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SENATE BILL 379

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Linda M. Lopez and Sheryl Williams Stapleton

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; RESTORING THE VOCATIONAL  
EDUCATION FUNDING DIFFERENTIAL TO THE PUBLIC SCHOOL FUNDING  
FORMULA.

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

**SECTION 1.** Section 22-8-13 NMSA 1978 (being Laws 1974,  
Chapter 8, Section 3, as amended) is amended to read:

"22-8-13. REPORTS.--

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

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

(1) the first reporting date, the second  
Wednesday in October;

(2) the second reporting date, December 1 or

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1 the first working day in December; and

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

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

7 (1) the basic program MEM by grade in each  
8 public school;

9 (2) the early childhood education MEM;

10 (3) the special education MEM in each public  
11 school in class C and class D programs as defined in Section  
12 22-8-21 NMSA 1978;

13 (4) the number of class A and class B programs  
14 as defined in Section 22-8-21 NMSA 1978; [~~and~~]

15 (5) the full-time-equivalent MEM for  
16 vocational education programs; and

17 [~~(5)~~] (6) the full-time-equivalent MEM for  
18 bilingual multicultural education programs.

19 D. The superintendent of each school district and  
20 the head administrator of each state-chartered charter school  
21 shall furnish all reports required by law or the department to  
22 the department within ten working days of the close of each  
23 reporting period. Failure of the department to approve timely  
24 submissions shall not cause a school district or charter school  
25 to be found noncompliant with the requirements of this section.

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1 For purposes of this section, "working day" means every  
2 calendar day excluding Saturdays, Sundays and legal holidays.

3 E. All information required pursuant to this  
4 section shall be on forms prescribed and furnished by the  
5 department. A copy of any report made pursuant to this section  
6 shall be kept as a permanent record of the school district or  
7 charter school and shall be subject to inspection and audit at  
8 any reasonable time.

9 F. The department may withhold up to one hundred  
10 percent of allotments of funds to any school district or state-  
11 chartered charter school where the superintendent or head  
12 administrator has failed to comply with the requirements of  
13 this section. Withholding may continue until the  
14 superintendent or head administrator complies with and agrees  
15 to continue complying with requirements of this section.

16 G. The provisions of this section may be modified  
17 or suspended by the department for any school district or  
18 school or state-chartered charter school operating under the  
19 Variable School Calendar Act. The department shall require MEM  
20 reports consistent with the calendar of operations of such  
21 school district or school or state-chartered charter school and  
22 shall calculate an equivalent MEM for use in projecting school  
23 district or charter school revenue."

24 **SECTION 2.** Section 22-8-18 NMSA 1978 (being Laws 1974,  
25 Chapter 8, Section 8, as amended) is amended to read:

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1 "22-8-18. PROGRAM COST CALCULATION--LOCAL  
2 RESPONSIBILITY.--

3 A. The total program units for the purpose of  
4 computing the program cost shall be calculated by multiplying  
5 the sum of the program units itemized as Paragraphs (1) through  
6 [~~(6)~~] (7) in this subsection by the instructional staff  
7 training and experience index and adding the program units  
8 itemized as Paragraphs [~~(7)~~] (8) through [~~(13)~~] (14) in this  
9 subsection. The itemized program units are as follows:

- 10 (1) early childhood education;
- 11 (2) basic education;
- 12 (3) vocational education;
- 13 [~~(3)~~] (4) special education, adjusted by  
14 subtracting the units derived from membership in class D  
15 special education programs in private, nonsectarian, nonprofit  
16 training centers;
- 17 [~~(4)~~] (5) bilingual multicultural education;
- 18 [~~(5)~~] (6) fine arts education;
- 19 [~~(6)~~] (7) elementary physical education;
- 20 [~~(7)~~] (8) size adjustment;
- 21 [~~(8)~~] (9) at-risk program;
- 22 [~~(9)~~] (10) enrollment growth or new district  
23 adjustment;
- 24 [~~(10)~~] (11) special education units derived  
25 from membership in class D special education programs in

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1 private, nonsectarian, nonprofit training centers;

2 [~~(11)~~] (12) national board for professional  
3 teaching standards certification;

4 [~~(12)~~] (13) home school student activities;  
5 and

6 [~~(13)~~] (14) charter school student activities.

7 B. The total program cost calculated as prescribed  
8 in Subsection A of this section includes the cost of early  
9 childhood, special, bilingual multicultural, fine arts and  
10 vocational education and other remedial or enrichment programs.  
11 It is the responsibility of the local school board or governing  
12 body of a charter school to determine its priorities in terms  
13 of the needs of the community served by that board. Except as  
14 otherwise provided in this section, funds generated under the  
15 Public School Finance Act are discretionary to local school  
16 boards and governing bodies of charter schools; provided that  
17 the special program needs as enumerated in this section are  
18 met; and provided [~~however~~] further that if a public school has  
19 been rated D or F for two consecutive years, the department  
20 shall ensure that the local school board or governing body of a  
21 charter school is prioritizing resources for the public school  
22 toward proven programs and methods linked to improved student  
23 achievement until the public school earns a C or better for two  
24 consecutive years."

25 SECTION 3. A new section of the Public School Finance Act

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is enacted to read:

"[NEW MATERIAL] VOCATIONAL EDUCATION PROGRAM UNITS.--The number of vocational education units is determined by multiplying the full-time-equivalent MEM in department-approved vocational education programs by the cost differential factor 0.8."