

1 AN ACT
2 RELATING TO PUBLIC SCHOOLS; PROVIDING FOR DUE PROCESS
3 REIMBURSEMENT COVERAGE THROUGH THE PUBLIC SCHOOL INSURANCE
4 AUTHORITY.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. Section 22-29-3 NMSA 1978 (being Laws 1986,
8 Chapter 94, Section 3, as amended) is amended to read:

9 "22-29-3. DEFINITIONS.--As used in the Public School
10 Insurance Authority Act:

11 A. "authority" means the public school insurance
12 authority;

13 B. "board" means the board of directors of the
14 public school insurance authority;

15 C. "charter school" means a school organized as a
16 charter school pursuant to the provisions of the Charter
17 Schools Act;

18 D. "director" means the director of the public
19 school insurance authority;

20 E. "due process reimbursement" means the
21 reimbursement of a school district's or charter school's
22 expenses for attorney fees, hearing officer fees and other
23 reasonable expenses incurred as a result of a due process
24 hearing conducted pursuant to the federal Individuals with
25 Disabilities Education Improvement Act;

1 F. "educational entities" means state educational
2 institutions as enumerated in Article 12, Section 11 of the
3 constitution of New Mexico and other state diploma,
4 degree-granting and certificate-granting post-secondary
5 educational institutions and regional education cooperatives;

6 G. "fund" means the public school insurance fund;

7 H. "group health insurance" means coverage that
8 includes life insurance, accidental death and dismemberment,
9 medical care and treatment, dental care, eye care and other
10 coverages as determined by the authority;

11 I. "risk-related coverage" means coverage that
12 includes property and casualty, general liability, auto and
13 fleet, workers' compensation and other casualty insurance;
14 and

15 J. "school district" means a school district as
16 defined in Subsection R of Section 22-1-2 NMSA 1978,
17 excluding any school district with a student enrollment in
18 excess of sixty thousand students."

19 Section 2. Section 22-29-4 NMSA 1978 (being Laws 1986,
20 Chapter 94, Section 4) is amended to read:

21 "22-29-4. AUTHORITY CREATED.--There is created the
22 "public school insurance authority", which is established to
23 provide for group health insurance, other risk-related
24 coverage and due process reimbursement with the exception of
25 the mandatory coverage provided by the risk management

1 division on the effective date of the Public School Insurance
2 Authority Act."

3 Section 3. A new section of the Public School Insurance
4 Authority Act is enacted to read:

5 "DUE PROCESS REIMBURSEMENT.--The authority shall include
6 due process reimbursement in its self-insured retention risk
7 pool. Each year, the legislature shall authorize the board
8 to collect the due process reimbursement premium from school
9 districts and charter schools to cover the cost of due
10 process reimbursement. From the authorization, the board
11 shall allocate due process reimbursement premiums based on a
12 school district's or charter school's claims experience and
13 other criteria determined by the board. A single due process
14 reimbursement shall not exceed three hundred thousand dollars
15 (\$300,000)."

16 Section 4. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2008. _____

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