

HOUSE BILL 282

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO EDUCATION; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO COLLABORATE WITH THE HIGHER EDUCATION DEPARTMENT TO ADMINISTER THE EXTERNAL DIPLOMA PROGRAM; HEC ~~AMENDING THE DEFINITION OF "QUALIFIED STUDENT";~~ HEC PROVIDING REQUIREMENTS TO RECEIVE FUNDS; MAKING AN APPROPRIATION.

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

SECTION 1. Section 22-1-9.2 NMSA 1978 (being Laws 2019,

.218272.3AIC March 2, 2021 (3:44pm)

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Chapter 185, Section 1) is amended to read:

"22-1-9.2. DEPARTMENT-ISSUED DIPLOMAS.--

A. The department shall authorize a diploma program that results in a diploma award by the department for adults who have not graduated from high school but who want a program that:

[A.] (1) documents their educational attainment through college and career readiness standards;

[B.] (2) assesses high school-level skills in applied life and work contexts; and

[C.] (3) prepares them to enter college or the workforce, upgrade their skills, advance to a better job or move from one field of work to another.

B. The department, in collaboration with the higher education department, shall administer the external diploma program."

HEC → ~~SECTION 2. Section 22-8-2 NMSA 1978 (being Laws 1978, Chapter 128, Section 3, as amended by Laws 2019, Chapter 206, Section 6 and by Laws 2019, Chapter 207, Section 6) 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~~

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~~a specified day. The current roll is established by the addition of original entries and reentries minus withdrawals. Withdrawals of students, in addition to students formally withdrawn from the public school, include students absent from the public school for as many as ten consecutive school days; provided that withdrawals do not include students in need of early intervention and habitual truants the school district is required to intervene with and keep in an educational setting as provided in Section 22-12-9 NMSA 1978;~~

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

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

~~E. "department" or "division" means the public education department;~~

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

~~G. "full-time-equivalent ADM" or "full-time-equivalent MEM" is that membership calculated by applying to~~

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~~the MEM in an approved public school program the ratio of the number of hours per school day devoted to the program to six hours or the number of hours per school week devoted to the program to thirty hours;~~

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

~~I. "performance measure" means a quantitative indicator used to assess the output or outcome of an approved program;~~

~~J. "performance target" means the expected level of performance of a program's performance measure;~~

~~K. "program cost" is the product of the total number of program units to which a school district is entitled multiplied by the dollar value per program unit established by the legislature;~~

~~L. "program element" is that component of a public school system to which a cost differential factor is applied to determine the number of program units to which a school district is entitled, including MEM, full-time-equivalent MEM, teacher, classroom or public school;~~

~~M. "program unit" is the product of the program element multiplied by the applicable cost differential factor;~~

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~~N. "public money" or "public funds" means all money from public or private sources received by a school district or state-chartered charter school or officer or employee of a school district or state-chartered charter school for public use;~~

~~O. "qualified student" means a public school student who:~~

~~(1) has not graduated from high school;~~

~~(2) is regularly enrolled in one-half or more of the minimum course requirements approved by the department for public school students; and~~

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

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

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

~~(c) except as provided in Subparagraph~~

~~(d) of this paragraph, has not reached the student's twenty-second birthday on the first day of the school year; or~~

~~(d) has reached the student's twenty-second birthday on the first day of the 2019-2020 school year and subsequent school years, is counted in a school district's or charter school's MEM on the third reporting date of the~~

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~~2018-2019 school year and subsequent school years, has been continuously enrolled in the same public school since that reporting date and is still enrolled in that school;~~

~~P. "rural population rate" means that proportion of the total population within a school district's geographic boundaries that lives in a rural area and not in an urban area as defined by the United States census bureau;~~

~~Q. "staffing cost multiplier" means:~~

~~(1) for fiscal year 2019, the instructional staff training and experience index;~~

~~(2) for fiscal year 2020, the weighted average of the instructional staff training and experience index at seventy-five percent and the teacher cost index at twenty-five percent;~~

~~(3) for fiscal year 2021, the weighted average of the instructional staff training and experience index at fifty percent and the teacher cost index at fifty percent;~~

~~(4) for fiscal year 2022, the weighted average of the instructional staff training and experience index at twenty-five percent and the teacher cost index at seventy-five percent; and~~

~~(5) for fiscal year 2023 and subsequent fiscal years, the teacher cost index; and~~

~~R. "state superintendent" means the secretary of~~

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~~public education or the secretary's designee."~~←HEC

SECTION HEC→3.←HEC HEC→2.←HEC APPROPRIATION.--

A. Five million dollars (\$5,000,000) is appropriated from the general fund to the higher education department for expenditure in fiscal year 2022 for the administration of the external diploma program. Any unexpended or unencumbered balance remaining at the end of fiscal year 2022 shall revert to the general fund.

B. To receive funds, a public school must have been in existence prior to July 1, 2021 and be certified to provide an external diploma program. The department shall prioritize funding to public schools that have served adult students toward obtaining a high school equivalency credential or high school diploma in the 2018-2019 school year.

C. A public school providing an external diploma program shall receive five thousand dollars (\$5,000) per student enrolled in the public school's external diploma program.

SECTION HEC→4.←HEC HEC→3.←HEC EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.