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FISCAL IMPACT REPORT

SPONSOR Nava DATE TYPED 2/15/04 HB _____

SHORT TITLE Deaf Children's Educational Bill of Rights SB 206/aSEC/aSJC

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	Unknown				

(Parenthesis () Indicate Revenue Decreases)

Duplicates HB 186

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Response Received From

New Mexico Public Education Department (PED)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee Amendment strikes Section 3. DEFINITION; and insert the references to “early intervention, early childhood and kindergarten through twelfth grade” in Section 4.

Synopsis of SEC Amendment

The Senate Education Committee amendments make Senate Bill 206 a duplicate of House Bill 186/aHEC/HFL#1:

- Add language stating that “all New Mexicans work toward ensuring” deaf and hard-of-hearing children receive the quality of services called for in the bill, and
- Remove the specialized training requirement for psychologists, speech therapists, assessors, administrators and other personnel and inserts “related service providers and assessors.”

Synopsis of Original Bill

Senate Bill 206 enacts the Deaf and Hard-of-Hearing Educational Bill of Rights.

Significant Issues

The PED reports that students who are deaf or hard-of-hearing are served pursuant to the provisions of the Individuals with Disabilities Act (IDEA), and that 800 regulatory requirements associated with IDEA that describe evaluation, services, and programming and procedural safeguards for students with disabilities, including students who are deaf or hard-of-hearing. According to the PED, this bill would create additional requirements for entities that serve the educational needs of these students.

FISCAL IMPACT

The PED analysis states the fiscal impact is unknown because it is difficult to estimate the costs that might be incurred from litigation that might accompany from the formal complaint process associated with the safeguards provided by IDEA.

ADMINISTRATIVE IMPLICATIONS

The PED analysis indicates that an additional FTE may be needed to implement the provisions of the bill. Moreover, the analysis indicates, it is unclear whether special licensing will be needed for those who work with deaf and hard-of-hearing students above the current requirements for those dealing with special needs children. If this is the case, the result may create personnel shortages beyond those that now exist for interpreters for the deaf. Funding will need to be identified to support training to the individuals cited above

OTHER SUBSTANTIVE ISSUES

The bill requires that the PED develop a “model communication consideration” form to be used by individualized program teams who are deaf or hard-of-hearing. The PED reports it has already circulated a draft “communication consideration” form, has circulated it for reaction from the stakeholders and plans to finalize and distribute the form by March 1, 2004.

POSSIBLE QUESTIONS

1. If we already have 800 regulations on the books, why do we need this “bill of rights”?
2. How frequently are formal complaints lodged pursuant the safeguards provided by IDEA?
3. What would it cost to add to PED to carry out the provisions of this bill?

LB/lg:dm:yr