

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 30 EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS
PART 17 STRUCTURED LITERACY INSTRUCTION, INTERVENTIONS, AND PROFESSIONAL DEVELOPMENT

6.30.17.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.30.17.1 NMAC – N, 7/14/2020]

6.30.17.2 SCOPE: This rule applies to all school districts and state-chartered charter schools.
[6.30.17.2 NMAC – N, 7/14/2020]

6.30.17.3 STATUTORY AUTHORITY: Sections 9-24-8, 22-2-2, and 22-13-32 NMSA 1978.
[6.30.17.3 NMAC – N, 7/14/2020]

6.30.17.4 DURATION: Permanent.
[6.30.17.4 NMAC – N, 7/14/2020]

6.30.17.5 EFFECTIVE DATE: July 14, 2020, unless a later date is cited at the end of a section.
[6.30.17.5 NMAC – N, 7/14/2020]

6.30.17.6 OBJECTIVE: This rule provides criteria for improving literacy outcomes for all students through the development and implementation of structured literacy instruction and structured literacy interventions for students displaying difficulties in reading or characteristics of dyslexia, leading to a higher number of students achieving reading proficiency.
[6.30.17.6 NMAC – N, 7/14/2020]

6.30.17.7 DEFINITIONS:

A. “Department-approved screener” means a tool, approved by the department, used to identify characteristics of dyslexia.

B. “First standardized reporting date” means the 40th day count, or the second Wednesday of October.

C. “Licensed and accredited or credentialed teacher preparation provider” means a licensed and accredited professional development provider who specializes in providing evidence-based training in structured literacy.

D. “Multi-layered system of supports” means a coordinated and comprehensive framework that uses increasingly intensive evidence-based academic and behavioral supports that address student needs as evidenced by student data.

E. “Student assistance team” or “SAT” means the student assistance team, which is a school-based group of people whose purpose is to provide additional educational support to students who are experiencing difficulties that are preventing them from benefiting from general education.

F. “Structured literacy” means systematic, cumulative, explicit, diagnostic, and multisensory instruction that includes deep content knowledge and specific teaching expertise that focuses on the elements of phonological awareness, word recognition, phonics and decoding, spelling, and syntax at the sentence and paragraph levels for the prevention of reading deficits.

[6.30.17.7 NMAC – N, 7/14/2020]

6.30.17.8 PARENT OR LEGAL GUARDIAN NOTIFICATION: At the beginning of a school year, school districts and charter schools shall notify parents or legal guardians that entering first grade students shall be screened for characteristics of dyslexia. If a student is determined to display characteristics of dyslexia per the department-approved screener, school districts and charter schools shall notify parents of the results of the screening and the structured literacy interventions that are taking place in response to the results. School districts and charter schools shall decide the method by which to inform parents or legal guardians of the results and interventions.

[6.30.17.8 NMAC – N, 7/14/2020]

6.30.17.9 REQUIREMENTS FOR SCREENING, EVALUATION, AND INTERVENTION:

- A.** Using a department-approved screener, elementary schools shall screen all entering first grade students, in accordance with PED guidance, for dyslexia by the first standardized reporting date.
- B.** A student whose screening demonstrates characteristics of dyslexia shall receive targeted structured literacy interventions with progress monitoring to determine if the student is making adequate progress, pursuant to 22-13-32 NMSA 1978, or be referred to a student assistance team.
- C.** Consideration shall be given to ensure the student is not demonstrating characteristics of dyslexia solely due to a lack of appropriate English language program or services.
- D.** Pursuant to 22-13-32 NMSA 1978, if a student does not make adequate progress with targeted structured literacy interventions, a school shall convene a student assistance team to prescribe more frequent and intensive structured literacy interventions with progress monitoring to determine the student's level of progress. The structured literacy interventions prescribed by the student assistance team shall be in accordance with the department's multi-layered system of supports.
- E.** At no time should a student identified as demonstrating characteristics of dyslexia stop receiving targeted structured literacy interventions.
- F.** Pursuant to 22-13-32 NMSA 1978, a parent or legal guardian of a student referred to a student assistance team shall be informed of the parent's right to request an initial special education evaluation at any time. If the school district or charter school agrees that the student may have a disability, the student assistance team shall refer the child for an evaluation without undue delay, and, shall document attempts at obtaining informed consent from the student's parent(s) or legal guardian(s). The student shall be evaluated within 60 days of receiving the parental consent for an initial evaluation. If the school district or charter school refuses the parent's request for an initial evaluation, the school district or charter school shall provide written notice of the refusal to the parent, including notice of the parent's right to challenge the school district's or charter school's decision as provided in state and federal law and rules.

[6.30.17.9 NMAC – N, 7/14/2020]

6.30.17.10 REQUIREMENTS FOR DOCUMENTATION: School districts and charter schools shall submit data in accordance with PED guidance.

[6.30.17.10 NMAC – N, 7/14/2020]

6.30.17.11 REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT:

- A.** Pursuant to 22-13-32 NMSA 1978, every school district and charter school shall develop and implement a literacy professional development plan that includes a detailed framework for the following:
 - (1)** professional development in structured literacy by a licensed and accredited or credentialed teacher preparation provider for all elementary school teachers, including English language development teachers or teachers of English as a second language; and
 - (2)** professional development in evidence-based reading interventions for reading interventionists and special education teachers working with students demonstrating characteristics of dyslexia or diagnosed with dyslexia.
- B.** Every school district and charter school shall provide sustained professional development for the following:
 - (1)** school administrators and teachers who teach reading to implement appropriate structured literacy; and
 - (2)** special education teachers to provide structured literacy for students who are identified with dyslexia as a specific learning disability and who are eligible for special education services.
- C.** The department shall:
 - (1)** provide lists of recommended teacher professional development materials and opportunities for teachers and school administrators regarding structured literacy for students at risk for reading failure and displaying the characteristics of dyslexia; and
 - (2)** provide technical assistance for special education diagnosticians and other special education professionals regarding the formal special education evaluation of students suspected of having a specific learning disability, such as dyslexia.

[6.30.17.11 NMAC – N, 7/14/2020]

HISTORY OF 6.30.17 NMAC: [RESERVED]