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HOUSE BILL 230

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

INTRODUCED BY

Mimi Stewart and Mary Jane M. Garcia

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

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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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 from offering additional gifted programs for
11 students who fail to meet the eligibility criteria; however,
12 the state shall only provide state funds for ~~[department of~~
13 ~~education approved]~~ department-approved gifted programs for
14 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

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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, demonstrates characteristics
17 of dyslexia and is having difficulty learning to read, write,
18 spell, understand spoken language or express thoughts clearly
19 shall be referred to a student assistance team.

20 B. In accordance with department response to
21 intervention procedures, guidelines and policies, each public
22 school district shall provide timely, appropriate, systematic,
23 scientific, research-based interventions recommended by the
24 student assistance team, with progress monitoring to determine
25 the student's response or lack of response, for a student in

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1 the secondary tier of response to intervention who meets the
2 criteria in Subsection A of this section prior to referring the
3 student for a special education evaluation.

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

17 D. The department shall develop recommended teacher
18 professional development materials and opportunities for
19 teachers and administrators regarding research-based reading
20 instruction for students at risk for reading failure and
21 displaying the characteristics of dyslexia, and it shall adopt
22 rules, standards and guidelines necessary to implement this
23 section.

24 E. Local school districts and charter schools shall
25 ensure that every teacher and administrator who teaches reading

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1 is trained to provide and implement appropriate research-based
2 reading interventions prior to referring the child for a
3 special education evaluation. Local school districts and
4 charter schools shall ensure that special education teachers
5 are trained to provide appropriate specialized reading
6 instruction for students who are identified with dyslexia as a
7 specific learning disability and who are eligible for special
8 education services.

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

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