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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/19

SPONSOR Hochman-Vigil LAST UPDATED _____ HB 243

SHORT TITLE Instruction for Deaf or Hard of Hearing SB _____

ANALYST Hawker

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate but minimal					

Parenthesis () indicate expenditure decreases

SOURCES OF INFORMATION

LFC Files
U.S. Department of Education

Responses Received From
Public Education Department (PED)
New Mexico School for the Deaf (NMSD)

SUMMARY

Synopsis of Bill

House Bill 243 amends the Public School Code, adding a new requirement to the Code for all school districts and charter schools to provide students diagnosed as deaf or having moderate to severe hearing loss appropriate instruction.

This instruction shall be tailored to the individual needs of the student, delivered in the least restrictive setting, provided regardless of whether deafness or hearing loss is the student's primary or secondary condition.

The school district or charter school shall make this instruction available to students through joint power agreements or other arrangements with institutions that provide appropriate instruction.

Students are to be provided the option of receiving instruction using American Sign Language, oral language modality, or a combination.

FISCAL IMPLICATIONS

While there are costs associated with implementing the provisions of HB 243, school districts and charter schools already bear the costs for meeting the Individuals with Disabilities Education Act (IDEA).

SIGNIFICANT ISSUES

IDEA is the federal law which requires a free appropriate public education to eligible children with disabilities, ensuring special education and related services to eligible children. IDEA governs how states and public agencies provide early intervention, special education and related services. Deafness and hearing impairment are two of the specified conditions IDEA covers.

IDEA requires public schools create an Individualized Education Program (IEP) for each eligible student. The IEP specifies the services to be provided including how often, describes the student's current level of performance, how the student's disabilities affect academic performance and specifies accommodations and modifications to be provided for the student.

The IEP must be designed to meet the unique educational needs of the child in the least restrictive environment appropriate to the needs of the child.

State laws can not contradict IDEA and cannot provide less than what IDEA requires. States can provide more than what IDEA requires.

OTHER SUBSTANTIVE ISSUES

According to the U.S. Department of Education Office of Civil Rights, the education of deaf students must be improved in order to meet their unique communication needs. Major barriers to learning associated with deafness relate to language and communication which profoundly affects most aspects of the educational process. Effective methods of instruction that can be implemented in a variety of educational settings are still not available. The reading skills of hearing impaired students "level off" in their reading comprehension achievement at about the third grade level.

NMSD notes HB 243 restricts what school districts and charter schools already do when they follow the specific procedures outlined in IDEA.

PED states under IDEA the IEP determines how students will receive instruction as a part of free and appropriate public education. HB 243 affects current federal requirements.

VKH/al