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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>HB243</u>	Sponsor	<u>Hochman-Vigil</u>
Tracking Number	<u>.211692.2</u>	Committee Referrals	<u>HHHC/HEC</u>
Short Title	<u>Instruction for Deaf or Hard of Hearing</u>		
Analyst	<u>Ochoa</u>	Original Date	<u>1/31/19</u>
		Last Updated	<u>2/15/19</u>

BILL SUMMARY

Synopsis of Bill

House Bill 243 (HB243) would add a new section to the Public School Code that would require school districts and charter schools to provide students diagnosed as deaf or having moderate to severe hearing loss with instruction meeting certain requirements.

FISCAL IMPACT

The bill does not contain an appropriation. There are costs associated with implementing the provisions of HB243; however, school districts and charter schools are already using funds to abide by federal law in meeting the needs of students diagnosed as deaf or having moderate to severe hearing loss. School districts and charter schools with students diagnosed as deaf or having moderate to severe hearing loss receive federal and state funds to meet the needs of their students. In addition to basic program funding, special education students generate an additional \$2,911 if they are A-level or B-level, \$4,159 if they are C-level, and \$8,318 if they are D-level. Additionally, the funding formula provides \$104 thousand per related service provider FTE for services pursuant to an individualized education plan (IEP).

For example, the Albuquerque Sign Language Academy, which serves students who are deaf and hard of hearing, enrolls 96 students. The school received a total of \$2.2 million in FY18, or \$22,427 per student in funding through the public school funding formula, compared with the statewide average of \$7,762 per student. Much of the additional per-student revenue the school receives is due to the schools' special education students. Fifty-nine percent of the school's students are designated as special education, many of which are designated as such due to deafness or hearing issues; 51 percent are classified as D-level special education students. The school generates approximately \$1.1 million in formula funding related to special education program units, or 53 percent of its total formula funding and an additional \$34 thousand in federal Individuals with Disabilities Education Act (IDEA) funds to serve their special education students.

SUBSTANTIVE ISSUES

HB243 would require school districts and charter schools to provide students diagnosed as deaf or hard of hearing with instruction that is tailored to the student’s needs regardless of whether deafness or hearing loss is the student’s primary or secondary diagnosis; the student has been diagnosed with a co-occurring condition, including a developmental disability; or the severity of the hearing loss. School districts and charter schools are already required to meet these requirements under federal law.

Under IDEA, all students are entitled to a free appropriate public education. Students with disabilities should receive instruction that meets the provisions of their specific IEP or 504 plan. Pursuant to IDEA, IEPs and 504 plans are created by a team of qualified professionals and the parent of the child, after the child has been evaluated and the team is provided with evaluation data. This process drives the specific accommodations to be implemented for a given child. The language in HB243 may be limiting due to the nuances of providing individualized instruction ensuring students’ needs are met. The bill would require schools to provide the option to receive instruction using American sign language, an oral-language modality, or a combination of the two. Analysis from the New Mexico School for the Deaf (NMSD) indicates the language in the bill would restrict what school districts and charter schools already do when they follow specific procedures for providing individualized services under IDEA. The NMSD has indicated they are in opposition to HB243.

Public Education Department (PED) analysis also cites IDEA stating the IEP process will determine how students will receive instruction as a part of a free and appropriate public education. The department goes on to state the bill would affect federal requirements that are already in place to protect students and families.

ADMINISTRATIVE IMPLICATIONS

PED or school district and charter school administrators would be required to monitor implementation of the provisions of HB243.

OTHER SIGNIFICANT ISSUES

According to the U.S. Department of Education, because deafness and hearing loss are low incidence disabilities, there is not a comprehensive understanding of how to address the needs of students with the disabilities, even among special education experts. Many strategies have been identified as best practices for teaching students who are deaf or hard of hearing. The key is to identify the instructional methods that best suit the individual student. Identified strategies provide greater access to the content such as adjusting the classroom environment to suit collaborative work, facilitating the use of visual aids, and using interpreters and assistive listening devices. Additionally, multiple pedagogical philosophies or methodologies can be implemented in programs that serve students who are deaf or hard of hearing such as bilingual and bicultural methods or instruction based on receptive and expressive communication.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department (PED)
- New Mexico School for the Deaf (NMSD)

ALO/sgs