

Special Education Stakeholder Listening Sessions Report

Low educational outcomes for special education students, achievement gaps between special education student subgroups, and feedback from families and advocates have raised a series of concerns related to the services available to students with disabilities in New Mexico.

The Legislative Education Study Committee (LESC) facilitated nine stakeholder listening sessions statewide from June to August 2023 to provide stakeholders with an opportunity to share feedback and suggestions about special education services in New Mexico. In each listening session, stakeholders were prompted to address two primary questions:

- What concerns and/or suggestions do they have about special education provisions?
- In what ways does [Executive Order 2023-062](#) address stakeholders' concerns, and what opportunities for improvement remain?

Participants were encouraged to share their opinions and stories to supplement their responses while remaining community and solution-oriented.

The purpose of the listening sessions was to provide the opportunity for stakeholders to express opinions, share ideas, and tell their stories, but also to use what was heard as a starting place for the special education stakeholder working group. The special education stakeholder working group will meet in September and October 2023, and will provide specific feedback on policy proposals that arose from the listening sessions, so these proposals can be grounded in community voice. This report is intended to be both a starting place for working group members—who will begin to meet September 21, 2023—as well as to update LESC members on the work so far. Additionally, this report will be distributed to all participants at the listening sessions, as promised, to reflect what was said in the listening sessions in aggregate.

Overview of the Listening Sessions

LESC staff held five in-person listening sessions, four Zoom-hosted listening sessions, and invited public comment via email, phone, and text message to provide special education stakeholders with various options

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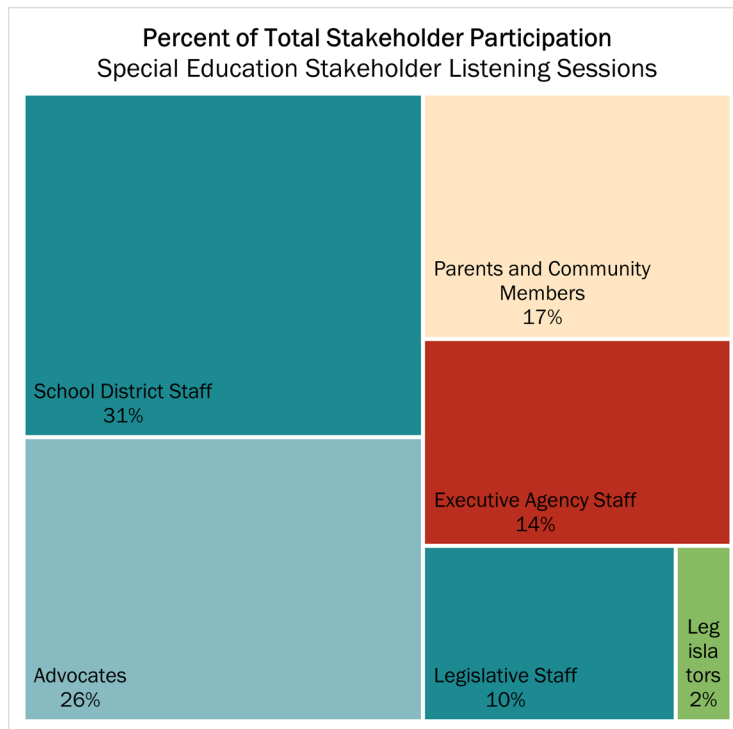
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for participation. While listening sessions were scheduled for 90 minutes, participants were encouraged to continue sharing for as long as stakeholders wanted to participate, and every listening session ran beyond the scheduled time (the longest listening session ran for three hours and 20 minutes). American Sign Language interpreters and Spanish language interpreters were available for some in-person listening sessions in response to stakeholder requests. Similarly, the [special education stakeholder public engagement plan](#) was translated into Spanish in response to a stakeholder request.

