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HOUSE BILL 687

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

INTRODUCED BY

Earlene Roberts

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; AMENDING SECTIONS OF THE  
NMSA 1978 PERTAINING TO THE DISTRIBUTION OF EDUCATIONAL FUNDS.

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

Section 1. Section 22-8-18 NMSA 1978 (being Laws 1974,  
Chapter 8, Section 8, as amended) is amended to read:

"22-8-18. PROGRAM COST CALCULATION [~~LOCAL SCHOOL BOARD~~  
~~RESPONSIBILITY~~].-- [~~A.~~] The total program units for the purpose  
of computing the program cost shall be calculated by  
multiplying the sum of the program units itemized as  
[~~Paragraphs (1) through (4) in~~] Subsections A through E of  
this [~~subsection~~] section by the [~~instruction~~] instructional  
staff training and experience index and adding the program  
units itemized as [~~Paragraphs (5) through (8) in~~] Subsections  
F and G of this [~~subsection~~] section. The itemized program

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1 units are as follows:

2 [~~(1)~~] A. early childhood education;

3 [~~(2)~~] B. basic education;

4 [~~(3)~~] C. special education, adjusted by  
5 subtracting the units derived from membership in class D  
6 special education programs in private, nonsectarian, nonprofit  
7 training centers;

8 D. vocational education;

9 [~~(4)~~] E. bilingual multicultural education;

10 [~~(5)~~] F. size adjustment; and

11 [~~(6)~~] ~~at-risk program;~~

12 [~~(7)~~] G. enrollment growth or new district  
13 adjustment. [~~and~~

14 [~~(8)~~] ~~special education units derived from~~  
15 ~~membership in class D special education programs in private,~~  
16 ~~nonsectarian, nonprofit training centers.~~

17 ~~B.~~ The total program cost calculated as prescribed  
18 in Subsection A of this section includes the cost of early  
19 childhood, special, bilingual multicultural and vocational  
20 education and other remedial or enrichment programs. It is  
21 the responsibility of the local school board to determine its  
22 priorities in terms of the needs of the community served by  
23 that board. Funds generated under the Public School Finance  
24 Act are discretionary to local school boards, provided that  
25 the special program needs as enumerated in this section are

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1 ~~met.] "~~

2 Section 2. Section 22-8-19 NMSA 1978 (being Laws 1974,  
3 Chapter 8, Section 9, as amended) is amended to read:

4 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS. -- ~~[A-]~~  
5 The number of early childhood education program units is  
6 determined by multiplying the early childhood education MEM by  
7 the cost differential factor 1.44. ~~[Early childhood education~~  
8 ~~students enrolled in half-day kindergarten programs shall be~~  
9 ~~counted for 0.5 early childhood MEM. Early childhood~~  
10 ~~education students enrolled in full-day kindergarten programs~~  
11 ~~shall be counted for 1.0 early childhood education MEM.~~

12 B. ~~For the purpose of calculating early childhood~~  
13 ~~education program units, developmentally disabled three- and~~  
14 ~~four-year-old students shall be counted in early childhood~~  
15 ~~education membership. No developmentally disabled three- or~~  
16 ~~four-year-old student shall be counted for more than 0.5 early~~  
17 ~~childhood education MEM.] "~~

18 Section 3. Section 22-8-20 NMSA 1978 (being Laws 1991,  
19 Chapter 85, Section 3, as amended by Laws 1993, Chapter 226,  
20 Section 22 and also by Laws 1993, Chapter 228, Section 3) is  
21 amended to read:

22 "22-8-20. BASIC PROGRAM UNITS. -- The number of basic  
23 program units is determined by multiplying the basic program  
24 MEM in each grade by the corresponding cost differential  
25 factor as follows:

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<u>Grades</u>	<u>Cost Differential Factor</u>
1 through 3	[ <del>1.2</del> ] <u>1.1</u>
<del>2 and 3</del>	<del>1.18</del>
4 through 6	[ <del>1.045</del> ] <u>1.0</u>
7 through [ <del>12</del> ] <u>9</u>	[ <del>1.25</del> ] <u>1.2</u>
<u>10 through 12</u>	<u>1.4.</u> "

Section 4. Section 22-8-21 NMSA 1978 (being Laws 1974, Chapter 8, Section 11, as amended) is amended to read:

"22-8-21. SPECIAL EDUCATION PROGRAM UNITS. --

A. For the purpose of the Public School Finance Act, special education programs for exceptional children are those approved by the department and classified as follows:

(1) class A programs, in which department-certified individuals provide services to children whose individualized education programs require a minimal amount of special education and in which the ratio of students to professionals is regulated by the state board;

(2) class B programs, in which department-certified individuals provide services to children whose individualized education programs require a moderate amount of special education and in which the ratio of students to professionals is regulated by the state board;

(3) class C programs, in which department-certified individuals provide services to children whose individualized education programs require an extensive amount

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1 of special education and in which the ratio of students to  
2 professionals is regulated by the state board;

3 (4) class D programs, in which department-  
4 certified individuals provide services to children whose  
5 individualized education programs require a maximum amount of  
6 special education and in which the ratio of students to  
7 professionals is regulated by the state board. Students in  
8 class D programs may be enrolled in private, nonsectarian,  
9 nonprofit educational training centers in accordance with the  
10 provisions of Section 22-13-8 NMSA 1978; and

11 (5) programs for developmentally disabled  
12 three- and four-year-old children meeting standards approved  
13 by the state board.

14 B. All students assigned to the programs for  
15 exceptional children classified in Subsection A of this  
16 section shall have been so assigned as a result of diagnosis  
17 and evaluation performed in accordance with the standards of  
18 the department before the students may be counted in the  
19 determination of special education program units as provided  
20 in Subsection C of this section.

