

**FIFTY-THIRD LEGISLATURE
FIRST SESSION, 2017**

March 11, 2017

Mr. Speaker:

Your **EDUCATION COMMITTEE**, to whom has been referred
HOUSE BILL 354

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 11, after the semicolon, insert "IMPOSING REQUIREMENTS ON SCHOOL DISTRICTS OFFERING GIFTED EDUCATION;".

2. On page 1, lines 11 and 12, strike "TO EXPAND THE MEANING" and insert in lieu thereof "DEFINITION".

3. On page 1, line 12, after the closing quotation mark, strike the remainder of the line, strike line 13 in its entirety and strike line 14 up to the period and insert in lieu thereof "; CHANGING THE DEFINITION OF "QUALIFIED STUDENT" IN THE PUBLIC SCHOOL FINANCE ACT".

4. On page 5, between lines 23 and 24, insert the following new Section 2:

"SECTION 2. 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 addition of original entries and reentries minus withdrawals. Withdrawals of students, in addition to students formally withdrawn from the public school, include students absent from the public school for as many as ten consecutive school days; provided that withdrawals do not include students in need of early intervention and habitual truants the school district is required to intervene with and keep in an educational setting as provided in Section 22-12-9 NMSA 1978;

C. "basic program ADM" or "basic program MEM" means the MEM of qualified students but excludes the full-time-equivalent MEM

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in early childhood education and three- and four-year-old students receiving special education services;

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

E. "department" or "division" means the public education department;

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

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

H. "operating budget" means the annual financial plan required to be submitted by a local school board or governing body of a state-chartered charter school;

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

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

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

L. "public money" or "public funds" means all money from public or private sources received by a school district or state-chartered charter school or officer or employee of a school district or state-chartered charter school for public use;

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M. "qualified student" means a public school student who:

(1) has not graduated from high school;

(2) is regularly enrolled in one-half or more of the minimum course requirements approved by the department for public school students; and

(3) in terms of age:

(a) is at least five years of age prior to 12:01 a.m. on September 1 of the school year;

(b) is at least three years of age at any time during the school year and is receiving special education services pursuant to rules of the department; [~~or~~]

(c) has not reached the student's twenty-second birthday on the first day of the school year and is receiving special education services pursuant to rules of the department; [~~and~~] or

(d) is less than five years of age prior to 12:01 a.m. on September 1 of the school year and is participating in kindergarten as part of an academic acceleration program pursuant to Section 22-13-6.1 NMSA 1978; and

N. "state superintendent" means the secretary of public education or the secretary's designee."".

5. Renumber the succeeding section accordingly. and further recommends that it now be referred to the .

Respectfully submitted,

Stephanie Garcia Richard, Chair

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 5 Against

Yes: 7

No: Baldonado, Hall, Little, Roch, Smith, JE

Excused: Dines

Absent: None

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