

AN ACT  
RELATING TO PUBLIC SCHOOL FINANCE; CHANGING THE CALCULATION  
OF THE AT-RISK INDEX USED TO DETERMINE ADDITIONAL PROGRAM  
UNITS.

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

Section 1. Section 22-8-23.3 NMSA 1978 (being Laws  
1997, Chapter 40, Section 7) is amended to read:

"22-8-23.3. AT-RISK PROGRAM UNITS. --

A. A school district is eligible for additional program units if it establishes within its state board approved educational plan identified services to assist students to reach their full academic potential. A school district receiving additional at-risk program units shall include a report of specified services in its annual accountability report pursuant to Section 22-1-6 NMSA 1978. The number of additional units to which a school district is entitled under this section is computed in the following manner:

$$\text{At-Risk Index} \times \text{MEM} = \text{Units}$$

where MEM is equal to the total district membership, including early childhood education, full-time-equivalent membership and special education membership and where the at-risk index is calculated in the following manner:

$$\text{Three-year Average Total Rate} \times 0.0915 = \text{At-Risk Index.}$$

B. To calculate the three-year average total rate, the department shall compute a three-year average of the district's percentage of membership used to determine its Title I allocation, a three-year average of the percentage of membership classified as English language learners using criteria established by the federal office of civil rights and a three-year average of the percentage of student mobility. The department shall then add the three-year average rates. The number obtained from this calculation is the three-year average total rate.

C. The department shall recalculate the at-risk index for each school district every year. For the school years beginning in 2001, 2002, 2003 and 2004, no school district shall receive less than ninety percent of the at-risk funding generated in the immediately preceding fiscal year. "