All listening sessions were recorded and transcribed for qualitative analysis to better facilitate deep understanding and learning. LESC staff used [Otter.ai](#), a tool which uses artificial intelligence (AI) to write automatic meeting notes with real-time transcription, recorded audio, automated slide capture, and automated meeting summaries, as a first step in transcription, with a second step of LESC staff manually editing each AI transcription to ensure accuracy. For qualitative analysis, LESC staff used [Delve](#), qualitative analysis software for analyzing qualitative data collaboratively with a team. In addition to the transcriptions of the listening sessions, emails were also included in qualitative analysis. Due to data transfer limitations, public comments made via phone and text were excluded from qualitative analysis. Combined, listening sessions ran 1,174 minutes and 21 seconds (19.57 hours), and LESC staff received 73 emails (44 unique stakeholders emailed) that were included in the qualitative analysis process. Emails received after the public comment deadline of August 25 at midnight were not included in the qualitative analysis process.

Stakeholder Participation

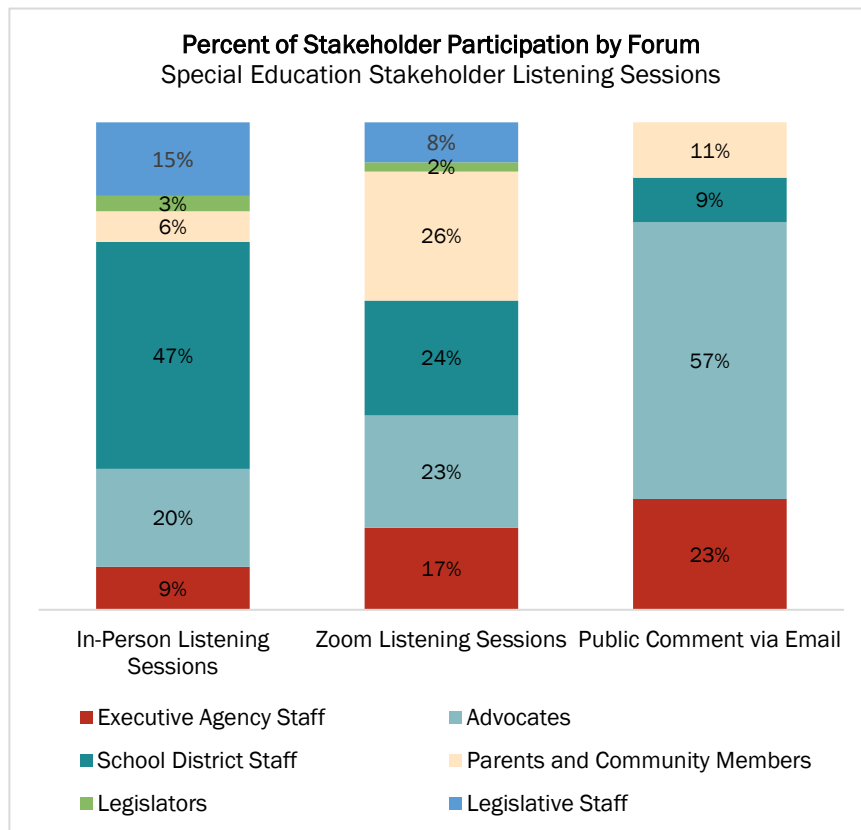
According to the attendance sheets, 411 stakeholders attended the nine listening sessions, and each listening session had an average of 36 participants. The listening session in Albuquerque had the highest participation, while the listening session in Taos, the first held, had the lowest.



Source: LESC Files

As shown by the graphic above, combined, school district staff and advocates constituted more than half of the stakeholder groups. Parents and community members and executive agency staff accounted for 31 percent of the participating stakeholder groups.

Stakeholder participation varied by forum. In-person listening sessions generated the highest rates of turnout from school district staff and the lowest turnout from parents and community members. Zoom listening sessions had the highest turnout rates from parents and community members. Stakeholder participation in Zoom listening sessions was also relatively even, while attendance at in-person sessions varied substantially. Advocates had the highest participation rates in emailed public comments, while school district staff had the lowest participation rates in emailed public comments, as illustrated by the graph below.



Source: LESC Files

Based on analysis of the transcripts, members of the legislative and executive branch both spoke less often than their attendance would suggest, which allowed for voices outside of the government that are not always included in policy making, to contribute their thoughts, ideas, and perspectives.

