

1 HOUSE BILL 213

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Candie G. Sweetser and Rebecca Dow and Martin R. Zamora and
5 Roger Montoya

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10 AN ACT

11 RELATING TO EDUCATION; REQUIRING SCHOOL DISTRICTS TO MAINTAIN A
12 SPECIAL EDUCATION SERVICES FUND; PROVIDING FUND USES; PROVIDING
13 ELIGIBILITY REQUIREMENTS TO RECEIVE FUNDS.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. TEMPORARY PROVISION--SCHOOL DISTRICT SPECIAL
17 EDUCATION SERVICES FUNDS--CREATION--FUND USES--ELIGIBILITY
18 REQUIREMENTS TO RECEIVE FUNDS.--

19 A. Each school district shall maintain a special
20 education services fund, in which a school district allocates
21 on a monthly basis:

22 (1) twenty-five percent of the school
23 district's special education funds received through the state
24 equalization guarantee formula, if the school district is
25 operating in a hybrid model; or

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1 (2) fifty percent of the school district's
2 special education funds received through the state equalization
3 guarantee formula, if the school district is not offering in-
4 person learning and is not providing in-person special
5 education services.

6 B. Money in the funds shall be used to provide
7 assistance and reimburse families of special education students
8 with individualized education programs through the school
9 district who have paid out of pocket for special education
10 services and whose school districts have not provided services
11 to the special education student.

12 C. A family with a special education student shall
13 provide the school district, on a monthly basis, with detailed
14 receipts of the services the student received and the costs of
15 the services received and a contract of services from the
16 individual or organization providing the special education
17 services to the student.

18 D. After receiving the items outlined in Subsection
19 C of this section, the school district shall pay the family for
20 the services received. The school district shall not pay the
21 family for any services received that fall outside of the scope
22 of the individualized education program, and the school
23 district shall not pay more than the amount the student
24 generated from the special education program unit.

25 E. The provisions of this act shall be effective

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1 from the effective date of this act until the termination of
2 the state of public health emergency related to the coronavirus
3 disease 2019 as declared by the governor.

4 SECTION 2. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2021.

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