New Mexico Autism Society

A community of acceptance, support and connection

www.nmautismsociety.org

September 25, 2015

Dear Disabilities Concerns Subcommittee Members,

Every disabled student in the US is entitled to special education services, and when those services are issued with a quality educator using evidenced based instruction, it can forever change the life of a child. New Mexico has not committed to fund and support quality special education, which requires specific programming expertise and infrastructure to ensure our state is doing an adequate job. Special education in New Mexico needs your attention and understanding.

Currently, the NMPED is drafting its budget request for the 2016 legislative session, and already their projections for special education funding remain below the dollar amount required by the Federal Individuals with Disabilities in Education Act (IDEA). This was confirmed by the New Mexico Office of the State Auditor's special audit of New Mexico's special education funding Maintenance of Effort (MOE) requirements (http://osanm.org/media/audits/924_-_Public_Education_Department_Examination_Report_Sept__1_2015.pdf).

The underspending in special education caught the attention of the US Department of Education, who succeeded in their suit against NMPED for failure to meet MOE. The final determination of that suit is awaiting a decision with Secretary Arne Duncan, but the USDOE did question the MOE figure provided by the PED of $448,597,748, claiming instead that number should be $461,998,168. Attachment 1 is a graph showing the shortfalls with either measure.

While the audit was only for years 2010 - 2012, the shortfall in funding for special education has also occurred every year since. Beginning with 2009, special education has been underfunded by more than $230,000,000. That figure doesn't include the nearly 20% of matching funds NMPED didn't receive via IDEA Part B and Part C monies. Added all together, New Mexican students with disabilities and their teachers have endured a loss of more than $275,000,000.

At the same time, school districts across New Mexico have had to keep their own MOE for what they spend in special education. Each district has spent their 2008 level of special education dollars, in spite of the drastic cuts from the NMPED. Because of this, districts have had to pull funds from other programs to pay for special education costs. There are not enough funds to meet the requirements of IDEA for truly individuated programs for our special needs students.

The PED is currently considering a budget that would again underfund special education. We are asking you to stay informed about the dollars for special education. Because this is not a line item on the education budget, the question must be asked: What of this budget is for our MOE requirement?

We know that dollars invested today for education are savings tomorrow when these children grow into adulthood. It's essential that NMPED fully fund special education, but it can only happen with your vigilent attention to the issue.

Sincerely,

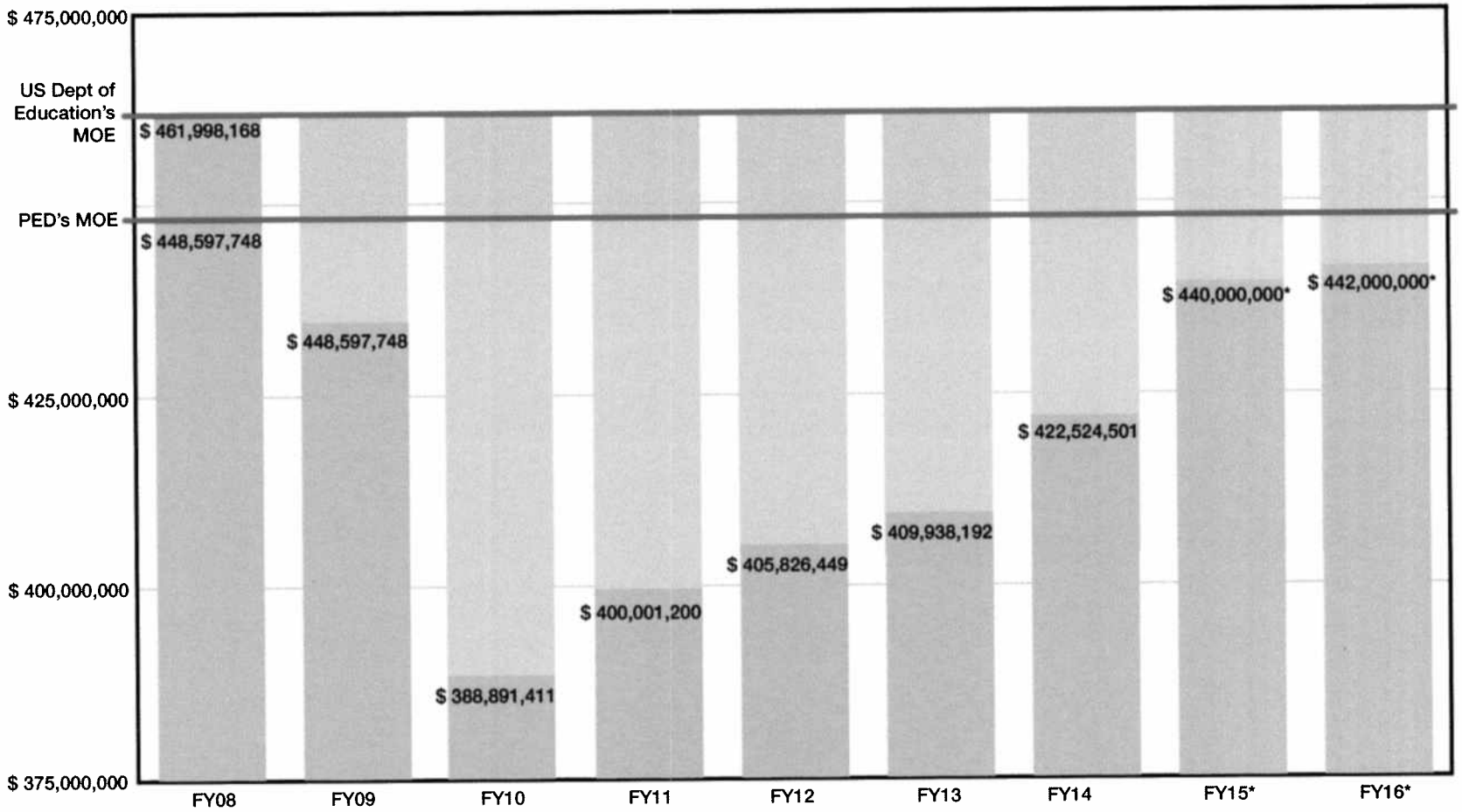
Katie Stone, Chair of the Legislative Committee
New Mexico Autism Society

ATTACHMENT 1

New Mexico Special Education MOE for FY 2008 - 2016*

Total Special Education Funding shortfall 2009 - 2014

Based on US Dept of Education's MOE:	$309,609,928
Based on NM PED's MOE	$229,207,408



PED's MOE Calculations

Data from NM PED, NM LFC, NM State Auditor's Office and the US Dept. of Education
*indicates Projected Budget

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