Common Themes from the Listening Sessions

Generally, stakeholders who attended the special education listening sessions had a broad understanding of the educational landscape in New Mexico and a deep understanding of their particular role in special education. While misunderstandings of the work and role of other stakeholder groups in special education did occasionally rise, the listening

sessions also served as an opportunity for stakeholder groups to educate each other. Often, participants would directly address one another, for example after a parent shared a personal story regarding their negative experiences within the special education system in New Mexico, school and executive agency staff responded to comfort and empathize. One participant who works as a special education administrator responded to a parent, “I 100% agree with you. There are definitely weaknesses in our programs and throughout New Mexico and districts.... And it makes me sad, that those great things [that are happening in our district] aren’t happening other places. But we’re not perfect. But I can promise you there’s not a person on our staff who doesn’t want to do what’s best for kids.” One participant who attended multiple sessions and has been involved in special education advocacy work for decades wrote in a public comment email, “I’m beginning to think that what we have is a group of highly motivated people in a malfunctioning system—a system that frustrates teachers and parents and does not educate students.”

Bright Spots in Special Education

It’s important to have a sense of what is working well in special education classrooms across New Mexico to have a complete understanding of the special education system as a whole. In addition to sharing concerns or suggestions regarding the provision of special education services in New Mexico, participants also shared their opinions on what is working in special education. Looking at the data, several themes rose to the top:

- ***Literacy Supports and the Science of Reading.*** Stakeholders shared 42 positive comments on the implementation of Laws 2019, Chapter 256 (SB398), which required educator training in structured literacy, among other actions: “By far the most important and promising initiatives for students with disabilities as described in the [State’s Action Plan](#) are those centering on evidence-based reading interventions, structured literacy,” “Everything we’ve heard from teachers, I go home to a teacher, my wife teaches third grade, and just talking about how beneficial [structured literacy] has been for her,” “One of the things I do give the Public Education Department (PED) credit for is implementing the science of reading, because at the very least now all of our general education elementary teachers are receiving Language Essentials for Teachers of Reading and Spelling (LETRS) training, which very specifically also addresses the needs of kids with potential dyslexia.”
- ***Innovative Strategies to Support Special Education.*** Many schools and districts are experimenting with strategies to support special education, primarily through increasing the knowledge of educators through training and coaching. Many stakeholders (28) shared innovative strategies to support special education in their school or district: “We are trying what’s called “opportunity culture,” where we’re looking for master teachers that we have in the district to help coach up other special education teachers and kind of grow our own,” “I know in our district, we are always doing everything in our power to carve out as many little segments of training time as we can,” “Just a couple weeks ago, we ran a mini High Reliability Schools summit and had an opportunity for our board members to attend. And the reason for that was knowing how our systems are in place and how those are tied to our district strategic plan helps us to be better advocates and a better voice to our stakeholders.”
- ***Strong Leadership.*** Stakeholders (13) emphasized that leadership matters, and positive experiences within special education often stemmed from commitment

from leadership: “They are there because they love it. And they feel passionate about what they’re doing. And so, if a school is failing, it’s often because they need more resources, and they need some additional support,” “In our experience, some of the smaller schools, smaller school districts, did among the best jobs if they had solid commitment and leadership from the principal and superintendent or special education director,” “And it really made a huge difference. To have someone in that position who just had the spirit, the will, the real compassion to acknowledge this child had a right to be at school, and to really communicate that to her school.”

- ***Dedicated Staff.*** Special education stakeholders shared eight anecdotes of strong school staff members, such as teachers and ancillary staff, that go above and beyond to support special education students. Even parents who had negative experiences with teachers acknowledged the impact of positive teachers. For example: “We have had some awesome teachers and therapists who have taken the time and energy to “get” our son,” “I want to make it really clear that we’re not attacking teachers, there are excellent teachers who do a terrific job with these kids,” “And we have a wonderful speech therapist, [name redacted], she has worked so wonderfully with my daughter, you know, beyond what is required of her, because she heard my concerns, and she helped my daughter.”

