HOUSE BILL 213

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

INTRODUCED BY

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Roger Montoya

AN ACT

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

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

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

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

(1) twenty-five percent of the school
district's special education funds received through the state
equalization guarantee formula, if the school district is
operating in a hybrid model; or
(2) fifty percent of the school district's special education funds received through the state equalization guarantee formula, if the school district is not offering in-person learning and is not providing in-person special education services.

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

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

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

E. The provisions of this act shall be effective .218691.3
from the effective date of this act until the termination of
the state of public health emergency related to the coronavirus
disease 2019 as declared by the governor.

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