21 C. The number of special education program units  
22 is the sum of the following:

23 (1) the MEM in approved class A and B  
24 programs as defined in Subsection A of this section multiplied  
25 by the cost differential factor [~~.7~~] 20;

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1 (2) the MEM in approved class C programs as  
2 defined in Subsection A of this section multiplied by the cost  
3 differential factor [~~1.0~~] 1.9;

4 (3) the MEM in approved class D programs as  
5 defined in Subsection A of this section multiplied by the cost  
6 differential factor [~~2.0~~] 3.8; and

7 (4) the MEM for developmentally disabled  
8 three- and four-year-old children as defined in Subsection A  
9 of this section multiplied by the cost differential factor  
10 [~~2.0~~] 3.5; provided that no developmentally disabled three- or  
11 four-year-old student shall be counted for additional  
12 ancillary service units. [~~and~~

13 ~~(5) for related services ancillary to~~  
14 ~~providing special education, the number of full-time-~~  
15 ~~equivalent certified or licensed ancillary service and~~  
16 ~~diagnostic service personnel multiplied by the cost~~  
17 ~~differential factor 25.0.~~

18 ~~D. For the purpose of calculating membership in~~  
19 ~~class C and class D programs, students shall be counted in~~  
20 ~~actual grade placement or according to chronological age if~~  
21 ~~not in actual grade placement.] "~~

22 Section 5. Section 22-8-22 NMSA 1978 (being Laws 1974,  
23 Chapter 8, Section 13, as amended) is amended to read:

24 "22-8-22. BILINGUAL MULTICULTURAL EDUCATION PROGRAM  
25 UNITS.--The number of bilingual multicultural education

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1 program units is determined by multiplying the full-time-  
2 equivalent MEM in programs implemented in accordance with the  
3 provisions of the Bilingual Multicultural Education Act by the  
4 cost differential factor [~~0.35, effective July 1, 1990; 0.4,~~  
5 ~~effective July 1, 1991; .425, effective July 1, 1992; 0.45,~~  
6 ~~effective July 1, 1993; and 0.5, effective July 1,~~  
7 ~~1994]~~ 0.5. "

8 Section 6. Section 22-8-23 NMSA 1978 (being Laws 1975,  
9 Chapter 119, Section 1, as amended) is amended to read:

10 "22-8-23. SIZE ADJUSTMENT PROGRAM UNITS. --

11 A. An approved public school with a MEM of less  
12 than [~~400, including early childhood education full-time-~~  
13 ~~equivalent MEM but excluding membership in class C and class D~~  
14 ~~programs and excluding full-time equivalent membership in~~  
15 ~~three and four year old developmentally disabled programs, is~~  
16 ~~eligible for additional program units. Separate schools~~  
17 ~~established to provide special programs, including but not~~  
18 ~~limited to vocational and alternative education, shall not be~~  
19 ~~classified as public schools for purposes of generating size~~  
20 ~~adjustment]~~ two hundred and a district with a MEM of less than  
21 four thousand, including special education MEM but excluding  
22 early childhood MEM, is eligible for additional program units.  
23 The number of additional program units to which a school  
24 district is entitled under this subsection is the sum of  
25 elementary-junior high units and senior high units computed in

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1 the following manner:

2 Elementary- Junior High Units

3 
$$\frac{200 - \text{MEM}}{200} \times 1.0 \times \text{MEM} = \text{Units}$$

4

5 where MEM is equal to the membership of an approved elementary  
6 or junior high school, including ~~early childhood education~~  
7 ~~full-time-equivalent membership but excluding membership in~~  
8 ~~class C and class D programs and excluding full-time-~~  
9 ~~equivalent membership in three- and four-year-old~~  
10 ~~developmentally disabled programs] special education~~  
11 membership but excluding early childhood education membership;

12 Senior High Units

13 
$$\frac{200 - \text{MEM}}{200} \times 2.0 \times \text{MEM} = \text{Units}$$

14

15 [or,

16 ~~Senior High Units~~

17 ~~$$\frac{400 - \text{MEM}}{400} \times 1.6 \times \text{MEM} = \text{Units}$$~~

18 ~~400~~

19 ~~whichever calculation for senior high units is higher, where~~  
20 ~~MEM is equal to the membership of an approved senior high~~  
21 ~~school excluding membership in class C and class D programs].~~

22 B. A school district with total MEM of less than  
23 ~~[4,000]~~ four thousand, including early childhood education  
24 full-time-equivalent MEM, is eligible for additional program  
25 units. The number of additional program units to which a

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1 district is entitled under this subsection is the number of  
2 district units computed in the following manner:

3 District Units

$$4 \quad \frac{4000 - MEM}{4000} \times 0.15 \times MEM = \text{Units}$$

6 where MEM is equal to the total district membership,  
7 including early childhood education full-time-equivalent  
8 membership.

9 ~~[C. A school district with over 10,000 MEM with a~~  
10 ~~ratio of MEM to senior high schools less than 4,000:1 is~~  
11 ~~eligible for additional program units based on the number of~~  
12 ~~approved regular senior high schools that are not eligible for~~  
13 ~~senior high units under Subsection A of this section. The~~  
14 ~~number of additional program units to which an eligible school~~  
15 ~~district is entitled under this subsection is the number of~~  
16 ~~units computed in the following manner:~~

$$17 \quad \frac{4000 - MEM}{4000} \times 0.50 = \text{Units}$$

18 Senior High Schools

19 where MEM is equal to the total district membership, including  
20 early childhood education full-time-equivalent membership, and  
21 where senior high schools are equal to the number of approved  
22 regular senior high schools in the district.]"