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FISCAL IMPACT REPORT

SPONSOR Figueroa/Tallman ORIGINAL DATE 3/9/19
LAST UPDATED _____ HJM 15
SHORT TITLE Special Needs Student School Bus Task Force SB _____
ANALYST Liu

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Indeterminate				

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 510

SOURCES OF INFORMATION

LFC Files
Legislative Education Study Committee (LESC) Files

SUMMARY

Synopsis of Bill

House Joint Memorial 15 requests the Public Education Department (PED) to convene a task force to study the safe transportation of special needs students and report findings and recommendations to LESC by November 1, 2019.

FISCAL IMPLICATIONS

The memorial does not make an appropriation but requires PED to convene a task force with representation from urban and rural areas of the state. Costs for this task force will depend on the membership of the task force, staffing needs, and how often the task force convenes. As such, the operating budget impacts are indeterminate.

SIGNIFICANT ISSUES

According to PED, over 56 thousand students (17 percent of the state's public school students) have an individualized education program (IEP) identifying students who have special education needs. According to the U.S. Office of Civil Rights, New Mexico had 1,716 students (0.5 percent of students) with Section 504 plans in FY14.

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In FY19, PED reported 2,060 school buses operated by school districts, charter schools, and contractors and about 30 FTE classified as school bus assistants.

LESC notes 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.

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, LESL notes there is not a uniform statewide system to place attendants on school buses.

ADMINISTRATIVE IMPLICATIONS

The memorial requests PED convene members of the task force, which must include

- School bus drivers and bus attendants,
- A medical professional with experience serving special needs students,
- An educational assistant with experience serving special needs students,
- A special education teacher,
- A representative from PED’s state Transportation Division,
- A representative from PED’s Special Education Bureau,
- A representative from an applicable school employee’s association, and
- Parents of special needs students.

The memorial requests the task force investigate

- Specially equipped school buses and bus routes for special needs students by district;
- Special needs students being transported with and without accommodations outlined in their IEPs,
- Policies and practices for emergency evacuation plans relating to transporting special needs students,
- Resolution of problems relating to transporting special needs students, and
- Practices of safely transporting special needs students in other states.

The memorial further requests the task force to consider multiple solutions and options for the safe transportation of special needs students, including more training for school bus drivers, using bus attendants, changing the transportation funding formula to provide for additional safety

recommendations, and identifying regional opportunities to provide services economically.

RELATIONSHIP

This memorial relates to House Bill 510, which creates a new section of the Public School Code requiring at least one adult attendant on any school bus carrying one or more disabled student.

SL/sb