Office of Special Education and Special Education Initiatives
SB 38
President Pro Tempore Mimi Stewart

Overview

All New Mexico children deserve a high-quality education, including students with disabilities from early childhood to the pursuit of college and career. Establishing the Office of Special Education in statute will help ensure that students with disabilities and their families receive the support they need to access the best possible education and succeed in school and life.

Why now?

About 16.5% (50,600) of students enrolled in public PreK-12 schools qualified for special education services via Individualized Education Programs (IEPs) during the current school year. However, few special education students in New Mexico are proficient in key academic areas – just 10.3% of special education students are proficient in early literacy, 9% are proficient in reading, and only 4.3% are proficient in math. Nearly one-third did not graduate from high school on time in the 2022-23 academic year. Improving these outcomes is a key goal of this legislation.

How it works

The bill will solidify the Governor's work in elevating special education in New Mexico by establishing the Office of Special Education in statute. The bill will also expand transparency, ensure effective and timely delivery of services and evaluations for children and families, and provide educator and school administrator training specific to special education. The bill will facilitate the continuation of programs developed and implemented by the Office of Special Education over the last year, including Parent University, statewide monitoring of school districts and charter schools, and professional development from board rooms to classrooms.

The bill will accomplish these goals by:

- Directing the creation of a uniform IEP process for all students across the state to ensure efficient and appropriate service provision, regardless of the district or charter school, while supporting compliance with IEP requirements and best practices.
- Increasing effective, timely, and data-driven services for children in special education by publicizing data on student achievement, school district transition plans for students, and incidents of student restraint and seclusion.

How it works

- Providing training and professional development for educators on:
  - Required student protections.
  - Implementation of IEPs.
  - Engagement and communication with parents, students, and educational decisionmakers.
  - De-escalation practices, positive behavior supports and other related interventions.
  - Inclusion and integration.
- Formalizing coordination of preschool special education by the Early Childhood Education and Care Department.
- Initiating an educator-informed process to recruit and retain special educators and other supports for the special education workforce.
- Supporting school and district implementation of federal and state special education laws through technical assistance and accountability policies and practices.
- Moving the Office of the Special Education Ombud into the Public Education Department to consolidate and streamline stakeholder engagement and support to parents and students in resolving issues related to special education.

The creation of the Office of Special Education in statute will build on the progress made by the 2021 establishment of the Special Education Ombud, further prioritizing the needs of special education students in the state's public education system. The OSE will coordinate with other state departments, including the Early Childhood Education and Care Department, the Higher Education Department, the Children, Youth and Families Department, the Indian Affairs Department, the Developmental Disabilities Council, and the Division of Vocational Rehabilitation, to provide the best outcomes for students from cradle to career.

Financial information

The Executive budget recommendation includes $9 million for special education - $4 million for special education initiatives and $5 million for special education salary differentials.