Identified Issues in Special Education

At the state level, concerns regarding the provision of special education services are often centered on the system as a whole, from the consolidated *Martinez-Yazzie* lawsuit that found the state failed to meet its constitutional obligation to students in special education (as well as economically disadvantaged students, English learners, and Native American students) to data showing low educational outcomes for special education students. During the listening sessions, stakeholders also expressed the need for system wide change, “So the first thing we have to do is stop thinking of these kids as “not normal,” and thinking of them as potential effective members, productive members of our society, and that’s the job of the school: to take these kids, whatever their disability is, and move them to a position that when they graduate, whatever their disability is, they’re ready for what Sarah Singleton said very clearly, in her decision, “the next stage in their life,” namely, college or a career.”

Stakeholders also shared anecdotes that illustrated state, regional, or local issues in special education. Some of these issues are in the process of being addressed, for example by a working group put together at the request of the Legislature. Other identified issues are opportunities for the Legislature, the Public Education Department (PED), or local education agencies (LEAs) that is, school districts and charter schools, to address. **See page 10** for a discussion of policy issues.

The issues that rose to the top in the data, sorted from issues identified most often to least, are:

- ***Parent Experience.*** A total of 164 parents and families spoke at the listening sessions or through email about negative experiences they had while advocating for their student receiving special education services. Common themes were lack of trust, attempts by schools/districts to intimidate families, impact of inadequate Individualized Education Plan (IEP) services, backlash against parents who reported inadequate services, families’ voices being suppressed, and districts not providing parents adequate support to resolve their concerns. To use the words of one parent group who emailed in public comment, “The overarching lesson

learned by [group name redacted] is that PED and the state are not willing to act on information and experience of families and advocates concerning special education. This resistance must be factored in to any efforts LESC plans to pursue. Regardless of lip service, there is deep resistance to change by state and local school district administrators, including administrators of special education. This resistance suggest the need for a carrot and stick approach and not simply reliance on “volunteers” and “good will.”

- *Families Are Forced to Choose Between Educational Services and Specialized Services.* More than 20 parents spoke about being forced to use private providers to meet their students’ needs, or being forced to choose between educational services and specialized services for their child. As one stakeholder explained, “So if a child needs 30 hours of medical treatment, and also needs to have educational support, there is no way that a family can do both... Create assistance so that applied behavior analysis (ABA) can be billed through school-based Medicaid and create guidance for districts that instruct them to allow medical treatment, such as ABA to be provided concurrent with special education services. I know ABA comes up a lot but really, I would hope that any child who needed medical treatment... parents wouldn’t have to make that choice between getting their child medical treatment or getting their child an education.”
- ***A Need for Cultural Change Regarding Special Education.*** Over 70 stakeholders spoke of the need for cultural change around special education. Stakeholders expressed that poor school culture around special education can lead to lack of learning in the classroom, low standards for special education students, teachers facing backlash for trying to hold their school or district accountable, and at its worse, abuse or neglect of special education students. Participants continually pointed to bias as the root cause, as one participant explained, “And I just have to tell you that probably more important than understanding the intricacies of the Individuals with Disabilities Education Act (IDEA) is embracing non-discrimination. Because if our children were simply valued, and if the principal at the school, the administration, the state, valued our kids, everything else would flow naturally. The issues about the need for professionalism, the issues about need for expertise would come about because we value these kids, and we have to figure out the answers.”
- ***Schools Find Alternative Ways to Remove Students from School.*** Stakeholders (38) stakeholders shared anecdotes about various ways students who receive special education services were removed from school, either because the school used disciplinary action to push the student out, or because the school said they were unable to meet the student’s needs and placed the student into online learning, or because of an informal removal.
 - *Informal Removals.* As one stakeholder shared, “We’ve also seen schools in many cases doing informal removals. In these instances, the school will improperly change the educational placement for the child who has a disability to online learning, or taking a half day class on an alternative offsite location separated from their peers. This is segregation and has to stop.”
 - *Indefinite Expulsion or Long-term Suspension.* Another stakeholder shared, “I think it’s imperative the Legislature revisit NMAC 6.11.2.12 which allows schools to expel or long-term suspend students indefinitely. This draconian rule allows school districts to keep kids out of school potentially forever and no other school district has to enroll that student under current New Mexico state law. This law disproportionately impacts students with

disabilities, who, while offered additional legal protections of IDEA, are only entitled to have their IEPs implemented—not that they attend school in person. How this plays out is students with disabilities have the doors to their school shut in their face. Students may do online learning, but rarely are students provided the robust general education and special education services they would have been provided if they were allowed to come to school with the proper supports in place to ensure their learning and the learning of other students.”

