

**2025 Walsh Gallegos Handbook of Special Education Procedures
Table of Changes**

	Location of Change	Reference of Change	Description of Change
1.	§ 300.1 Purposes	Middle Column 6.31.2.6 NMAC	Deleted language related to gifted children per amendments effective July 31, 2023
2.	§ 300.1 Purposes	Middle Column 6.29.18.2 NMAC	Added language related to Braille Standards effective June 25, 2024
3.	§ 300.1 Purposes	Third Column Procedures	Assures District maintains systems to ensure that Braille Standards are met
4.	§ 300.5 Assistive technology device	Third Column Procedures	Housekeeping related to name of resource document
5.	§ 300.6 Assistive technology service.	Third Column Procedures	Housekeeping related to name of resource document
6.	§ 300.8 Child with a disability.	Third Column Procedures	Housekeeping related to name of resource document
7.	§ 300.17 Free appropriate public education	Middle Column 6.29.1.7(Q) NMAC	Redesignated as subsection (U) effective 1/28/25
8.	§ 300.22 Individualized education program	Middle Column 6.29.1.7(V) NMAC	Redesignated as subsection (Y) effective 1/28/25
9.	§ 300.24 Individualized family service plan	Third Column Procedures	Model NM IFSP (English) and (Spanish) are no longer available; replaced with guidance document, IFSP Guidance Document by the New Mexico Early Childhood Education & Care Department Family Support and Early Intervention Division Family Infant Toddler (FIT) Program.

10.	§ 300.28 Local educational agency	Middle Column 6.29.1.7(X) NMAC	Redesignated as subsection (AC) effective 1/28/25
11.	§ 300.30 Parent	Third Column Procedures	Housekeeping related to name of resource document
12.	§ 300.34 Related services	Third Column Procedures	Housekeeping related to name of resource document
13.	§ 300.39 Special education	Middle Column 6.29.1.11(F) NMAC	Deleted phrase “specially designed” effective 1/28/25
14.	§ 300.39 Special education	Middle Column 6.29.1.11(F)(4) NMAC	Deleted language related to gifted students; no longer in rule
15.	§ 300.39 Special education	Middle Column 6.29.1.11(F)(5) NMAC	Renumbered consistent with current rule
16.	§ 300.39 Special education	Middle Column 6.29.1.11(F)(6) NMAC	Renumbered consistent with current rule
17.	§ 300.39 Special education	Middle Column 6.29.1.7(K) NMAC	Redesignated as subsection (J) consistent with current rule
18.	§ 300.39 Special education	Middle Column 6.29.18.8 NMAC	Added Standards of Effective Braille Instruction in new Rule (6/5/24)
19.	§ 300.43 Transition services	Middle Column 6.29.1.7(AJ) NMAC	Redesignated as subsection (AQ) effective 1/28/25
20.	§ 300.43 Transition services	Third Column Procedures	Added procedure incorporating new U.S. Department of Education resource titled, Coordinating Transition Services and Postsecondary Access (U.S. Dept. of Educ.) (2025)
21.	§ 300.43 Transition services	Third Column Procedures	Housekeeping related to name of resource document and updated link
22.	Definitions in State Law Only	Middle Column 6.29.1.7(K) NMAC	Redesignated as subsection (J)

23.	Definitions in State Law Only	Middle Column 6.29.1.7(Z) NMAC	Redesignated as subsection (AE) effective 1/28/25
24.	Definitions in State Law Only	Middle Column 6.29.1.7(AI) NMAC	Redesignated as subsection (AO) effective 1/28/25
25.	Definitions in State Law Only	Middle Column 6.29.18.7(A)-(K) NMAC	Added definitions in new Rule (6/5/24) concerning Braille instruction
26.	§ 300.102 Limitation—exception to FAPE for certain ages	Middle Column 6.29.1.9(J)(13)(p) NMAC	Redesignated as subsection (n) effective 1/28/25
27.	§ 300.102 Limitation—exception to FAPE for certain ages	Middle Column 6.29.1.9(J)(13)(q) NMAC	Redesignated as subsection (o) effective 1/28/25
28.	§ 300.102 Limitation—exception to FAPE for certain ages	Third Column Procedures	Housekeeping related to name of resource document and updated link
29.	§ 300.104 Residential placement	Third Column Procedures	Housekeeping related to name of resource document
30.	§ 300.105 Assistive technology.	Third Column Procedures	Housekeeping related to name of resource document
31.	§ 300.106 Extended school year services.	Third Column Procedures	Housekeeping related to name of resource document
32.	§ 300.108 Physical education	Middle Column 6.29.1.9(K) NMAC	Redesignated as subsection (J)
33.	§ 300.111 Child find	Middle Column 6.29.1.7(Z) NMAC	Redesignated as subsection (AE) effective 1/28/25
34.	§ 300.111 Child find	Third Column Procedures	Added a procedure specific to child find for children experiencing homelessness or are wards of the state
35.	§ 300.111 Child find	Third Column Procedures	MLSS Student Assistance Team (Supplemental Manual) (2021) no longer available; replaced with New Mexico Multi-Layered System of Supports MLSS Student

