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HOUSE BILL 289

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

George Dodge, Jr. And Mimi Stewart

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; CHANGING THE DEFINITION OF "QUALIFIED STUDENT" IN THE PUBLIC SCHOOL FINANCE ACT TO PROVIDE THAT ADULTS OVER A CERTAIN AGE ARE NOT COUNTED TOWARD FORMULA FUNDING.

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

SECTION 1. Section 22-8-2 NMSA 1978 (being Laws 1978, Chapter 128, Section 3, as amended) is amended to read:

"22-8-2. DEFINITIONS.--As used in the Public School Finance Act:

A. "ADM" or "MEM" means membership;

B. "membership" means the total enrollment of qualified students on the current roll of a class or school on a specified day. The current roll is established by the addition of original entries and reentries minus withdrawals.

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1 Withdrawals of students, in addition to students formally
2 withdrawn from the public school, include students absent from
3 the public school for as many as ten consecutive school days;
4 provided that withdrawals do not include students in need of
5 early intervention and habitual truants the school district is
6 required to intervene with and keep in an educational setting
7 as provided in Section 22-12-9 NMSA 1978;

8 C. "basic program ADM" or "basic program MEM" means
9 the MEM of qualified students but excludes the full-time-
10 equivalent MEM in early childhood education and three- and
11 four-year-old students receiving special education services;

12 D. "cost differential factor" is the numerical
13 expression of the ratio of the cost of a particular segment of
14 the school program to the cost of the basic program in grades
15 four through six;

16 E. "department" or "division" means the public
17 education department;

18 F. "early childhood education ADM" or "early
19 childhood education MEM" means the full-time-equivalent MEM of
20 students attending approved early childhood education programs;

21 G. "full-time-equivalent ADM" or "full-time-
22 equivalent MEM" is that membership calculated by applying to
23 the MEM in an approved public school program the ratio of the
24 number of hours per school day devoted to the program to six
25 hours or the number of hours per school week devoted to the

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1 program to thirty hours;

2 H. "operating budget" means the annual financial
3 plan required to be submitted by a local school board or
4 governing body of a state-chartered charter school;

5 I. "program cost" is the product of the total
6 number of program units to which a school district is entitled
7 multiplied by the dollar value per program unit established by
8 the legislature;

9 J. "program element" is that component of a public
10 school system to which a cost differential factor is applied to
11 determine the number of program units to which a school
12 district is entitled, including [~~but not limited to~~] MEM,
13 full-time-equivalent MEM, teacher, classroom or public school;

14 K. "program unit" is the product of the program
15 element multiplied by the applicable cost differential factor;

16 L. "public money" or "public funds" means all money
17 from public or private sources received by a school district or
18 state-chartered charter school or officer or employee of a
19 school district or state-chartered charter school for public
20 use;

21 M. "qualified student" means a public school
22 student who:

23 (1) has not graduated from high school;

24 (2) is regularly enrolled in one-half or more
25 of the minimum course requirements approved by the department

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1 for public school students; and

2 (3) in terms of age and other criteria:

3 (a) is at least five years of age prior
4 to 12:01 a.m. on September 1 of the school year;

5 (b) is at least three years of age at
6 any time during the school year and is receiving special
7 education services pursuant to rules of the department; ~~[or]~~

8 (c) has not reached the student's
9 twenty-second birthday on the first day of the school year [~~and~~
10 ~~is receiving special education services pursuant to rules of~~
11 ~~the department]; or~~

12 (d) has reached the student's twenty-
13 second birthday on the first day of the 2018-2019 school year,
14 is counted in a school district's or charter school's
15 membership count on the third reporting date of the 2017-2018
16 school year, is enrolled in the same school as the student was
17 enrolled in the 2017-2018 school year and has been continuously
18 enrolled since the third reporting date of the 2017-2018 school
19 year without disenrollment; and

20 N. "state superintendent" means the secretary of
21 public education or the secretary's designee."

22 SECTION 2. TEMPORARY PROVISION.--It is the intent of the
23 legislature that a law be enacted in 2019 providing an
24 additional three million dollars (\$3,000,000) to the higher
25 education department in fiscal year 2020 to provide adults with

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1 education services and materials and access to high school
2 equivalency testing.

3 SECTION 3. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2018.

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