- ***A Need for More Teacher Supports/More Staff.*** The 30 stakeholders who spoke about the need for more special education staff members and more qualified special education staff members spoke about not only lack of staff, but lack of support leading to overwhelm and burnout of special education teachers and directors. As one stakeholder explained, “I think a lot of times, teachers are kind of saturated sponges, if you will. They can’t take any more in. They don’t have the time, the resources, even just for personal energy, because they’re humans at the end of the day, you know, to be able to implement some things when it just feels like too much. I think part of what we need to focus on is, how do we push out strategies with this in mind? How do we make it practical?”
- ***Restraint and Seclusion.*** The 29 stakeholder comments on restraint and seclusion varied from stakeholders who wanted to prohibit all instances of restraint and seclusion in schools, those who wanted more clarity and definitions around restraint and seclusion practices, the need for accurate data, and training for school staff. Many parents shared vulnerable stories of the impact of repeated instances of restraint and seclusion and how that impacted their child and their family. For example, “My son has been on the receiving end of easily over 100 restraint and seclusion incidents. His primary education is riddled with incidents of restraint and seclusion given to him by the staff of [district name redacted]. When my son was in second grade, he learned to reverse the CPI holds which staff were placing on him, and thus staff were getting hurt. There were police reports which were filed against my son, yet I was never made aware of them until he was in seventh grade... [As a result of these repeated incidents and the most recent incident the participant described in detail] my son has not been to any education since September of 2022. Prior to that, it was intermittent, and for the two years prior to the September 2022 incident, and every IEP has maintained [the district] can meet my son’s needs.”
- ***Behavior Needs.*** Stakeholders (28) stakeholders spoke about the complex behavior needs of special education students and how schools and districts often lack the resources to adequately respond to mental health and/or behavior needs. Often, stakeholders mentioned that behaviors reached a crisis point after years of behavior intervention plans (BIPs) not being followed or a lack of positive behavior supports. As one stakeholder explained, “And one of the recurring issues that we’ve seen is a failure of school districts to provide positive behavioral supports for students who have behavior-related disabilities. And this problem is related to another problem we see, which is a lack of providers. But the habitual failure of the schools that we’ve seen is to recognize the right of students with disabilities to be educated in their least restrictive environment at school with their behaviors. And some of what we’ve seen is when students have not gotten the positive behavior supports, and have not been identified early enough, it escalated into more severe consequences for them, including having a juvenile probation record and having a criminal record when, if they had gotten the services that they needed and that were identified for them early on, this wouldn’t have happened.”

