



The Legislature
of the
State of New Mexico

49th Legislature, 2nd Session

LAWS 2010

CHAPTER 59

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR

HOUSE BILL 230

Introduced by



Chapter 59

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 whose abilities render regular services of the public school to be inconsistent with their educational needs;

C. "children with disabilities" means those children who are classified as developmentally disabled according to the Developmental Disabilities Act;

D. "gifted child" means a school-age person who is determined to be gifted pursuant to Section 22-13-6.1 NMSA 1978 and standards adopted by the department pursuant to that section. Nothing in this section shall preclude a school

1 district or charter school from offering additional gifted
2 programs for students who fail to meet the eligibility
3 criteria; however, the state shall only provide state funds
4 for department-approved gifted programs for those students who
5 meet the established criteria;

6 E. "dyslexia" means a condition of neurological
7 origin that is characterized by difficulty with accurate or
8 fluent word recognition and by poor spelling and decoding
9 abilities, which characteristics typically result from a
10 deficit in the phonological component of language that is
11 often unexpected in relation to other cognitive abilities and
12 the provision of effective classroom instruction and may
13 result in problems in reading comprehension and reduced
14 reading experience that may impede the growth of vocabulary
15 and background knowledge;

16 F. "response to intervention" means a multitiered
17 intervention model that uses a set of increasingly intensive
18 academic or behavioral supports, matched to student need, as a
19 framework for making educational programming and eligibility
20 decisions; and

21 G. "student assistance team" means a school-based
22 group whose purpose, based on procedures and guidelines
23 established by the department, is to provide additional
24 educational support to students who are experiencing
25 difficulties that are preventing them from benefiting from

1 general instruction."

2 Section 2. A new section of Chapter 22, Article 13 NMSA
3 1978 is enacted to read:

4 "INTERVENTION FOR STUDENTS DISPLAYING CHARACTERISTICS OF
5 DYSLEXIA.--

6 A. A student who, despite effective classroom
7 instruction in general education as provided by department
8 standards, demonstrates characteristics of dyslexia and is
9 having difficulty learning to read, write, spell, understand
10 spoken language or express thoughts clearly shall be referred
11 to a student assistance team.

12 B. In accordance with department response to
13 intervention procedures, guidelines and policies, each school
14 district or charter school shall provide timely, appropriate,
15 systematic, scientific, research-based interventions
16 prescribed by the student assistance team, with progress
17 monitoring to determine the student's response or lack of
18 response, for a student in the secondary tier of response to
19 intervention who meets the criteria in Subsection A of this
20 section prior to referring the student for a special education
21 evaluation.

22 C. A parent of a student referred to a student
23 assistance team shall be informed of the parent's right to
24 request an initial special education evaluation at any time
25 during the school district's or charter school's

1 implementation of the interventions prescribed by the student
2 assistance team. If the school district or charter school
3 agrees that the student may have a disability, the student
4 assistance team shall refer the child for an evaluation. The
5 student shall be evaluated within sixty days of receiving the
6 parental consent for an initial evaluation. If the school
7 district or charter school refuses the parent's request for an
8 initial evaluation, the school district or charter school
9 shall provide written notice of the refusal to the parent,
10 including notice of the parent's right to challenge the school
11 district's or charter school's decision as provided in state
12 and federal law and rules.

13 D. The department shall provide lists of
14 recommended teacher professional development materials and
15 opportunities for teachers and administrators regarding
16 research-based reading instruction for students at risk for
17 reading failure and displaying the characteristics of
18 dyslexia.

19 E. School districts and charter schools shall
20 train school administrators and teachers who teach reading to
21 implement appropriate research-based reading interventions
22 prior to referring the student for a special education
23 evaluation. School districts and charter schools shall train
24 special education teachers to provide appropriate specialized
25 reading instruction for students who are identified with

1 dyslexia as a specific learning disability and who are
2 eligible for special education services.

3 F. The department shall provide technical
4 assistance for special education diagnosticians and other
5 special education professionals regarding the formal special
6 education evaluation of students suspected of having a
7 specific learning disability, such as dyslexia.

8 G. The department shall adopt rules, standards and
9 guidelines necessary to implement this section."

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BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



DIANE D. DENISH, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 8th day of March, 2010



BILL RICHARDSON, GOVERNOR
STATE OF NEW MEXICO

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OFFICE OF

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