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FISCAL IMPACT REPORT

SPONSOR Lopez ORIGINAL DATE 2/21/19
LAST UPDATED 3/04/19 HB _____
SHORT TITLE Special Needs Ed Professional Development SB 611/aSEC
ANALYST Liu/Woods

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		
\$500.0	\$0.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 5, HB 243, HB 454, HB 532, HB 591, HB 615, SB 1, SB 398, SB 467, SB 612

SOURCES OF INFORMATION

LFC Files

No Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee Amendment to Senate Bill 611 strikes the comma and “including” on line 19 after the comma, the entirety of line 20, “and substitute teachers” on line 21, and “effectively” on line 22.

The amendment amends this language to broaden the eligibility for staff to be provided with professional development for working with instructing students with special needs.

Synopsis of Original Bill

Senate Bill 611 appropriates \$500 thousand from the general fund to PED for school personnel professional development on effectively working with and instructing students with special needs.

FISCAL IMPLICATIONS

The appropriation of \$500 thousand contained in this bill will likely become a recurring expense to the general fund, given the continuous need to improve instruction for students with special needs. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund.

The HAFC FY20 budget recommendation for public school program cost is a \$493.2 million, or 18.9 percent, increase from FY19 funding levels. Consequently, the substantial increase in funding will raise the unit value and amount of formula dollars generated by special education students. As such, school districts and charter schools may have additional flexibility to provide additional training and professional development for personnel working with students with special needs.

SIGNIFICANT ISSUES

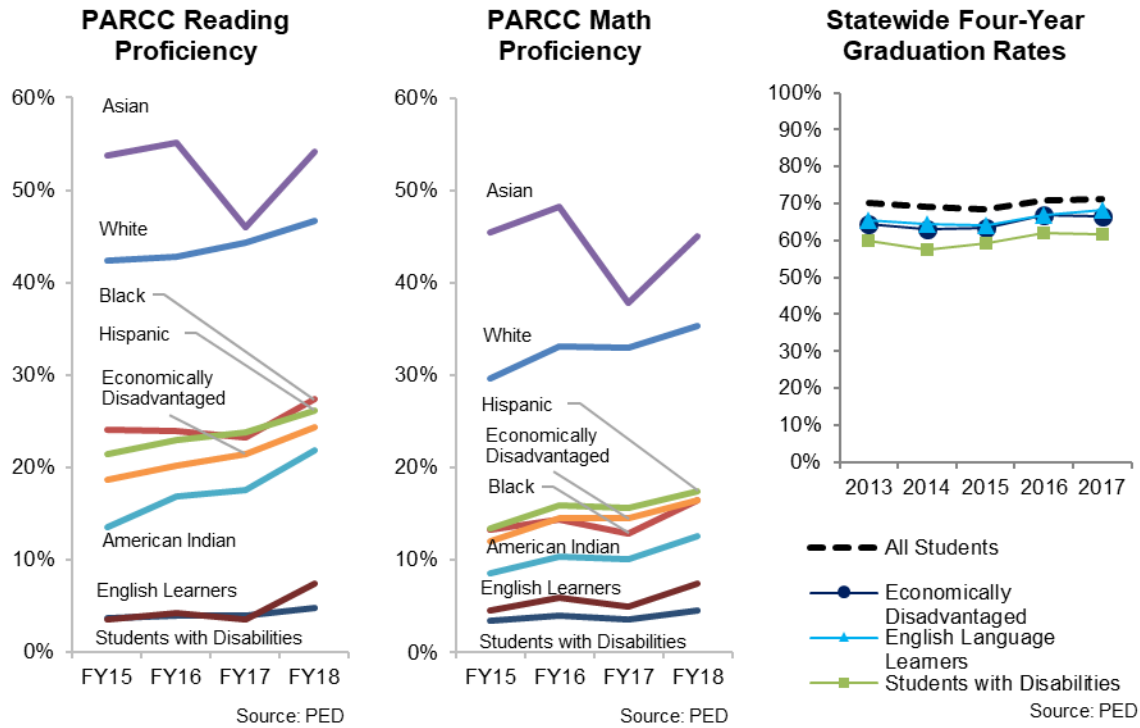
The appropriation in this bill would apply to all school personnel serving students with disabilities as defined by the federal Individuals with Disabilities Education Act (IDEA) and Section 504 of the federal Rehabilitation Act of 1973. According to PED, over 56 thousand students (17 percent of the 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.

In FY17, the IDEA Data Center reported New Mexico had 2,634 special education teachers and 3,030 special education paraprofessionals serving students with disabilities (ages 3-21). IDEA also reported the following figures for special education related services personnel:

- Audiologists: 18
- Speech-language pathologists: 540
- Interpreters: 60
- Psychologists: 386
- Occupational therapists: 256
- Physical therapists: 102
- Physical education, recreation, and therapeutic recreation specialists: 18
- Social workers: 332
- Medical or nursing service staff: 13
- Counselors and rehabilitation counselors: 44
- Orientation and mobility Specialists: 16

PERFORMANCE IMPLICATIONS

Students with special needs or disabilities have shown slight improvements in performance on reading and math standards-based assessments and 4-year graduation rates in recent years; however, their performance remains consistently lower than all other reported student subgroups.



ADMINISTRATIVE IMPLICATIONS

PED would need to develop or contract services for special needs professional development. In previous years for trainings and outreach, PED has subcontracted with regional education cooperatives to provide sessions and notifications of programming.

RELATIONSHIP

This bill relates to House Bill 5 and Senate Bill 1, which require reporting on services for special education students; House Bill 243, which requires schools to provide appropriate instruction to students with hearing impairments; House Bill 454, which establishes requirements for gifted education; House Bill 532, which appropriates funds for programs to foster friendships for students with disabilities; House Bill 591, which requires PED to integrate mental, social, and emotional health strategies and standards; House Bill 615, which requires school personnel to receive mental health needs training; Senate Bill 398, which provides for early dyslexic student interventions; Senate Bill 467, which provides protections to students in need of accommodation and accused of sanctioned offenses; and Senate Bill 612, which creates a PED division for special education and increases special education formula weights in the funding formula.

OTHER SUBSTANTIVE ISSUES

In FY12, the U.S. Department of Education (USDE) notified PED that New Mexico failed to meet the special education maintenance of effort (MOE) provision of Part B of IDEA in FY10 and FY11 and was facing potential reductions to federal IDEA-B funding as a result. In FY19, PED indicated the state was meeting special education MOE requirements due to year-over-year increases in formula funding for public schools. The MOE provision of IDEA-B requires states to maintain state-level financial support of special education as a condition of continued receipt of federal IDEA-B funds and effectively prohibits states from supplanting state revenues

appropriated for special education students with federal IDEA-B dollars. As such, the state would not be able to supplant this appropriation with federal IDEA-B funding in future years.

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