

1 HOUSE BILL 237

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Antonio Maestas and Rebecca Dow

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9  
10 AN ACT

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

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

22 "21-6-2. PURPOSES--ADMISSION AGE--ADMISSION OF  
23 NONRESIDENTS--TUITION--CHANGE OF NAME--[EXPENDITURES] SERVICES  
24 FOR DEAF AND HARD-OF-HEARING STUDENTS ATTENDING PUBLIC SCHOOL--  
25 GRADUATES IN COLLEGE--AUDIOLOGICAL CLINIC--SCHOLARSHIPS--

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1 PRESIDENT'S POWERS.--

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

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

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

20 ~~[B.]~~ D. The board of regents may make expenditures  
21 for undergraduate collegiate expenses of graduates of ~~[the]~~ New  
22 Mexico ~~[school for the deaf]~~ schools. The board of regents may  
23 permit the use of facilities of the school by public and  
24 private agencies in the state in carrying on a conservation-of-  
25 hearing program when the agencies participate in the cost of

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1 the operation, upon such terms and conditions as the board of  
2 regents may prescribe.

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

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

19 ~~[E.]~~ G. All instruction shall be free. Deaf or  
20 hard-of-hearing children from other states or territories may  
21 be received and educated [~~in~~] on the school campus under such  
22 rules [~~and regulations~~] as the board of regents may prescribe,  
23 but in no event shall such children be admitted except upon the  
24 payment or guaranty of [~~at least one thousand dollars (\$1,000)~~]  
25 the cost of tuition, room and board at the school for the

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1 school year, on the basis of nine months for a school year.  
2 The [~~president~~] superintendent, on the approval of the board of  
3 regents, is authorized to make and enter into on behalf of the  
4 school all necessary agreements and contracts with the United  
5 States government and the proper authorities of other states  
6 and territories for the reception and education of such  
7 children, and the [~~president~~] superintendent is further  
8 authorized to receive and receipt for all money paid upon such  
9 account and to endorse and transfer all checks, vouchers or  
10 other evidences of payment made or received in behalf of the  
11 school."

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

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

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

23 B. oversee the equitable distribution of  
24 deaf-related resources to all deaf and hard-of-hearing students  
25 statewide;

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1 C. document and compile data on all deaf and hard-  
2 of-hearing students in the public primary and secondary  
3 educational system, including students attending the New Mexico  
4 school for the deaf;

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

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

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

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

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

25 "28-11C-1. SHORT TITLE.--~~[This act]~~ Chapter 28, Article  
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1 11C NMSA 1978 may be cited as the "Deaf and Hard-of-Hearing  
2 Children's Educational Bill of Rights".

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

6 "28-11C-3. EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-HEARING  
7 CHILDREN--ADDITIONAL DUTY OF PUBLIC EDUCATION DEPARTMENT.--

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

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

24 (2) the recommendations, consistent with the  
25 findings and purpose of the Deaf and Hard-of-Hearing Children's

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1 Educational Bill of Rights, be completed expeditiously; and  
2 (3) an equal education is provided for all  
3 deaf and hard-of-hearing students regardless of the school they  
4 attend.

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

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