



STATE OF NEW MEXICO  
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HANNA SKANDERA  
SECRETARY-DESIGNATE OF EDUCATION

SUSANA MARTINEZ  
Governor

February 21, 2012

**MEMORANDUM**

**TO:** Special Education Directors  
Charter School Administrators

**FROM:** Denise Koscielniak, Director of Federal Programs 

**RE: REVISIONS TO POLICIES AND PROCEDURES**

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It is necessary for Local Education Agencies (LEAs) to review the changes to 6.31.2 of the New Mexico Administrative Code (NMAC) that became effective July 29, 2011.

The following list specifies elements of the NMAC that have been revised. Please carefully review these changes and update your LEA's Policies and Procedures accordingly.

**6.31.2.7 NMAC**

B(2)(b) - Changed mental retardation to intellectual disability in the definition of "Child with a disability"

B(6) - Added definition of dyslexia

C - Complaint Assisted IEP (CAIEP) has been deleted; subsequent numbers shifted accordingly

**6.31.2.9 NMAC**

B(8)(b) - New citation; Required training for research-based interventions for students with dyslexia

J - New citation; Prohibition on mandatory medication

**6.31.2.10 NMAC**

D(1)(c)(iii) - New language; Multi-disciplinary team or IEP team changed to eligibility determination team

D(1)(c)(iv) – New language; Added paragraph stating that a parent may request an initial special education evaluation at any time during the SAT process

D(1)(f) - New language; Multi-disciplinary team or IEP team changed to eligibility determination team

D(2)(e) - New language; Multi-disciplinary team or IEP team changed to eligibility determination team

#### **6.31.2.11 NMAC**

A(4) – Amended; Reference to “ninety days” for preschool transition conference has been deleted

B(5) – New language; IEP teams are required to consider eleven strategies in developing IEPs for students with autism spectrum disorders, considerations must be documented

#### **6.31.2.13 NMAC**

G(2)(c)(i) – Amended; CAIEP meetings no longer required to be offered by school districts

H(3)(a)(i)(ii)(iii) – Amended and subsequent letters shifted accordingly; CAIEP meetings no longer required to be offered by school districts

H(3)(b) – Amended and subsequent letters shifted accordingly; CAIEP meetings no longer required to be offered by school districts

H(5)(b) – Amended; CAIEP meetings no longer required to be offered by school districts

#### **6.31.2.13 NMAC**

I (28) – deleted; replaced by 6.31.2.13(M)

I (29) – deleted; dealt with the transition from the rule change in 2005 and is no longer needed

M(1)(2) – New language; Added new subsection regarding computation of time

The above listed references are intended to serve as guidelines to specific changes to 6.31.2 NMAC. The IDEA Part B regulations 34 CFR §§ 300.101 through 300.163 and §§ 300.165 through 300.174 require LEAs to have in effect policies, procedures, and programs that are consistent with the State policies and procedures.

The Special Education Bureau (SEB) prepared an updated Policies and Procedures template, which should help expedite the revision process for LEAs. The template is currently available under “Laws, Rules and Guidance” at our web site:

<http://www.ped.state.nm.us/SEB/law/index.html>

Sections of the template, which appear in blue or red italicized print, need to be reviewed and amended per LEA and State Supported Education Program requirements. The template also has a triple asterisk (\*\*\*) inserted throughout the text that will allow LEAs to “Find” and “Replace” with their individual name. After adoption by the governing body or Board of Education, the district/charter school will need to submit the Board/Governing Body Agenda and signed school board/governing council minutes verifying approval of the policies and procedures. These signed minutes will be required documentation for the GY12 IDEA-B annual application – General Assurances section. Be sure to include these required documents as part of your subgrant application package.

If you have any questions regarding this process or the revised State template, please contact the SEB Staff member assigned to your district for policies and procedures or call (505) 827-1457.

DK/lm

cc: Ms. Hanna Skandera, Secretary-Designate of Education  
Mr. Paul Aguilar, Deputy Secretary, Finance & Operations  
Mr. Albert Gonzales, Assistant General Counsel, New Mexico Public Education Department  
Mr. Lawrence J. Martinez, Policies and Procedures Coordinator, Special Education Bureau  
Education Administrators, Special Education Bureau