

HOUSE BILL 229

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Raymundo Lara

AN ACT

RELATING TO PUBLIC EDUCATION; AMENDING SECTIONS OF THE PUBLIC SCHOOL CODE BY PROVIDING CERTAIN SPECIALIZED SUPPORT SERVICES ANCILLARY TO SPECIAL EDUCATION, INCLUDING MEDICAL, BEHAVIORAL HEALTH OR ADAPTIVE PHYSICAL EDUCATION SERVICES; PROVIDING THAT SCHOOL DISTRICTS AND CHARTER SCHOOLS INCLUDE SPECIALIZED SUPPORT SERVICES IN DEPARTMENT-APPROVED EDUCATIONAL PLANS.

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

SECTION 1. Section 22-8-21 NMSA 1978 (being Laws 1974, Chapter 8, Section 11, as amended) is amended to read:

"22-8-21. SPECIAL EDUCATION PROGRAM UNITS.--

A. For the purpose of the Public School Finance Act, special education programs for exceptional children are those approved by the department and classified as follows:

(1) class A programs, in which department-

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1 certified individuals provide services to children whose
2 individualized education programs require a minimal amount of
3 special education and in which the ratio of students to
4 professionals is regulated by the [~~state board~~] department;

5 (2) class B programs, in which department-
6 certified individuals provide services to children whose
7 individualized education programs require a moderate amount of
8 special education and in which the ratio of students to
9 professionals is regulated by the [~~state board~~] department;

10 (3) class C programs, in which department-
11 certified individuals provide services to children whose
12 individualized education programs require an extensive amount
13 of special education and in which the ratio of students to
14 professionals is regulated by the [~~state board~~] department;

15 (4) class D programs, in which department-
16 certified individuals provide services to children whose
17 individualized education programs require a maximum amount of
18 special education and in which the ratio of students to
19 professionals is regulated by the [~~state board~~] department.

20 Students in class D programs may be enrolled in private,
21 nonsectarian, nonprofit educational training centers in
22 accordance with the provisions of Section 22-13-8 NMSA 1978;
23 and

24 (5) programs for developmentally disabled
25 three- and four-year-old children meeting standards approved by

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1 the ~~[state board]~~ department.

2 B. All students assigned to the programs for
3 exceptional children classified in Subsection A of this section
4 shall have been so assigned as a result of diagnosis and
5 evaluation performed in accordance with the standards of the
6 department before the students may be counted in the
7 determination of special education program units as provided in
8 Subsection C of this section.

9 C. The number of special education program units is
10 the sum of the following:

11 (1) the MEM in approved class A and B programs
12 as defined in Subsection A of this section multiplied by the
13 cost differential factor .7;

14 (2) the MEM in approved class C programs as
15 defined in Subsection A of this section multiplied by the cost
16 differential factor 1.0;

17 (3) the MEM in approved class D programs as
18 defined in Subsection A of this section multiplied by the cost
19 differential factor 2.0;

20 (4) the MEM for developmentally disabled
21 three- and four-year-old children as defined in Subsection A of
22 this section multiplied by the cost differential factor 2.0;
23 provided that no developmentally disabled three- or four-year-
24 old student shall be counted for additional ancillary service
25 units; and

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1 (5) for related services ancillary to
2 providing special education and specialized support services
3 that meet the requirements provided in Subsection C of Section
4 22-13-5 NMSA 1978, the number of full-time-equivalent certified
5 or licensed ancillary service and diagnostic service personnel
6 multiplied by the cost differential factor 25.0.

7 D. For the purpose of calculating membership in
8 class C and class D programs, students shall be counted in
9 actual grade placement or according to chronological age if not
10 in actual grade placement."

11 SECTION 2. Section 22-13-5 NMSA 1978 (being Laws 1972,
12 Chapter 95, Section 1, as amended) is amended to read:

13 "22-13-5. SPECIAL EDUCATION--RELATED AND ANCILLARY
14 SERVICES.--

15 A. School districts and charter schools shall
16 provide special education and related services appropriate to
17 meet the needs of students requiring special education and
18 related services. Rules and standards shall be developed and
19 established by the department for the provision of special
20 education in the schools and classes of the public school
21 system in the state and in all institutions wholly or partly
22 supported by the state. The department shall monitor and
23 enforce the rules and standards. School districts and charter
24 schools shall also provide services for three-year-old and
25 four-year-old preschool children with disabilities, unless the

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1 parent or guardian chooses not to enroll the child.

2 B. Services for students age three through twenty-
3 one may include, but are not limited to, evaluating particular
4 needs, providing learning experiences that develop cognitive
5 and social skills, arranging for or providing related services
6 as defined by the department and providing parent education.
7 The services may be provided by licensed school employees or
8 contracted for with other community agencies and shall be
9 provided in age-appropriate, integrated settings, including
10 home, daycare centers, head start programs, schools or
11 community-based settings.

12 C. Each school district or charter school shall
13 establish within its department-approved educational plan
14 specialized support services ancillary to special education.
15 Specialized support services are services identified through a
16 student's individualized education program as required in order
17 for the student to reach full academic potential. Specialized
18 support services include:

19 (1) medical support services provided by
20 medical professionals who through training and licensure or
21 certification are qualified to provide specialized medical
22 services to an identified student to address issues associated
23 with the student's medical fragility;

24 (2) behavioral health support services
25 provided by behavioral health professionals who through

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1 training and licensure or certification are qualified to
2 provide specialized behavioral health services, including
3 applied behavioral analysis, to an identified student to
4 address issues associated with the student's cognitive or
5 developmental disability; or

6 (3) adaptive physical education support
7 services provided by professionals who through training and
8 licensure or certification are qualified to provide adaptive
9 physical education services to an identified student to address
10 issues associated with the student's physical well-being."

11 SECTION 3. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2024.