			Assistance Team (Supplemental Manual) (NMPED) (September 2022)
36.	§ 300.111 Child find	Third Column Procedures	Housekeeping related to name of resource document
37.	§ 300.112 Individualized education programs (IEP).	Third Column Procedures	Housekeeping related to name of resource document
38.	§ 300.114 LRE requirements	Third Column Procedures	Added a procedure incorporating new U.S. Department of Education Dear Colleague Letter on Inclusive Educational Practices (U.S. Dept. of Educ.) (2025) and an accompanying guidance document titled, Building and Sustaining Inclusive Educational Practices (U.S. Dept. of Educ.) (2025)
39.	§ 300.114 LRE requirements	Third Column Procedures	Housekeeping related to name of resource document and updated link
40.	§ 300.116 Placements	Third Column Procedures	Housekeeping related to name of resource document
41.	§ 300.121 Procedural safeguards.	Third Column Procedures	Housekeeping related to name of resource document
42.	§ 300.124 Transition of children from the Part C program to preschool programs.	Third Column Procedures	Housekeeping related to name of resource document
43.	§ 300.129 State responsibility regarding children in private schools.	Third Column Procedures	Housekeeping related to name of resource document
44.	§ 300.130 Definition of parentally-placed private school children with disabilities.	Third Column Procedures	Housekeeping related to name of resource document
45.	§ 300.131 Child find for parentally-placed private school children with disabilities	Third Column Procedures	Housekeeping related to name of resource document

46.	§ 300.132 Provision of services for parentally-placed private school children with disabilities—basic requirement	Third Column Procedures	Housekeeping related to name of resource document
47.	§ 300.133 Expenditures	Third Column Procedures	Housekeeping related to name of resource document
48.	§ 300.134 Consultation	Third Column Procedures	Housekeeping related to name of resource document
49.	§ 300.135 Written affirmation	Third Column Procedures	Housekeeping related to name of resource document
50.	§ 300.136 Compliance	Third Column Procedures	Housekeeping related to name of resource document
51.	§ 300.137 Equitable services determined	Third Column Procedures	Housekeeping related to name of resource document
52.	§ 300.138 Equitable services provided	Third Column Procedures	Housekeeping related to name of resource document
53.	§ 300.139 Location of services and transportation	Third Column Procedures	Housekeeping related to name of resource document
54.	§ 300.140 Due Process complaints and State complaints	Third Column Procedures	Housekeeping related to name of resource document
55.	§ 300.141 Requirement that funds not benefit a private school	Third Column Procedures	Housekeeping related to name of resource document
56.	§ 300.142 Use of personnel.	Third Column Procedures	Housekeeping related to name of resource document
57.	§ 300.144 Property, equipment, and supplies	Third Column Procedures	Housekeeping related to name of resource document
58.	Conflict Resolution at the Lowest Possible Level.	Third Column Procedures	Clarify and assure compliance with FERPA consent requirements when disclosing FERPA protected information to the Office of the State Special Education Ombud.

