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HOUSE BILL 555

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

William W. Fuller

AN ACT

**RELATING TO PUBLIC EDUCATION; PROVIDING FOR SCHOOL DISTRICTS
TO RECEIVE FUNDING FOR HOME SCHOOL STUDENTS WHO ARE REGULARLY
ENROLLED IN ONE-HALF OR MORE OF THE MINIMUM COURSE
REQUIREMENTS AT PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL
FINANCE ACT.**

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**

1 addition of original entries and reentries minus withdrawals.
2 Withdrawals of students, in addition to students formally
3 withdrawn from the public school, include students absent from
4 the public school for as many as ten consecutive school days;

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

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

14 E. "department" or "division" means the state
15 department of public education;

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

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

underscored material = new
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1 H. "operating budget" means the annual financial
2 plan required to be submitted by a local school board;

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

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

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

14 L. "public money" or "public funds" means all
15 money from public or private sources received by a local
16 school board or officer or employee of a local school board
17 for public use;

18 M. "qualified student" means:

19 (1) a public school student who:

20 ~~[(1)]~~ (a) has not graduated from high
21 school;

22 ~~[(2)]~~ (b) is regularly enrolled in one-
23 half or more of the minimum course requirements approved by
24 the state board for public school students; and

25 ~~[(3)]~~ (c) is at least five years of age

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1 prior to 12:01 a.m. on September 1 of the school year; or
2 [~~(4)~~] (d) is at least three years of
3 age at any time during the school year and is receiving
4 special education services pursuant to regulation of the state
5 board; or

6 [~~(5)~~] (e) has not reached his twenty-
7 second birthday on the first day of the school year and is
8 receiving special education services pursuant to regulation of
9 the state board; and

10 (2) a home school student who meets the
11 requirements of a public school student as set forth in
12 Paragraph (1) of this subsection; provided that two or more
13 home school students regularly enrolled in less than one-half
14 of the minimum course requirements approved by the state board
15 for public school students may be counted as a qualified
16 student when the number of courses in which they are enrolled
17 in the aggregate equal at least one-half of the minimum course
18 requirements; and

19 N. "state superintendent" means the superintendent
20 of public instruction or his designee."