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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number HJM15 **Sponsor** Figueroa/Tallman
Tracking Number .214328.2 **Committee Referrals** HEC
Short Title Special Needs Student School Bus Task Force
Analyst Bedeaux **Original Date** 3/7/19
Last Updated _____

BILL SUMMARY

Synopsis of Joint Memorial

House Joint Memorial 15 (HJM15) would request the Public Education Department (PED) to convene a task force to study the transportation needs of special education students. The task force would be requested to study the following:

- The number of school buses specially-equipped to transport students with disabilities;
- Whether special needs students are transported without accommodations provided for in their individualized education programs (IEPs);
- Policies and emergency evacuation plans in school districts and charter schools regarding the transportation of special needs students;
- Problems and strategies that have arisen in the past regarding the transportation of special needs students; and
- Strategies of other states to ensure safe transportation of special needs students.

The task force would be requested to present its findings and recommendations to PED by September 30, 2019, and PED would be requested to present the work of the task force and the department's response to the task force's findings and recommendations to LESC by November 1, 2019.

FISCAL IMPACT

Legislative memorials do not contain appropriations.

SUBSTANTIVE ISSUES

Section 6.41.4 NMAC creates provisions for "transportation as a related service," requiring transportation accommodations specified in student IEPs under the federal Individuals with Disabilities Education Act (IDEA). PED rules state that school districts and charter schools must approve policies concerning transportation as a related service in student IEPs, including specific disciplinary procedures for students with IEPs. School district and charter school policies must

ensure transportation time and distance to school sites for students with IEPs is comparable to students without IEPs. Specifically, Subsection H of Section 6.41.4 NMAC rules reads as follows:

H. Provisions for transportation of students with disabilities:

- (1) In providing transportation as a related service to a student with an IEP, the Local Education Agency (LEA) shall ensure:
 - (a) all alternatives are considered if, due to serious health or safety considerations, an IEP team determines that a student with an IEP cannot be transported with neighborhood peers who are not disabled;*
 - (b) time transporting a student with an IEP is comparable to that provided for non-disabled neighborhood peers, unless otherwise specified in the student's IEP;*
 - (c) access to and from the designated pickup and drop-off point; and*
 - (d) access to other educational and related services specified in the student's IEP.**
- (2) Confidentiality of IEP and student medical information shall apply when transportation as a related service is provided to a student with an IEP.*

If students require special accommodations like a wheelchair lift or a school bus assistant, the accommodations are required to be clearly stated within the IEP and school districts and charter schools are required to provide those accommodations. PED rules permit deviations from local policies as determined on a case-by-case basis by school districts and charter schools.

Section 6.41.4 NMAC also defines a “school bus assistant” as “an individual employed by an LEA or a transportation service provider to help the school bus driver and students.” The definition states “a school bus assistant shall be provided on school buses when necessary, when required by law or regulation, or when required by a student’s IEP.” Subsection P of Section 6.41.4.9 NMAC requires school bus assistants to complete a criminal background check and a physical exam, and requires them to hold a current first aid and CPR certificate. However, there is not a uniform statewide system to place attendants on school buses.

Currently, approximately 56 thousand students in the state have an IEP, but it is not known how many of those students require special transportation accommodations. Of those students that require special accommodations, it is also unknown how many students are receiving insufficient support. Data from PED show 308 school buses statewide are equipped with wheelchair lifts; it is unclear how many buses also carry school bus assistants.

In PED wage and salary data, there is not a specific job code for school bus assistants, suggesting school districts employing school bus assistants are using special education instructional assistants or perhaps even teachers. School districts and charter schools fund these positions from their operational budget, but federal IDEA funding may also be used for this purpose. The public school funding formula contains factors to account the costs associated with special education students, meaning districts with a large number of high needs students receive funds to offset the costs of those students. However, funds allocated through the state equalization guarantee are discretionary, so school districts and charter schools are not required to show that funds generated by special education units are specifically serving special education students.

Because school district and charter schools are given the authority to adopt local policies regarding the transportation of students with IEPs, there is likely little statewide uniformity among specific policies.

ADMINISTRATIVE IMPLICATIONS

PED would be requested to convene a task force to study the transportation needs of special needs students, with diverse representation from rural and urban schools and school districts, to include school bus drivers, school bus assistants, at least one medical professional with student special needs experience, at least one educational assistant who works with special needs students, at least one special needs teacher, a representative from PED's transportation bureau, a representative from PED's special education bureau, at least one parent of a special needs student, and at least one representative from a school employee association.

RELATED BILLS

HB510, School Bus Attendants for Disabled Students, would require at least one school bus attendant on each school bus carrying one or more disabled students.

SOURCES OF INFORMATION

- LESC Files

TB/mhg