59.	§ 300.148 Placement of children by parents when FAPE is at issue.	Third Column Procedures	Housekeeping related to name of resource document
60.	§ 300.149 SEA responsibility for general supervision.	Third Column Procedures	Housekeeping related to name of resource document
61.	Conflict Resolution at the Lowest Possible Level.	Third Column Procedures	Housekeeping related to name of resource document
62.	§ 300.152 Minimum State complaint procedures	Third Column Procedures	Replaced the Facilitated IEP Meeting Fact Sheet (May 2012) replaced with Relevant Forms and Resource for Facilitated IEP (NMPED)
63.	§ 300.152 Minimum State complaint procedures	Third Column Procedures	Replaced Alternative Dispute Resolution Request Form with Facilitated IEP Meeting Request Form (NMPED) (English) and (Spanish), and with Mediation Request Form (NMPED) (English) and (Spanish)
64.	§ 300.154 Methods of ensuring services.	Third Column Procedures	Housekeeping related to name of resource document
65.	§ 300.156 Personnel qualifications	Third Column Procedures	Changed New Mexico Special Education Bureau to NMPED Office of Special Education
66.	§ 300.156 Personnel qualifications	Third Column Procedures	Housekeeping related to name of resource document
67.	§ 300.160 Participation in assessments	Middle Column 6.29.1.9(J)(13)(b) NMAC	Incorporated minor language changes effective 1/28/25
68.	§ 300.160 Participation in assessments	Middle Column 6.29.1.9(J)(13)(b)(i) NMAC	Incorporated language changes effective 1/28/25 including deleted language regarding passing all sections of current graduation exams
69.	§ 300.160 Participation in assessments	Middle Column 6.29.1.9(J)(13)(b)(ii) NMAC	Incorporated language changes effective 1/28/25 including deleted

			language regarding achieving level of competency on state required high school exams as pre-determined by IEP team
70.	§ 300.160 Participation in assessments	Middle Column 6.29.1.9(J)(13)(b)(iii) NMAC	incorporated language changes effective 1/28/25 including added language regarding IEP team sole discretion to determine a student has the most significant cognitive disabilities and clarification regarding alternate diploma
71.	§ 300.160 Participation in assessments	Middle Column 6.29.1.9(J)(13)(h) NMAC	Deleted effective 1/28/25
72.	§ 300.160 Participation in assessments	Middle Column 6.29.1.9(L)(2) NMAC	Deleted language related to exceptions
73.	§ 300.160 Participation in assessments	Middle Column 6.29.1.9(L)(2)(b) NMAC	Incorporated language related to students having a most significant cognitive disability, effective 1/28/25
74.	§ 300.160 Participation in assessments	Third Column Procedures	Added procedure affirming IEP teams determine a student has the most significant cognitive disabilities.
75.	§ 300.172 Access to instructional materials	Middle Column 6.29.18.6 NMAC	Added objective of new Rule (6/5/24) concerning Braille instruction
76.	§ 300.172 Access to instructional materials	Third Column Procedures	Added procedure assuring equal access to literacy instruction and materials consistent with new rule
77.	§ 300.173 Overidentification and disproportionality	Third Column Procedures	Deleted resource Provision of an Equal Education Opportunity to Limited-English Proficient Students due to no longer being

			available; replaced with resource Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (OCR and DOJ) (January 7, 2015)
78.	§ 300.174 Prohibition on mandatory medication.	Third Column Procedures	Housekeeping related to name of resource document
79.	§ 300.200 Condition of assistance	Third Column Procedures	Changed New Mexico Special Education Bureau to NMPED Office of Special Education
80.	§ 300.209 Treatment of charter schools and their students.	Third Column Procedures	Housekeeping related to name of resource document
81.	§ 300.226 Early intervening services	Third Column Procedures	Changed New Mexico Special Education Bureau to NMPED Office of Special Education
82.	§ 300.302 Screening for instructional purposes is not evaluation.	Third Column Procedures	Housekeeping related to name of resource document
83.	§ 300.304 Evaluation procedures	Third Column Procedures	Housekeeping related to name of resource documents
84.	§ 300.305 Additional requirements for evaluations and reevaluations	Third Column Procedures	Added procedure including new resource, Using Functional Behavioral Assessments to Create Supportive Learning Environments (U.S. Dept. of Educ.) (2024), concerning when consent for FBA is not needed
85.	§ 300.305 Additional requirements for evaluations and reevaluations	Third Column Procedures	Housekeeping related to name of resource documents
86.	§ 300.306 Determination of eligibility	Third Column Procedures	Clarified procedures regarding timelines for making eligibility decisions and conducting IEP meetings following the EDT to more clearly

