

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE JOINT MEMORIAL 3
47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006
INTRODUCED BY
Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

A JOINT MEMORIAL
REQUESTING THE PUBLIC SCHOOL INSURANCE AUTHORITY TO STUDY DUE
PROCESS REIMBURSEMENT COVERAGE FOR SCHOOL DISTRICTS.

WHEREAS, the federal Individuals with Disabilities
Education Improvement Act provides circumstances under which
parents of special-needs children may request due process
hearings to address grievances regarding the services that
school districts provide to their children; and

WHEREAS, since school year 2002-2003, at least nineteen
school districts in New Mexico have been involved in due
process hearings; and

WHEREAS, the total cost of these due process hearings has
increased from two hundred thousand dollars (\$200,000) in
school year 2002-2003 to one million one hundred thousand
dollars (\$1,100,000) in school year 2004-2005; and

underscored material = new
[bracketed material] = delete

1 WHEREAS, the 2005 legislature considered but did not pass
2 two measures related to hearings pursuant to the federal
3 Individuals with Disabilities Education Improvement Act; and

4 WHEREAS, one of these measures would have limited the
5 fees paid to due process hearing officers to five thousand
6 dollars (\$5,000) per case, and the other measure would have
7 requested a study of methods to streamline due process
8 hearings to make them more efficient and less costly; and

9 WHEREAS, the fees paid to hearing officers are only one
10 of several costs associated with due process hearings; and

11 WHEREAS, since 1997, the public school insurance
12 authority has voluntarily provided reimbursement coverage of
13 due process costs as a courtesy to school districts; and

14 WHEREAS, in recent years financial circumstances have
15 compelled the public school insurance authority to place
16 conditions upon and to reduce the amount of this coverage and
17 even to consider discontinuing it altogether; and

18 WHEREAS, despite mitigating effects in the federal
19 Individuals with Disabilities Education Improvement Act as
20 reauthorized in December 2004 and in rules promulgated by the
21 public education department, due process hearings still
22 present school districts with significant costs that are
23 difficult to anticipate;

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
25 STATE OF NEW MEXICO that the public school insurance

. 160059. 1

underscored material = new
[bracketed material] = delete

1 authority, in collaboration with the public education
2 department and school districts, be requested to conduct a
3 study to determine the most cost-effective means of providing
4 school districts with reimbursement coverage for the costs of
5 due process hearings; and

6 BE IT FURTHER RESOLVED that this study include means of
7 reducing the costs, frequency and duration of due process
8 hearings; and

9 BE IT FURTHER RESOLVED that the public school insurance
10 authority, the public education department and the school
11 districts report their findings and recommendations to the
12 legislative education study committee by August 2006; and

13 BE IT FURTHER RESOLVED that copies of this memorial be
14 transmitted to the director of the public school insurance
15 authority, the secretary of public education and the director
16 of the legislative education study committee for appropriate
17 distribution.