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## FISCAL IMPACT REPORT

SPONSOR Nava DATE TYPED 1/24/05 HB \_\_\_\_\_

SHORT TITLE Autistic Student School Personnel Development SB 124

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### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$200.0			Recurring	General Fund

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

No response from the Public Education Department (PED)

### SUMMARY

#### Synopsis of Bill

SB 124 appropriates \$200 thousand from the general fund to the public education department for the purpose of professional development for school personnel working with students with Autism Spectrum Disorder (ASD).

#### Significant Issues

According to the New Mexico Autism Society, ASD is a neurological disorder that interferes with normal development of reasoning, communication, and social interactions/skills. It is a life-long developmental disability that makes learning difficult. It usually appears within the first three years of life, sometimes after a period of typical development. It occurs four times more often in males than females. ASD has been found throughout the world in all ethnic, racial and socioeconomic groups. The occurrence rate is estimated to be up to one in 167. The critical age for intervention to maximize success later on in school is from three to five.

Children older than 3 years usually have school-based, individualized, special education in early developmental preschools. The child may be in a segregated class with other autistic children or

if at all possible, in an integrated class with children without disabilities for at least part of the day. Different localities may use differing methods but all should provide a structure that will help the children learn social skills and functional communication. In these programs, teachers often involve the parents, giving useful advice in how to help their child use the skills or behaviors learned at school when they are at home.

In elementary school, the child should receive help in any skill area that is delayed and, at the same time, be encouraged to grow in his or her areas of strength. Ideally, the curriculum should be adapted to the individual child's needs. Many schools today have an inclusion program in which the child is in a regular classroom for most of the day, with special instruction for a part of the day. This instruction should include such skills as learning how to act in social situations and in making friends. Although higher-functioning children may be able to handle academic work, they too need help to organize tasks and avoid distractions.

### **PERFORMANCE IMPLICATIONS**

SB 124 supports the PED mission statement "To create and maintain a customer-focused organization that provides leadership, technical assistance, and quality insurance to improve performance for all students and close the achievement gap". LFC's 2005-2006 recommendation for the PED is to concentrate on "... (3) closing the achievement gap". However, the LFC recommends that this be accomplished with available resources and might require the redirection of resources and prioritizing of programs.

### **FISCAL IMPLICATIONS**

The appropriation of \$200 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY06 shall revert to the general fund.

### **ADMINISTRATIVE IMPLICATIONS**

The PED would need to research evidence-based best practice teaching techniques for children with ASD and incorporate them into their existing continuing education plan for staff.

### **TECHNICAL ISSUES**

SB 124 makes a request on behalf of students with ASD. Under Section 1 APPROPRIATION, line 19 states "...developmentally delayed..." while line 21 and 22 refer to "...with autism spectrum disorder." Developmental delay can have many different causes, such as genetic defects (like Down syndrome), or complications of pregnancy and birth (like prematurity or infections). While children with ASD usually have developmental delays, children with developmental delays do not necessarily have ASD.

### **OTHER SUBSTANTIVE ISSUES**

The Individuals with Disabilities Education Act 1997 (IDEA '97), requires that teachers and education support staff, including paraeducators, receive appropriate training. One of the major changes under the new law is that paraeducators are now recognized as staff members who provide services to children with disabilities. Paraeducators often function as the teacher's right

hand in the classroom. In many instances, paraeducators end up being primarily responsible for administering services to students with special needs, while the classroom teachers and special education teachers directly supervise and monitor the program.

### **ALTERNATIVES**

There are a few federally funded resources to help facilitate New Mexico school districts in providing professional development for staff in meeting the educational needs of children with ASD. One example is the Professional Development in Autism Center funded by the US Department of Education to provide training opportunity and support for school districts to ensure students with Autism Spectrum Disorder have access to high quality, evidence-based education services in his or her local school district through six university sites located around the country.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

IDEA '97, is sometimes referred to as both a civil rights law and an education law because it has created enforceable rights to a free and appropriate public education for students with disabilities. The intent of SB 124 supports the NM PED in its desire to provide an appropriate education for children with disabilities.

### **POSSIBLE QUESTIONS**

Is the number of children identified and served by the PED in line with the national averages?

**AHO/lg**