			align with New Mexico rules
87.	§ 300.306 Determination of eligibility	Third Column Procedures	Housekeeping related to name of resource document
88.	§ 300.307 Specific learning disabilities	Third Column Procedures	Housekeeping related to name of resource document
89.	§ 300.307 Specific learning disabilities	Third Column Procedures	Revised procedure regarding use of dual discrepancy to more clearly align with New Mexico rules
90.	§ 300.309 Determining the existence of a specific learning disability	Third Column Procedures	Eliminated procedures tied to strict discrepancy model
91.	§ 300.309 Determining the existence of a specific learning disability.	Third Column Procedures	Housekeeping related to name of resource document
92.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13) NMAC	Redesignated as (J)
93.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(b) NMAC	Redesignated as (J); incorporated minor language changes effective 1/28/25
94.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(b)(i) NMAC	Redesignated as (J); incorporated language changes effective 1/28/25 including deleted language regarding passing all sections of current graduation exams
95.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(b)(ii) NMAC	Redesignated as (J); incorporated language changes effective 1/28/25 including deleted language regarding achieving level of competency on state required high school exams as pre-determined by IEP team
96.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(b)(iii) NMAC	Redesignated as (J); incorporated language changes effective 1/28/25 including added language

			regarding IEP team sole discretion to determine a student has the most significant cognitive disabilities and clarification regarding alternate diploma
97.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(d) NMAC	Redesignated as (J); incorporated language changes effective 1/28/25 including added language regarding school student can attend when they return after receiving an alternate diploma
98.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(e) NMAC	Redesignated as (J); incorporated minor language changes, effective 1/28/25
99.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(g) NMAC	Deleted effective 1/28/25
100.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(h) NMAC	Deleted effective 1/28/25
101.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(i) NMAC	Redesignated as (J); redesignated as subsection (g), effective 1/28/25
102.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(ii) NMAC	Redesignated as (J); redesignated as subsection (g); deleted language related to modified program of student, effective 1/28/25
103.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(i)(ii) NMAC	Redesignated as (J); redesignated as subsection (h); incorporated language related to notifying parents of potential consequences, effective 1/28/25
104.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(j) NMAC	Redesignated as (J); redesignated as

			subsection (h), effective 1/28/25
105.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(j)(iii) NMAC	Redesignated as (J); redesignated as subsection (h); added minor language changes, effective 1/28/25
106.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(j)(v) NMAC	Redesignated as (J); redesignated as subsection (h); added language related to review/revise IEP prior to receiving conditional certificate, effective 1/28/25
107.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(j)(vi) NMAC	Deleted in its entirety, effective 1/28/25
108.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(k) NMAC	Redesignated as (J); redesignated as subsection (i); deleted language related to continuing or transition IEP, effective 1/28/25
109.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(l) NMAC	Redesignated as (J); redesignated as subsection (j), effective 1/28/25
110.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(m) NMAC	Redesignated as (J); redesignated as subsection (k), effective 1/28/25
111.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(n) NMAC	Redesignated as (J); redesignated as subsection (l), effective 1/28/25
112.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(o) NMAC	Redesignated as (J); redesignated as subsection (m); deleted language related to continuing or transition IEP, effective 1/28/25
113.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(p) NMAC	Redesignated as (J); redesignated as subsection (n), effective 1/28/25

114.	§ 300.320 Definition of individualized education program	Middle Column 6.29.1.9(G)(13)(q) NMAC	Redesignated as (J); redesignated as subsection (o), effective 1/28/25
115.	§ 300.320 Definition of individualized education program	Third Column Procedures	Housekeeping related to name of resource document and updated link
116.	§ 300.320 Definition of individualized education program	Third Column Procedures	Added new resource OSEP Letter to McAndrews and Ramirez (2024) relating to specifying services in the IEP
117.	§ 300.320 Definition of individualized education program	Third Column Procedures	Added procedure affirming IEP teams determine a student has the most significant cognitive disabilities
118.	§ 300.320 Definition of individualized education program	Third Column Procedures	Updated resource from Version 3 to Version 4 of New Mexico Accessibility & Accommodations Manual: Supporting Students During Testing (Version 4)(April 3, 2025)
119.	§ 300.320 Definition of individualized education program	Third Column Procedures	Housekeeping updated link
120.	§ 300.321 IEP Team	Middle Column 6.29.1.9(J)(13)(o) NMAC	Redesignated as (J); redesignated as subsection (m); deleted language related to continuing or transition IEP, effective 1/28/25
121.	§ 300.321 IEP Team	Third Column Procedures	Model NM IFSP (English) and (Spanish) are no longer available; replaced with guidance document, IFSP Guidance Document by the New Mexico Early Childhood Education & Care Department Family

