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HOUSE BILL 154

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Christine Trujillo

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; CLARIFYING THE DEFINITION OF
"QUALIFIED STUDENT".

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 by Laws 2019, Chapter 206,
Section 6 and by Laws 2019, Chapter 207, Section 6) 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.

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1 Withdrawals of students, in addition to students formally
2 withdrawn from the public school, include students chronically
3 absent from the public school [~~for as many as ten consecutive~~
4 ~~school days~~]; provided that withdrawals do not include students
5 in need of early intervention and habitual truants the school
6 district is required to intervene with and keep in an
7 educational setting as provided in Section [~~22-12-9~~] 22-12A-6
8 NMSA 1978;

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

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

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

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

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

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1 hours or the number of hours per school week devoted to the
2 program to thirty hours;

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

7 I. "performance measure" means a quantitative
8 indicator used to assess the output or outcome of an approved
9 program;

10 J. "performance target" means the expected level of
11 performance of a program's performance measure;

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

16 L. "program element" is that component of a public
17 school system to which a cost differential factor is applied to
18 determine the number of program units to which a school
19 district is entitled, including MEM, full-time-equivalent MEM,
20 teacher, classroom or public school;

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

23 N. "public money" or "public funds" means all money
24 from public or private sources received by a school district or
25 state-chartered charter school or officer or employee of a

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1 school district or state-chartered charter school for public
2 use;

3 O. "qualified student" means a public school
4 student who:

5 (1) has not graduated from high school;

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

9 (3) in terms of age and other criteria:

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

12 (b) is at least three years of age at
13 any time during the school year and is receiving special
14 education services pursuant to rules of the department;

15 (c) ~~[except as provided in Subparagraph~~
16 ~~(d) of this paragraph]~~ has not reached the student's
17 twenty-second birthday on the first day of the school year; or

18 (d) has reached the student's twenty-
19 second birthday ~~[on]~~ by the first day of the ~~[2019-2020]~~ school
20 year, ~~[is]~~ was counted in a school district's or charter
21 school's MEM on the third reporting date of the ~~[2018-2019]~~
22 prior school year, has been continuously enrolled in the same
23 public school since that reporting date and is still enrolled
24 in that school;

25 P. "rural population rate" means that proportion of

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1 the total population within a school district's geographic
2 boundaries that lives in a rural area and not in an urban area
3 as defined by the United States census bureau;

4 Q. "staffing cost multiplier" means:

5 (1) for fiscal year 2019, the instructional
6 staff training and experience index;

7 (2) for fiscal year 2020, the weighted average
8 of the instructional staff training and experience index at
9 seventy-five percent and the teacher cost index at twenty-five
10 percent;

11 (3) for fiscal year 2021, the weighted average
12 of the instructional staff training and experience index at
13 fifty percent and the teacher cost index at fifty percent;

14 (4) for fiscal year 2022, the weighted average
15 of the instructional staff training and experience index at
16 twenty-five percent and the teacher cost index at seventy-five
17 percent; and

18 (5) for fiscal year 2023 and subsequent fiscal
19 years, the teacher cost index; and

20 R. "state superintendent" means the secretary of
21 public education or the secretary's designee."