- ***Inadequate Student Services.*** The 27 stakeholders who shared stories about their student IEPs not being followed talked about the need for IEP redesign, a consistent statewide IEP that could transfer between districts, and all touched on the need for all teachers to understand what is in a student’s IEP. As one stakeholder explained, “Because in many cases, that IEP got completed, got thrown on a shelf, nobody looked at it again. Those IEPs are put together for a purpose. A lot of people spend a lot of time, teachers spend a lot of time getting those put together, and other teachers never even see them. So IEPs I think needs to be worked on.”
- ***Ineffective Inclusion Classrooms.*** The 26 stakeholders who spoke about difficulty serving special education students in inclusion classrooms were primarily school staff who were deeply concerned about the issue. Participants spoke about the need for an understanding of what inclusion really means, as well as the struggle to meet the needs of all students in an inclusion classroom. As one participant explained, “...In our school district we ran into the issue of general education classrooms having a multitude of IEP students and no support for that teacher. I really think moving forward we need to address creating a cap on how many IEP students are placed in a general education classroom before providing that teacher with support. There’s no possible way for a teacher to have even five plus, eight plus IEP students in their classroom, fully implement that IEP and those student needs, and still attend to the rest of the classroom because the students that are going to suffer are the ones who aren’t having those needs met to be able to access their classroom.”
- ***Issues with PED.*** Comments from the 24 stakeholders who spoke of issues with PED centered on a lack of school and LEA oversight, a lack of support or communication, inadequate support, or a lack of enforcement.
 - ***PED Is Ultimately Responsible for Student Outcomes.*** Others emphasized that when schools and districts are unable to meet student needs due to a lack of resources—for example a lack of qualified staff—the responsibility ultimately falls to PED. As one participant said, “If LEAs are unable to meet their own staffing demands, the IDEA requires the State Education Authority (the NMPED) steps up. [Organization name redacted] is calling upon the NMPED to address this staffing crisis across the state. The NMPED must find a way to recruit, train, and retain special education professionals who can meet the statewide staffing demand for our most vulnerable students. We are asking the LESC to promote legislation that will support the advancement of a statewide special education workforce.”
 - ***Need for Accountability.*** Stakeholders emphasized that there was a need for accountability across all levels of special education. As one stakeholder illustrated, “I don’t know if anybody’s seen the Spiderman meme where there’s three Spidermans pointing at each other? To me, it’s the districts, it’s individual school administrators, and it’s PED. And somewhere in this process, we need somebody who has some ability to hold everybody accountable. And we don’t have that right now.”
- ***Partnership between Police and Schools.*** Listening session participants (22) shared anecdotes about how partnerships between schools and police led to criminalization of special education students. As one stakeholder explained, “School resource officers or police are being used when our kids are unable to self-regulate, which heightens anxiety and worsens the situation. Our kids are afraid of security guards and police.”
- ***Transportation Challenges.*** There were 20 stakeholders who shared transportation challenges students in special education were experiencing across the state. Participants spoke about a lack of bus drivers equating to students with

disabilities not receiving the transportation they needed to get to school, challenges getting transportation in a child's least restrictive environment, and issues with bus contractors. As one participant explained, "Because the bus company just refuses to adhere to IEPs, this has been a consistent thing. Every single year, he's gone at least a week without transport. ...What I've seen is just a flagrant denial of services, and a complete disregard for the IEP... especially around transportation, school points to [the district], [district] points to the bus contractors, bus contractors point back to the school and it's this constant, go ask your mother, go ask your father cycle."

- ***Inadequate Gifted Programs.*** The 13 participants who spoke about inadequate gifted programs in school talked about the need to advocate strongly to get their students tested for gifted services, the large amount of time it took to get tested and then get services, and schools trying to deny gifted services to parents based on the cost of providing these services. As one stakeholder explained, "School officials have told us that "gifted services are really expensive for the school" when we ask to have him screened... It seems like we need better resources for special education and gifted services."
- ***Need for Collaboration to Support Student Transitions.*** Stakeholders (13) spoke of the need for stronger collaboration between state agencies as well as early childhood programs, public schools, and postsecondary educational institutions to support student transitions. Participants spoke of challenges for parents and students transitioning from early childhood programs to kindergarten, primary to secondary schools, support transitioning from IEPs into adulthood, and a need for stronger and earlier workforce preparation programs. One stakeholder put it this way, "We need to make sure that we have a system. When we're thinking of special education services in our state, I'd love to be able to see that it starts from their birth, which we do with early childhood, you know, with child find identification, but that it goes all the way through adulthood when we know and we're confident that they actually have found a place—there's housing, there's independence."

While not all of these themes lead to policy recommendations (see page 10), knowledge of the issues that stakeholders are experiencing allows LESC and working group members to discuss special education within the context of what stakeholders would like to see addressed.

Executive Order 2023-062

On May 25, 2023, Governor Michelle Lujan Grisham announced Executive Order 2023-062, which established the Office of Special Education within PED. The executive order closely resembles the House Education Committee Substitute for House Bill 285 (HB285/HECS), introduced during the 2023 legislative session, which proposed to create and amend several sections of law related to special education, but the measure was not passed by the Legislature. Participants in the special education stakeholder listening sessions were asked to provide feedback on [Executive Order 2023-062](#), including if the executive order addressed concerns, if there were concerns the executive order did not address, and if there are opportunities for improvement the Legislature still needs to consider.

