rather than only for those whose parents have requested services or evaluation for their children.

**Synopsis of the original bill:** Senate Bill 64 (SB64) would create the Special Education Act, codifying in statute the OSE in the PED, and require all school districts to use a statewide uniform online system for individualized education programs (IEPs). Specifically, the bill would:

- clarify the responsibilities of the OSE, including enforcing state and federal laws that support students with disabilities;
- develop an evaluation program to monitor the implementation of special education programs; and
- require school districts and charter schools to use the uniform online system to monitor progress and ensure consistency, fidelity and compliance with the federal Individuals with Disabilities Education Act timelines and safeguards.

This bill was endorsed by the Legislative Education Study Committee.

The bill proposes an effective date of July 1, 2026.

### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

### **SIGNIFICANT ISSUES**

**Office of Special Education.** The provisions of the bill address the responsibilities of the OSE, including providing equal educational opportunities for students with disabilities, providing special education services for them, and enforcing laws such as the federal Individuals with Disabilities Education Act. Provisions of the bill modify the responsibilities and oversight of the OSE to include students with disabilities, developmentally delayed three- or four-year-old children, and other eligible children in the state. The OSE will be required to develop an evaluation program to monitor implementation of special education programs for all eligible

children. The bill requires the deputy secretary for special education, which would be appointed by and report to the Secretary of Education, to direct all activities of the OSE.

**Statewide uniform online system.** The bill would require the OSE to develop and maintain a statewide uniform online system for the formulation of individualized education programs and require all school districts to use the system to document services, monitor progress, and ensure consistency, fidelity, and compliance with the federal Individuals with Disabilities Education Act timelines and safeguards.

**Multi-layered system of supports.** The bill adds a requirement that interventions for students whose dyslexia screening demonstrates characteristics of dyslexia and who are having difficulty learning to read, write, spell, understand spoken language, or express thoughts clearly be provided appropriate classroom interventions through a multilayered system of supports.

**Gifted education.** PED would continue to maintain its general regulatory authority to govern the provision of gifted education in New Mexico. Rule [6.31.3 NMAC, Gifted and Talented Students](#), assists New Mexico public agencies in appropriately identifying and providing educational services for gifted students. The purposes of the rule are to ensure all gifted students have gifted education and related services to meet their individual needs; ensure that the rights of gifted students and their parents are protected; assist public agencies to provide for the education of all gifted students; and evaluate and ensure the effectiveness of efforts to educate those students. Specifically, the rule provides for the following:

- Detailed advisory committee requirement
- Requirements for gifted IEPs for all gifted students
- Universal screening by end of grade three
- Gifted program plan requirements, including identification of gifted students; program components to address needs of gifted students; progress monitoring of gifted students; personnel planning, including professional development plans and caseload requirements; and plans subject to PED approval
- Requirements for revenue and funding reporting from school districts and charter schools
- Dispute resolution and formal review and resolution process at PED

It is important to note that the separation of gifted education from special education aligns with what has been in practice in the last seven years. During that time, gifted education has had oversight, resources, and support from PED.

## **PERFORMANCE IMPLICATIONS**

Approximately one in five students in the state is identified as having a disability; the number of K-12 students with an IEP in the state in 2024 was 56,522, which is nearly 20 percent of the student population. Few special education students in New Mexico are proficient in key academic areas, with 14.5 percent proficient in reading and only 8.5 percent proficient in math in 2025. These rates are more than 15 percentage points below the achievement of the student population as a whole. In 2025, the graduation rate after four years of high school for students with disabilities was 69.6 percent, which was about nine percentage points lower than the same rate for students overall of 78.2 percent.

Stronger state-level oversight and support of special education programs in New Mexico public schools, as provided in this bill, will ensure compliance with state and federal law and will support improved educational outcomes, helping these students and their families succeed academically and outside the classroom. The current [OSE State Plan](#) has been designed to improve adoption of best practices by local district and charter school educators and help facilitate families' understanding of these practices.

## **ADMINISTRATIVE IMPLICATIONS**

The amended bill would create a committee of superintendents and charter school head administrators to consult with the OSE on a quarterly basis to plan and implement improvement measures for systems and services provided to students with disabilities throughout the state. Collaboration with the committee could support the work of the OSE by providing first-hand advice on special education issues at a local education agency level and bringing local education agencies and the PED into alignment on efforts to support students with disabilities.

The bill would require PED to:

- set standards for diagnosis and screening of and educational offerings for students with disabilities in public schools, developmentally delayed three- and four-year-old children and other eligible children in private, nonsectarian, nonprofit training centers and in state institutions under the authority of the secretary of health.
- Establish and maintain an evaluation program that monitors the implementation and impact of all special education programs for three- and four-year-old developmentally delayed children and students with disabilities in public schools.

Additionally, the bill would necessitate amendment of Rule [6.30.17 NMAC, Structured Literacy Instruction, Interventions, and Professional Development](#), to include the requirement that students who demonstrate characteristics of dyslexia to receive interventions specifically through a multilayered system of supports. Currently, the rule only requires multilayered supports if a student fails to make adequate progress with target literacy interventions. The department should also amend Rule [6.31.3 NMAC, Gifted and Talented Students](#), to reflect the repeal of [Section 22-13-6 NMSA 1978](#), which serves as one of multiple statutory provisions authorizing the rule. The department should also amend the statutory authority section of this rule to include [Section 22-8-21 NMSA 1978](#). Finally, PED would need to amend Rule [6.31.2, Children with Disabilities](#), to ensure that the rule addresses all the new requirements proposed by the bill.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

- Relates to [House Bill 120, Limiting Student Restraint and Seclusion](#), which would require a review of every incident where restraint or seclusion is used on a student, including whether the student involved may be eligible for special education.

## **TECHNICAL ISSUES**

The sponsor of the amended bill may wish to clarify the selection process and functional details of the committee of superintendents and charter school administrators that would work with the OSE on improvement measures.

## **OTHER SUBSTANTIVE ISSUES**

Many students with disabilities struggle academically. Fifteen percent of students with disabilities score proficient in early literacy and even fewer do in language arts, science, and math. Dropout rates are high, and graduation rates are low. Students with disabilities are the lowest achieving student group. Establishing the OSE will help ensure that their interests are represented at a cabinet level within the department.

On March 11, 2025, the US Department of Education announced plans to cut its workforce by 50 percent. Included in these reductions were the layoffs of roughly two-thirds of the department's Office of Civil Rights staff. The Office of Civil Rights within the department enforces cases of civil rights protections. Thirty seven percent of their work involves disability cases, and with the [current staff of about 120](#), they will now manage around 190 cases per employee, per year. An additional 121 employees were laid off during the October 2025 government shutdown from the Office of Special Education and Rehabilitative Services. These cuts will likely hamper the office's ability to effectively carry out its many responsibilities, including monitoring states' adherence to, and providing technical assistance to families for the Individuals with Disabilities Education Act (IDEA) and for vocational rehabilitation services. As the federal government continues to change the size and scope of the Department of Education and the offices that support special education therein, codifying the OSE in New Mexico could provide needed stability and consistency of supports to school districts, students with disabilities, and those students' families.

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Special education students will continue to struggle without embedded and long-lasting state support.

## **AMENDMENTS**

None.