



STATE OF NEW MEXICO  
PUBLIC EDUCATION DEPARTMENT  
300 DON GASPAR  
SANTA FE, NEW MEXICO 87501-2786  
Telephone (505) 827-5800  
[www.ped.state.nm.us](http://www.ped.state.nm.us)

DR. VERONICA C. GARCÍA  
SECRETARY OF EDUCATION

BILL RICHARDSON  
Governor

May 10, 2010

**TO:** Superintendents  
Charter School Administrators

**FROM:** Veronica C. García, Ed.D., Secretary of Education

**RE:** **HOUSE BILL 230 - AN ACT RELATING TO SPECIAL EDUCATION;  
REQUIRING INTERVENTIONS FOR STUDENTS DISPLAYING  
CHARACTERISTICS OF DYSLEXIA – EFFECTIVE MAY 19, 2010**

---

I am writing this memorandum to inform you of a very important piece of legislation. House Bill (HB) 230 – An Act Relating to Special Education; Requiring Interventions for Students Displaying Characteristics of Dyslexia was signed into law by the Honorable Governor Bill Richardson and goes into effect May 19, 2010.

HB 230 provides for the following:

- Amends Section 22-13-6 NMSA 1978 of the Public School Code to include definitions of
  - Dyslexia;
  - Response to Intervention; and
  - Student Assistance Team

HB 230 adds a new section of Chapter 22, Article 13 NMSA 1978 to include specific interventions for students displaying characteristics of Dyslexia. I have summarized the required interventions below and I have attached the legislation:

- Students who, despite effective classroom instruction, demonstrate characteristics of dyslexia, as described under Section 2(A), shall be referred to the Student Assistance Team (SAT). See my previous guidance entitled “House Bill 230 – Relating to Interventions for Students displaying the Characteristics of Dyslexia” regarding the SAT process.
- School districts and charter schools shall provide research-based interventions as described in Section 2(B), as prescribed by the SAT, with progress monitoring.

- A parent of a student referred to a SAT, shall be informed of their rights to request an initial special education evaluation at any time during the implementation of the SAT interventions. If the district or charter school refuses the parent's request, the district or charter school must provide written notice of the refusal that includes the parent's right to challenge the decision.
- The Public Education Department (PED) will provide recommended lists of teacher professional development materials in the areas of research-based reading instruction.
- School districts and charter schools must train school administrators and teachers who teach reading to implement research-based reading interventions prior to referring a student for a special education evaluation.
- School districts and charter schools shall train special education teachers to provide appropriate specialized reading instruction for students who are identified with dyslexia as a specific learning disability (SLD).
- The PED shall provide technical assistance for special education diagnosticians and other special education professionals regarding formal special education evaluations of students suspected of having a SLD, such as dyslexia.

The Special Education Bureau (SEB) of the PED in partnership with Regional Education Cooperative Nine, will be providing the following training modules, at no cost to the district, in the fall of 2010:

- Research-based reading instruction for students at risk of reading failure
- The implementation of appropriate research-based reading interventions
- Special Education evaluations of students suspected of having a SLD

It is my hope that these training modules will be beneficial for your staff and will provide you with the necessary support to implement HB 230. The information regarding the training modules will be sent directly to you. In addition, the Procedural Safeguards Notice under the Individuals with Disabilities Education Act (IDEA) may need to be updated to reflect the changes and the State Special Education Rules may need to be revised to include the definition of dyslexia. The SEB is in the process of working with a committee of stakeholders to update the New Mexico Technical Evaluation Assessment Manual (NM TEAM) and its supplemental materials. It is anticipated that the updated material will be sent to you in August 2010.

If you have any questions regarding the legislation or its implementation, please call the SEB Education Administrator assigned to your district at (505) 827 – 1457.

VCG/dk

Enc. (1)

cc: Sheila Hyde, Ed.D, Assistant Secretary, Quality Assurance and Systems Integration  
Julia Rosa Emslie, Director, Quality Assurance Bureau  
Education Administrator, Special Education Bureau  
Albert Gonzales, Assistant General Counsel  
Special Education Directors