While many stakeholders had strong reactions to the executive order, feedback was mixed. Some stakeholders (31) claimed the executive order was inefficient and creates challenges, with recurring themes of the executive order not addressing stakeholder concerns and the executive order not creating restorative and supportive relationships

between PED and school districts and charter schools. Many stakeholders expressed they felt left out of the process, as one explained, “In terms of the executive order... it was confusing, because nobody in the advocacy community was really asking for it. We’re just kind of not sure. We weren’t sure where the House bill came from in the first place before it became an executive order. The bill failed, of course, but we were just very confused. We feel like IDEA is the answer. We’re not quite sure exactly what this is all about. And nobody was really asking for it as advocates.”

The 13 stakeholders who claimed the executive order provides accountability and makes services more accessible repeatedly referenced the elimination of PED bureaucracy, and the importance of having the Director of Special Education report to the PED Secretary to have a “seat at the decision-making table.” Supporters also spoke of the potential of salary differentials for special education educators with excitement.

Whether or not stakeholders supported the executive order, most agreed that the executive order did not add a layer of accountability that wasn’t already present. One stakeholder who supported the executive order explained, “Around the executive order and so on... I can say this honestly, that this is a message bill. It’s a message bill and it’s a message executive order. There’s really nothing in the executive order or in the bill that the department shouldn’t have been doing in the first place. And the message is, “well, it’s not happening.” We really want to make sure that it does happen or it should happen, and therefore we’re going to put it in statute and we’re gonna put it in an executive order. It’s not so much like this is creating new territory or new responsibilities, right? I think it’s just a reflection of the same frustration that so many of us express. And we’re trying to be really polite about it usually, because as you said, the system is not broken for every single person. It’s not like no special education student has ever gotten a decent education in New Mexico. But it’s not working for a whole lot of kids.”

Policy Recommendations from the Listening Sessions

Thanks to the engagement of over 400 special education stakeholders at the nine listening sessions, there is already a robust list of policy recommendations from stakeholders that are worth additional study. For ease of use by the working group, these policy recommendations have been divided into two categories: opportunities for the Legislature to consider, and opportunities for PED or LEAs to consider.

Opportunities for the Legislature to Consider

Funding. A repeated theme among the listening sessions was special education programs and services are underfunded, and schools are lacking the resources they need to serve special education students. Participants also spoke of the need for a flexible funding formula and funding transparency. Policy suggestions include:

- Transitioning to a census-based formula model in the state equalization guarantee (SEG). This would mean transitioning from add-on factors for special education (A/B, C, D, ancillary) to a census-based formula.
 - The LESC study group reviewing the [public school funding formula](#) is also simultaneously considering this policy option and its impact on the SEG as a whole due to the recommendations from the listening sessions and LESC staff collaboration.

- Require PED to develop an accountability tool to track special education funds from the federal government and the state to the classroom level, allowing full transparency and efficient resource allocation.
- Create incentives for PED to reduce bureaucracy and streamline processes to ensure all available funding for special education is used.
- Require PED to provide the structures so ABA and similar services can be billed through school-based Medicaid and create guidance for districts that instruct them to allow medical treatment.
- Fund in-state placement options for students with severe needs and/or dangerous behaviors.
- Increase transportation funding and ensure coordination so IEPs are followed.
 - LESC staff is currently studying the [transportation formula](#) (see page 12) and listening session comments regarding transportation for special education students have been shared with the LESC staff member leading this work.

