



Office of the Governor

MICHELLE LUJAN GRISHAM

FOR IMMEDIATE RELEASE

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Governor creates state's first Office of Special Education *State launches national search for leadership*

ALBUQUERQUE – Gov. Michelle Lujan Grisham on Thursday created the Office of Special Education through executive order, the first dedicated office of its kind in New Mexico. The governor also announced that a national search is underway for the director of the new office.

The Office of Special Education will operate within the Public Education Department to make sure school districts are providing the best possible special education services that align with state and federal laws.

“This office creates an opportunity for collaboration between state agencies, districts and families of students that we desperately need, and that the 50,000 New Mexico children in special education deserve,” said **Gov. Lujan Grisham**. “We are doing more to improve the quality of special education students receive by ensuring families are better supported in navigating a complicated system and that teachers receive consistent, up-to-date training.”

The EO directs PED to:

- Establish a new Office of Special Education within PED, with an appointed director
- Require special education professional development for a wider range of education professionals
- Better coordinate special education with the agency
- More actively promote recruitment and retention of special educators
- Ensure comprehensive data collection, including on student disciplinary actions
- Require state technical assistance to districts and schools on key special education issues, including appropriate disciplinary actions and behavior management
- Transfer special education preschool to the Early Childhood Education and Care Department

Governor Lujan Grisham signed the executive order after legislation (House Bill 285) intended to codify the changes stalled in the last session. During the signing today at Lowell Elementary School, a Special Education HUB in the Albuquerque Public School district, the governor also announced a national search for a director position to lead the office.

“This position is vital to the success of the office and to moving the needle on improving our special education services,” said **Gov. Lujan Grisham**. “I am looking for someone committed to turning our current system on its head to better serve families and educators in special education.”

The executive order went into effect immediately upon the governor’s signature. Attached is the description for the director position to provide more insight into the role.

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State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2023-062

ESTABLISHING THE OFFICE OF SPECIAL EDUCATION WITHIN THE PUBLIC EDUCATION DEPARTMENT

WHEREAS, the New Mexico Public Education Department (the “Department”) was established to ensure every New Mexico student, including those with disabilities, receives high-quality education;

WHEREAS, over 16% of students enrolled in public schools qualified for special education services in the 2022-2023 school year, but low academic proficiency of special education students (e.g., 15% proficient in early literacy, 9% in language arts and science, and 6% in math), as well as high dropout and low graduation rates, indicate a need for significant improvement in the quality of education provided to students with disabilities;

WHEREAS, in the *Martinez/Yazzie* consolidated lawsuit, the district court held that New Mexico has not met its duty to provide an education to the State’s “at-risk” students, which explicitly included students with disabilities;

WHEREAS, the State must develop and implement a plan to set consistent statewide standards and goals for special education, and collect and report comprehensive data to inform evidence-based policies, processes, and programs that adequately serve students with disabilities;

WHEREAS, the State must monitor all federal and State funding distributed to public schools for special education students to ensure special education spending leads to high-quality special education services and excellent outcomes for students with disabilities; and

WHEREAS, to improve the outcomes of students with disabilities in this State from cradle to career, the Department must elevate special education and lead a collaborative effort, including key education stakeholders and every State agency that serves children and youth with disabilities and their families, to accomplish the full intent of the federal Individuals with Disabilities Education Act of 2004 (the “IDEA”).

NOW, THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by the authority vested in me by the Constitution and the Laws of the State of New Mexico do hereby **ORDER** and **DIRECT** as follows:

1. Creation of Office; Appointment of Director. The Office of Special Education (the “Office”) is hereby established within the Department. The Department Secretary shall appoint and hire a director of the Office, who shall report directly to the Secretary. The Department shall remain the state agency responsible for enforcing the IDEA.

2. Duties of Office. In coordination with the Department Secretary and relevant divisions and bureaus of the Department, the Office shall:

A. Develop and annually update a state plan that establishes statewide special education standards and goals to improve outcomes for students with disabilities;

B. Collect statewide data on the following: students with disabilities, effectiveness and provision of special education programs and services, specific disciplinary actions taken against students with disabilities, and school spending of state and federal special education funds;

C. Submit a report on the status of special education, nationwide compensation trends, and best practices to the Department Secretary, the Governor, and the Legislative Education Study Committee by July 31 of each year;

D. Oversee and enforce the State's compliance with the IDEA and any state law pertaining to special education;

E. Monitor spending of state and federal funds for special education programs for students with disabilities, including state equalization guarantee distributions and Medicaid, and take actions to ensure appropriate spending, as needed; provided that the Office shall coordinate with the Human Services Department to monitor Medicaid spending for special education;

F. Develop, review, and propose updates to state special education statutes, rules, policies, and technical assistance to ensure that they meet the needs of students with disabilities;

G. Consult and coordinate with other units of the Department, other state agencies, public post-secondary educational institutions, and key education and community stakeholders to: (1) address the needs of students with disabilities in all educational activities, programs, and policies; (2) prioritize and expand appropriate services for children and youth with disabilities from birth to career; (3) ensure timely and comprehensive screenings and evaluations for students with disabilities or students who are suspected of having a disability; (4) reduce restraint, seclusion, and disciplinary actions for students with disabilities, including removal from the classroom; and (5) ensure that all students with disabilities in State custody receive free and appropriate public education;

