HOUSE BILL 237

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

INTRODUCED BY

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AN ACT

RELATING TO DEAF EDUCATION; REQUIRING GREATER COORDINATION AND
COOPERATION BETWEEN THE NEW MEXICO SCHOOL FOR THE DEAF AND
PUBLIC SCHOOLS; ALLOWING THE NEW MEXICO SCHOOL FOR THE DEAF TO
PROVIDE SERVICES TO DEAF AND HARD-OF-HEARING STUDENTS WHO
ATTEND PUBLIC SCHOOL OR CONTRACT WITH PUBLIC SCHOOLS TO PROVIDE
THOSE SERVICES; CREATING A DEAF EDUCATION COORDINATOR IN THE
PUBLIC EDUCATION DEPARTMENT.

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

SECTION 1. Section 21-6-2 NMSA 1978 (being Laws 1899,
Chapter 42, Section 3, as amended) is amended to read:

"21-6-2. PURPOSES--ADMISSION AGE--ADMISSION OF
NONRESIDENTS--TUITION--CHANGE OF NAME--[EXPENDITURES] SERVICES
FOR DEAF AND HARD-OF-HEARING STUDENTS ATTENDING PUBLIC SCHOOL--
GRADUATES IN COLLEGE--AUDILOGICAL CLINIC--SCHOLARSHIPS--
.218422.3
PRESIDENT'S POWERS.--

A. Except as otherwise provided in this section, the New Mexico school for the deaf shall be devoted exclusively to the care and instruction of [persons of either sex] children who are residents within the state and between the ages of five years and the age of majority and who are deaf or hard-of-hearing [provided that]. The board of regents, in its discretion, may admit residents of this state who have attained the age of one year for daytime care and instruction, but not for residential purposes, and may also admit residents of this state who are over the age of majority as day students.

B. In addition to on-campus care and instruction and off-campus family and child services, the school may provide services to deaf or hard-of-hearing students who attend public school.

C. The school shall not charge public schools when participating in the development of individualized educational plans for deaf or hard-of-hearing students or providing student evaluations or student observations.

D. The board of regents may make expenditures for undergraduate collegiate expenses of graduates of [the] New Mexico [school for the deaf] schools. The board of regents may permit the use of facilities of the school by public and private agencies in the state in carrying on a conservation-of-hearing program when the agencies participate in the cost of
the operation, upon such terms and conditions as the board of regents may prescribe.

[C] The board of regents may contract with the veterans' administration and the vocational rehabilitation division of the public education department to provide instruction in vocations or lip reading taught at the school for adults with a deaf or hard-of-hearing disability, but such adults may not be housed at the school. The board of regents may lease for a nominal sum for periods not to exceed three months to the public schools, institutions and agencies of the state any hearing test equipment owned by the school.

[D] The board of regents, for the purpose of creating a source of teachers of the deaf, may pay tuition and other necessary expenses of graduates of New Mexico colleges desiring to take training to teach the deaf in out-of-state training centers and intending to make the teaching of the deaf in New Mexico their profession.

[E] All instruction shall be free. Deaf or hard-of-hearing children from other states or territories may be received and educated on the school campus under such rules and regulations as the board of regents may prescribe, but in no event shall such children be admitted except upon the payment or guaranty of the cost of tuition, room and board at the school for the
school year, on the basis of nine months for a school year.

The [president] superintendent, on the approval of the board of regents, is authorized to make and enter into on behalf of the school all necessary agreements and contracts with the United States government and the proper authorities of other states and territories for the reception and education of such children, and the [president] superintendent is further authorized to receive and receipt for all money paid upon such account and to endorse and transfer all checks, vouchers or other evidences of payment made or received in behalf of the school."

SECTION 2. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] DEAF SERVICES COORDINATOR--CREATED--DUTIES.--The department shall employ a "deaf services coordinator" who shall:

A. work closely with school districts and charter schools in which deaf or hard-of-hearing students are enrolled and with the New Mexico school for the deaf to ensure that the range of services needed by a deaf or hard-of-hearing student will be provided in the most efficient, equitable and cost-effective manner;

B. oversee the equitable distribution of deaf-related resources to all deaf and hard-of-hearing students statewide;
C. document and compile data on all deaf and hard-of-hearing students in the public primary and secondary educational system, including students attending the New Mexico school for the deaf;

D. compile data on teachers who are deaf or hard-of-hearing or who are fluent in American sign language;

E. work with the department of health and the early childhood education and care department in the documentation and compilation of data required by Subsection C of this section;

F. during calendar years 2021 and 2022, study the current funding for deaf and hard-of-hearing students and make recommendations on equalizing public funding for the education of deaf and hard-of-hearing students and ways to make the current educational delivery system more effective and equitable; and

G. propose a supplemental state equalization guarantee distribution-based deaf and hard-of-hearing educational funding index that equalizes public funding for deaf and hard-of-hearing students and defines ways to make the current educational delivery system more equitable."

SECTION 3. Section 28-11C-1 NMSA 1978 (being Laws 2004, Chapter 107, Section 1 and Laws 2004, Chapter 111, Section 1) is amended to read:

"28-11C-1. SHORT TITLE.--[This act] Chapter 28, Article .218422.3
11C NMSA 1978 may be cited as the "Deaf and Hard-of-Hearing Children's Educational Bill of Rights".

SECTION 4. Section 28-11C-3 NMSA 1978 (being Laws 2004, Chapter 107, Section 3 and Laws 2004, Chapter 111, Section 3) is amended to read:

"28-11C-3. EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-Hearing CHILDREN--ADDITIONAL DUTY OF PUBLIC EDUCATION DEPARTMENT.--

A. The state of New Mexico recognizes the unique communication needs of children who are deaf or hard-of-hearing and encourages the development of specific recommendations by all state agencies, institutions and political subdivisions concerned with the early intervention, early childhood and kindergarten through twelfth grade education of students who are deaf or hard-of-hearing, including the public education department, the New Mexico school for the deaf, the early childhood education and care department and the department of health, to ensure that:

(1) these children have what every other child takes for granted, including an educational environment in which their language and communication needs are fully addressed and developed and in which they have early, ongoing and quality access to planned and incidental communication opportunities; [and]

(2) the recommendations, consistent with the findings and purpose of the Deaf and Hard-of-Hearing Children's
Educational Bill of Rights, be completed expeditiously; and

(3) an equal education is provided for all
deaf and hard-of-hearing students regardless of the school they
attend.

B. Since 20 U.S.C. Section 1414(d)(3)(B)(iv) of the
federal Individuals with Disabilities Education Act requires
that the individual education plan team consider the unique
communication needs of children who are deaf or
hard-of-hearing, the public education department shall develop
a model "communication consideration for students who are deaf
or hard-of-hearing", to become part of the individual education
plan process. The model shall be disseminated to all local
school districts, with training to be provided as determined by
the department."

SECTION 5. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2021.