			Support and Early Intervention Division Family Infant Toddler (FIT) Program.
122.	§ 300.322 Parent participation.	Third Column Procedures	Housekeeping related to name of resource document
123.	§ 300.323 When IEPs must be in effect	Third Column Procedures	Model NM IFSP (English) and (Spanish) are no longer available; replaced with guidance document, IFSP Guidance Document by the New Mexico Early Childhood Education & Care Department Family Support and Early Intervention Division Family Infant Toddler (FIT) Program
124.	§ 300.323 When IEPs must be in effect	Third Column Procedures	Housekeeping related to name of resource document
125.	§ 300.324 Development, review, and revision of IEP	Middle Column 6.29.18.9(A)-(K) NMAC	Added Braille Learning Standards in new Rule (6/5/24) concerning Braille instruction
126.	§ 300.324 Development, review, and revision of IEP	Third Column Procedures	Added procedure encouraging the use of FBAs to inform instructional strategies and clarifying consent requirements related to FBAs, based on new resource, Using Functional Behavioral Assessments to Create Supportive Learning Environments (U.S. Dept. of Educ.) (2024)
127.	§ 300.324 Development, review, and revision of IEP	Third Column Procedures	Added procedure assuring IEP conformance with State Braille Learning Standards

128.	§ 300.324 Development, review, and revision of IEP	Third Column Procedures	Housekeeping related to name of resource document and updated link
129.	§ 300.502 Independent educational evaluation.	Third Column Procedures	Housekeeping related to name of resource document
130.	§ 300.503 Prior notice by the public agency; content of notice	Middle Column 6.29.1.7(AC) NMAC	Redesignated as subsection (AI) effective 1/28/25
131.	§ 300.503 Prior notice by the public agency; content of notice	Middle Column 6.29.1.9(G)(13)(h) NMAC	Deleted effective 1/28/25
132.	§ 300.503 Prior notice by the public agency; content of notice	Third Column Procedures	Housekeeping related to name of resource document
133.	§ 300.504 Procedural safeguards notice	Third Column Procedures	Clarified that the Parent and Child Rights in Special Education Procedural Safeguards Notice is available in English, Spanish, Navajo, Vietnamese, Russian, Mandarin, and ASL
134.	§ 300.504 Procedural safeguards notice	Third Column Procedures	Housekeeping related to name of resource document
135.	§ 300.506 Mediation	Third Column Procedures	Alternative Dispute Resolution Request Form for Mediation (English) and (Spanish) replaced with Mediation Request Form (NMPED) (English) and (NMPED) (Spanish)
136.	§ 300.507 Filing a due process complaint.	Third Column Procedures	Housekeeping related to name of resource document
137.	§ 300.508 Due process complaint	Third Column Procedures	Clarified that the Parent and Child Rights in Special Education Procedural Safeguards Notice is available in English, Spanish, Navajo, Vietnamese, Russian, Mandarin, and ASL

138.	§ 300.508 Due process complaint	Third Column Procedures	Housekeeping related to name of resource document
139.	§ 300.509 Model forms	Third Column Procedures	Housekeeping related to name of resource document and updated link
140.	§ 300.510 Resolution process	Third Column Procedures	Clarified that the Parent and Child Rights in Special Education Procedural Safeguards Notice is available in English, Spanish, Navajo, Vietnamese, Russian, Mandarin, and ASL
141.	§ 300.510 Resolution process	Third Column Procedures	Housekeeping related to name of resource document
142.	§ 300.514 Finality of decision; appeal; impartial review.	Third Column Procedures	Housekeeping related to name of resource document
143.	§ 300.517 Attorneys' fees.	Third Column Procedures	Housekeeping related to name of resource document
144.	§ 300.519 Surrogate parents	Third Column Procedures	Added procedure concerning a child who is a ward of the State, and the ability of a judge to appoint a surrogate parent
145.	§ 300.519 Surrogate parents	Third Column Procedures	Added procedure concerning a child who is a ward of a tribe
146.	§ 300.530 Authority of school personnel.	Third Column Procedures	Housekeeping related to name of resource document
147.	§ 300.610 Confidentiality	Third Column Procedures	Updated name of office within the U.S. Department of Education for filing FERA complaints (formerly Family Policy Compliance Office; currently Student Privacy Policy Office)

148.	§ 300.624 Destruction of information.	Third Column Procedures	Housekeeping related to name of resource document
149.	§ 300.646 Disproportionality	Third Column Procedures	Deleted resource Provision of an Equal Education Opportunity to Limited-English Proficient Students due to no longer being available; replaced with resource Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (OCR and DOJ) (January 7, 2015)
150.	§ 300.646 Disproportionality.	Third Column Procedures	Housekeeping related to name of resource document