H. Coordinate with school districts and public post-secondary education institutions to develop and provide: (1) education, training, and professional development programs and materials for licensed school employees, instructional support providers, and related service providers in educating and serving students with disabilities; and (2) targeted training for school district and public school officials, governing boards, and employees on the IDEA, Section 504 of the federal Rehabilitation Act of 1973, state laws that prohibit discrimination against students with disabilities, disability-specific policies and practices, de-escalation practices and techniques,

positive behavior interventions, inclusion and integration practices, individualized education programs, and engagement with students and parents;

I. Provide technical assistance and recommendations to school districts and public schools to implement evidence- and research-based programs and services that are culturally and linguistically responsive in all state and federally funded special education settings;

J. Conduct activities to promote the recruitment and retention of qualified special education educators, instructional support providers, related services providers, and diagnosticians;

K. Analyze, collect data on, and take appropriate action on the recommendations of the Office of the Special Education Ombud, as needed;

L. Solicit input regarding quality of special education service delivery in the State from community and educational stakeholders, including educators, students, and their families; and

M. Take any other actions, as directed by the Department Secretary.

3. Special Education Salary Differential Levels. No later than July 1, 2024, the Office shall, in consultation with the Department, relevant state agencies, educators, legislative committees, and school districts, identify and study options and make recommendations for salary differential levels, time allocations, and other supports for licensed school employees, educational assistants, and other instructional support providers who educate or provide instructional support to students with disabilities, taking into consideration their duties and responsibilities.

4. Transfer of Preschool Special Education. No later than July 1, 2024, the Department and the Office shall consult and coordinate with the Early Childhood Education and Care Department to execute a formal written agreement that transfers the Part B, 619 Coordinator to the Early Childhood Education and Care Department in compliance with Part B of the IDEA and identifies the administrative

roles, responsibilities, personnel, and funding for both the Office and the Early Childhood Education and Care Department.

5. Transition of Special Education Division. By July 1, 2024, the Office shall assume the duties of the Special Education Division (the “Division”) of the Department, provided that the Division shall continue to function until the director of the Office has been hired.

I FURTHER ORDER and DIRECT as follows:

1. This Order shall take effect immediately and shall remain in effect until renewed, modified, or rescinded.
2. Nothing in this Order shall be construed to conflict with federal or state law.
3. Nothing in this Order shall be construed to create a private right of action, including an action to enforce any provision of this Order or mandate the undertaking of any particular action pursuant to this Order.
4. Nothing in this Order shall be construed to limit the rights of students with disabilities or the responsibilities and duties of the Department, school districts, or public schools pursuant to federal and state law.

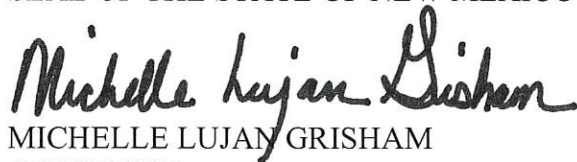
ATTEST:



MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 25TH DAY OF MAY 2023

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO



MICHELLE LUJAN GRISHAM
GOVERNOR



Director: Office of Special Education

Job Description

Reporting to the Secretary of Public Education, the Director is responsible for setting the strategic direction for the Office of Special Education. Other responsibilities include: overseeing administration of the Individuals with Disabilities Education Act ([IDEA](#)); providing financial accountability for all state and federal funding streams within the office; supporting and monitoring staff to ensure school districts and charter schools achieve improved student outcomes through programs within the purview of the Office; and providing support to the Secretary, as requested.

Duties of the Office

In coordination with the Secretary and relevant divisions and bureaus, and in accordance with the Governor's Executive Order, the Director will:

- Develop and annually update a state plan that establishes statewide special education standards and goals to improve outcomes for students with disabilities
- Collect and analyze statewide data on: students with disabilities, effectiveness and provision of special education programs and services, specific disciplinary actions taken against students with disabilities, and school spending of state and federal special education funds
- Report on the status of special education by July 31st each year
- Oversee and enforce the state's compliance with the IDEA and any state law pertaining to special education
- Monitor spending of state and federal funds for special education programs
- Develop, review, and propose updates to state special education statute and rule
- Consult and coordinate with other divisions and bureaus within the department, other state agencies, and key education and community stakeholders
- Coordinate with school districts and public post-secondary institutions to develop and provide education, training and professional development
- Provide technical assistance and recommendations to local education agencies
- Promote the recruitment and retention of special education educators
- Take any other actions as directed by the Secretary

Special Education Oversight and Administration:

- Supervise the Office of Special Education staff. Ensure that the special education staff have the professional development, training and support as needed to carry out their work and support staff in removing systemic barriers that impede their progress.
- Advocate for needed personnel and financial resources to ensure that special education staff have the capacity needed to achieve their missions.
- Support staff in securing needed resources to provide technical assistance and capacity building support for schools and school districts participating in programs within the purview of the Office.
- Conduct interim and annual performance evaluations for direct reports.
- Provide coaching and leadership development for special education staff.

Preferred Qualifications

Candidates should possess:

- Ten (10) or more years working in one or more of the following fields:
 - K-12 education, with recent experience in special education administration

- Policy and/or law, preferably in a discipline involving special education, social services, or government policy
- Eight (8) or more years of experience managing staff.
- A Master's Degree or higher in special education, education leadership, the social sciences, public policy, law, or a related field.
- A demonstrated commitment to diversity, equity, inclusion, and student success, as well as working with broadly diverse communities.

Supplemental Information

Do you know what Total Compensation is? [Click here](#)

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