



STATE OF NEW MEXICO
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NMPED Special Education Bureau
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July 16, 2012

MEMORANDUM

TO: School District Superintendents
Charter School Administrators
Special Education Directors
Regional Education Cooperatives
State Advisory Panel
Advocacy Groups
Interested Parties

FROM: Amy Lane
State Director of Special Education, Special Education Bureau

RE: **Proposed Amendments to State Special Education Rule (6.31.2 NMAC)**

On this date, the Special Education Bureau (SEB) of the New Mexico Public Education Department (NMPED) has issued a Notice of Proposed Rulemaking, proposing to amend the state special education rule as discussed below. Electronic copies of this document, together with the proposed amendments, may be downloaded from the SEB page of the NMPED website at www.ped.state.nm.us/seb/.

Public Comments and Hearing

The NMPED invites comments on the proposed rule changes from interested individuals and organizations. Interested parties may testify at the public hearing or submit written comments by email to spedfeedback@ped.state.nm.us, by regular mail to the Special Education Bureau, Public

Education Department, 120 South Federal Place, Room 206, Santa Fe, New Mexico 87501, or by fax to (505) 954-0001. **Written comments must be received no later than 5:00 P.M.**

Thursday, August 16, 2012; however, the submission of written comments as soon as possible is encouraged. All comments received by the deadline will be considered before the SEB presents final recommended changes to the Secretary of Education. It is anticipated that the amendments will be in effect on September 14, 2012.

A public hearing on the proposed changes will be held in Santa Fe on Thursday, August 16, 2012, from 1:00 P.M. to 2:00 P.M. in Mabry Hall at the Jerry Apodaca Education Building, 300 Don Gaspar Avenue, Santa Fe, New Mexico 87501.

Individuals with disabilities who require information in an alternative format or need any form of auxiliary aid to attend or participate in this hearing are asked to contact the Special Education Bureau by phone at (505) 827-1458 or via email, regular mail, or fax at the addresses above as soon as possible. The SEB requests at least ten (10) days advance notice to provide requested special accommodations.

Overview of Proposed Changes

The Special Education Bureau (SEB) proposes amendments to several sections of 6.31.2 NMAC relating to the special education of children with disabilities. The proposed changes are shown in the corresponding draft amendments.

Pursuant to 20 U.S.C. § 1407(a), each state that receives funds under Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) is required to ensure that any state rule conforms to the IDEA. Several of the proposed changes will more closely align our state rules with the IDEA.

Rationale for Changes to the Special Education Rules

- 6.31.2.11 NMAC (Educational Services for Children with Disabilities) – Changes are being proposed to Subsection D on performance goals and indicators to align IEP academic goals in English language arts and mathematics with the English Language Arts Common Core Standards (6.29.13 NMAC) and the Mathematics Common Core Standards (6.29.14 NMAC) for students in grades K through 3 beginning in the 2012-2013 school year and for students in grades four through 12 beginning in the 2013-2014 school year.
- 6.31.2.13 NMAC (Additional Rights of Parents, Students and Public Agencies) – Changes are being proposed to Subsection G on conflict management and resolution and to Subsection I relating to due process hearings to more closely align to the due process timelines required by 34 CFR §§ 300.510 and 300.515(a).

The above summary description of the changes is not intended to describe in detail every change that is proposed to Chapter 31 of the New Mexico Administrative Code but rather to summarize the changes that are being proposed. All interested persons and entities are encouraged to review

the proposed changes and to comment on the proposed changes to the rules relating to the education of children with disabilities.