A Need for More/Qualified Staff. Schools and districts spoke overwhelmingly about the need for more special education teachers and ancillary staff, as well as the need for additional resources to support teachers and teacher retention. Policy suggestions include:

- Pay differentials for special education teachers.
- Salary incentives for inclusion teachers that have a certain number of special education students in their general education classrooms.
- Require PED to specify more stringent licensure requirements for special education teachers and special education administrators to ensure teachers and administrators are qualified to serve special education students.
- Require PED to expand licensure requirements for special education teachers so it is easier to become a teacher to increase the number of individuals in the pipeline.
- Require PED to employ specialized licensure systems for special education teachers.
- Increase teacher pay.
- Provide funding for case managers to handle IEP paperwork for special education teachers to help with retention and job satisfaction.
- Create a requirement that educators receive an educational assistant if they have a certain number of students with an IEP.
- Require PED to hire subject matter experts in particular areas of disability to have them as resources for schools.
- Evaluate educator preparation programs and ensure they are adequately preparing pre-service special education teachers.

Training. While there was disagreement among stakeholders at the listening sessions regarding what training should look like, and who should participate, most stakeholders agreed more training was needed to ensure students with disabilities received effective special education services. Policy suggestions include:

- Fund and require PED to provide annual statewide training for special education educators.
- Fund and require PED to provide annual statewide training for all school staff to better support special education students.
- Fund and require PED to provide annual statewide training for school staff and for parents of special education students.

- Fund and require LEAs to provide special education training, either for special education educators or for all staff.

Accountability. Many of the comments on the need for accountability centered on the need for a strong and comprehensive system to support students with disabilities. Policy suggestions include:

- Require PED to adopt a single statewide mandatory IEP and BIP.
- Require the creation of a data collection and reporting system that spans all agencies that serve special education students.
- Require PED to collaborate with educational support organizations and departments to create a one-year, two-year, and three-year plan to enhance special education services.
- Clearly define the parameters of local control and ensure PED implements consistent single structure procedures in support of special education and identify areas where independent decisions can be made.
- Clearly define restraint and seclusion and enforce restraint and seclusion tracking by schools.
 - The working group for Senate Memorial 68 (SM68), School Restraint & Seclusion Techniques, began meeting last week to address issues related to the current laws and rules on restraint and seclusion and possible recommendations for amendment.

Opportunities for PED or LEAs to Consider

Several of the policy options proposed at the listening sessions are outside of the purview of the legislature. However, policy recommendations that were repeatedly raised are included below:

- Prohibit the covering of classroom door windows in special education classrooms.
- Prohibit the covering of classroom door windows in all classrooms.
- Require comprehensive sexual education class designed for individuals with disabilities beginning in middle school, extending through high school, and extending to the transition programs (18-21 year-old-programs).
- Continue to gather stakeholder input through in-person and remote listening sessions on a variety of dates and times to assess what is working and identify areas which may require improvement.
- Provide advisory councils for special education, gifted education, and equity councils with more resources to better serve districts and students.
- Provide increased hiring incentives, such as hiring bonuses for special education teachers, loan forgiveness, or covering a higher percentage of medical benefits.
- Reduce class sizes.
- Repeal or amend 6.11.2.12 NMAC to ensure the rights of students with disabilities to receive an education is absolute.
- Create an accountability process to ensure structured literacy is being implemented with fidelity across the state.

Next Steps

The purpose of the listening sessions was to identify strengths and weaknesses in special education in New Mexico, and this report attempted to reflect what LESC staff heard at the listening sessions. The special education stakeholder working group will use this

reporting as a starting place in their first meeting on September 21, 2023. The working group will continue to meet through October 2023 to consider and discuss the policy proposals contained in this report. LESC staff will use feedback and recommendations to inform a draft bill proposal for potential LESC endorsement in December 2023 for consideration during the 2024 legislative session (if put on the governor's call).

The task ahead for the working group is not a small one, as we must fulfill the mandate of the *Martinez-Yazzie* decision for “students finish [public school] ready for the next stage in their lives, namely, college or a career.” However, this work is possible, and transformative. As one parent of a student with a disability shared, “My son wants to go to Central New Mexico college, he wants to be a Suncat, so we’re working with DVR. I think my son still has a very bright future. First time I saw him make his own peanut butter sandwich, I cried. First time I saw him take a bath by himself or shower by himself, I cried. You know, all those small milestones let me know that in the future he’s going to be fine without me. I was almost 40 years old when he was born. So I know somebody else is going to have to take care of him. But in the meantime, it’s up to all of us to give him the tools and resources he needs to be as independent as he can.”