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SENATE BILL 105

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; CHANGING THE DATE SCHOOL
BOARDS AND GOVERNING BODIES REPORT ESTIMATES TO THE PUBLIC
EDUCATION DEPARTMENT; CHANGING THE DATE THE PUBLIC EDUCATION
DEPARTMENT IS REQUIRED TO PROVIDE BUDGET RECOMMENDATIONS TO THE
DEPARTMENT OF FINANCE AND ADMINISTRATION; CHANGING THE FIRST
REPORTING DATE FOR THE CALCULATION OF MEMBERSHIP.

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

SECTION 1. Section 22-8-12.1 NMSA 1978 (being Laws 1978,
Chapter 128, Section 5, as amended) is amended to read:

"22-8-12.1. MEMBERSHIP PROJECTIONS AND BUDGET REQUESTS.--

A. Each local school board or governing body of a
state-chartered charter school shall submit annually, on or
before October [15] 5, to the department:

- (1) an estimate for the succeeding fiscal year

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1 of:

2 (a) the membership of qualified students
3 to be enrolled in the basic program;

4 (b) the full-time-equivalent membership
5 of students to be enrolled in approved early childhood
6 education programs; and

7 (c) the membership of students to be
8 enrolled in approved special education programs;

9 (2) all other information necessary to
10 calculate program costs; and

11 (3) any other information related to the
12 financial needs of the school district or state-chartered
13 charter school as may be requested by the department.

14 B. All information requested pursuant to Subsection
15 A of this section shall be submitted on forms prescribed and
16 furnished by the department and shall comply with the
17 department's rules and procedures.

18 C. The department shall:

19 (1) review the financial needs of each school
20 district or state-chartered charter school for the succeeding
21 fiscal year; and

22 (2) submit annually, on or before November
23 [30] 1, to the secretary of finance and administration the
24 recommendations of the department for:

25 (a) amendments to the public school

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1 finance formula;

2 (b) appropriations for the succeeding
3 fiscal year to the public school fund for inclusion in the
4 executive budget document; and

5 (c) appropriations for the succeeding
6 fiscal year for pupil transportation and instructional
7 materials."

8 SECTION 2. Section 22-8-13 NMSA 1978 (being Laws 1974,
9 Chapter 8, Section 3, as amended) is amended to read:

10 "22-8-13. REPORTS.--

11 A. Each public school shall keep accurate records
12 concerning membership in the public school.

13 B. The dates for which MEM is reported are as
14 follows:

15 (1) the first reporting date, [~~the second~~
16 ~~Wednesday~~] October 1 or the first working day in October;

17 (2) the second reporting date, December 1 or
18 the first working day in December; and

19 (3) the third reporting date, the second
20 Wednesday in February.

21 C. The superintendent of each school district or
22 head administrator of a state-chartered charter school shall
23 maintain the following reports for each reporting period:

24 (1) the basic program MEM by grade in each
25 public school;

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- 1 (2) the early childhood education MEM;
2 (3) the special education MEM in each public
3 school in class C and class D programs as defined in Section
4 22-8-21 NMSA 1978;
5 (4) the number of class A and class B programs
6 as defined in Section 22-8-21 NMSA 1978; and
7 (5) the full-time-equivalent MEM for bilingual
8 multicultural education programs.

9 D. The superintendent of each school district and
10 the head administrator of each state-chartered charter school
11 shall furnish all reports required by law or the department to
12 the department within ten working days of the close of each
13 reporting period. Failure of the department to approve timely
14 submissions shall not cause a school district or charter school
15 to be found noncompliant with the requirements of this section.
16 For purposes of this section, "working day" means every
17 calendar day excluding Saturdays, Sundays and legal holidays.

18 E. All information required pursuant to this
19 section shall be on forms prescribed and furnished by the
20 department. A copy of any report made pursuant to this section
21 shall be kept as a permanent record of the school district or
22 charter school and shall be subject to inspection and audit at
23 any reasonable time.

24 F. The department may withhold up to one hundred
25 percent of allotments of funds to any school district or state-

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1 chartered charter school where the superintendent or head
2 administrator has failed to comply with the requirements of
3 this section. Withholding may continue until the
4 superintendent or head administrator complies with and agrees
5 to continue complying with requirements of this section.

6 G. The provisions of this section may be modified
7 or suspended by the department for any school district or
8 school or state-chartered charter school operating under the
9 Variable School Calendar Act. The department shall require MEM
10 reports consistent with the calendar of operations of such
11 school district or school or state-chartered charter school and
12 shall calculate an equivalent MEM for use in projecting school
13 district or charter school revenue."