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HOUSE BILL 140

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

James R.J. Strickler

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; ESTABLISHING A PRIVATE
SCHOOL STUDENT ACTIVITIES PROGRAM UNIT.

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
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
(6) in this subsection by the instructional staff training and
experience index and adding the program units itemized as
Paragraphs (7) through [~~(14)~~] (15) in this subsection. The
itemized program units are as follows:

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- 1 (1) early childhood education;
- 2 (2) basic education;
- 3 (3) special education, adjusted by subtracting
- 4 the units derived from membership in class D special education
- 5 programs in private, nonsectarian, nonprofit training centers;
- 6 (4) bilingual multicultural education;
- 7 (5) fine arts education;
- 8 (6) elementary physical education;
- 9 (7) size adjustment;
- 10 (8) at-risk program;
- 11 (9) enrollment growth or new district
- 12 adjustment;
- 13 (10) special education units derived from
- 14 membership in class D special education programs in private,
- 15 nonsectarian, nonprofit training centers;
- 16 (11) national board for professional teaching
- 17 standards certification;
- 18 (12) home school student program unit;
- 19 (13) home school student activities; [~~and~~]
- 20 (14) charter school student activities; and
- 21 (15) private school student activities.

22 B. The total program cost calculated as prescribed
23 in Subsection A of this section includes the cost of early
24 childhood, special, bilingual multicultural, fine arts and
25 vocational education and other remedial or enrichment programs.

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1 It is the responsibility of the local school board or governing
2 body of a charter school to determine its priorities in terms
3 of the needs of the community served by that board. Except as
4 otherwise provided in this section, funds generated under the
5 Public School Finance Act are discretionary to local school
6 boards and governing bodies of charter schools; provided that
7 the special program needs as enumerated in this section are
8 met; and provided further that if a public school has been
9 rated D or F for two consecutive years, the department shall
10 ensure that the local school board or governing body of a
11 charter school is prioritizing resources for the public school
12 toward proven programs and methods linked to improved student
13 achievement until the public school earns a C or better for two
14 consecutive years."

15 SECTION 2. A new section of the Public School Finance Act
16 is enacted to read:

17 "[NEW MATERIAL] PRIVATE SCHOOL STUDENT ACTIVITIES PROGRAM
18 UNIT.--The private school student activities program unit for a
19 school district is determined by multiplying the number of
20 private school students who are attending a private school that
21 is not a member of the New Mexico activities association and who
22 are participating in school district activities governed by the
23 New Mexico activities association by the cost differential
24 factor of 0.1. The student activities program unit shall be
25 paid to the school district in which it is generated. A

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1 nonmember private school student is eligible to participate in
2 school district activities at the public school in the
3 attendance zone in which the student resides, according to New
4 Mexico activities association guidelines. The school district
5 shall verify each nonmember private school student's academic
6 eligibility to participate in school district activities. As
7 used in this section, "activities" means athletics and
8 extracurricular activities sanctioned by the New Mexico
9 activities association."