

HOUSE BILL 228

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; PROVIDING FOR SCHOOL-BASED INSTRUCTIONAL PROGRAMS FOR STUDENTS WHO ARE DEAF OR HARD-OF-HEARING OR REQUIRE THE USE OF AMERICAN SIGN LANGUAGE AS THEIR RECEPTIVE OR EXPRESSIVE FORM OF COMMUNICATION; CREATING THE DISABILITY LANGUAGE PROGRAM UNIT; ALLOWING SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT DEVELOP AND IMPLEMENT SCHOOL-BASED DISABILITY LANGUAGE INSTRUCTIONAL PROGRAMS TO RECEIVE DISTRIBUTIONS GENERATED BY THE DISABILITY LANGUAGE PROGRAM UNIT; INSTRUCTING THE PUBLIC EDUCATION DEPARTMENT TO REVIEW AND EVALUATE SCHOOL-BASED DISABILITY LANGUAGE INSTRUCTIONAL PROGRAMS.

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

SECTION 1. A new section of the Public School Finance Act is enacted to read:

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1 "[NEW MATERIAL] DISABILITY LANGUAGE PROGRAM UNITS--

2 ELIGIBILITY.--

3 A. School districts and charter schools that  
4 develop and implement school-based disability language  
5 instructional programs that meet the needs of students who are  
6 deaf or hard-of-hearing or require the use of American sign  
7 language as their primary receptive or expressive form of  
8 communication are eligible for disability language program  
9 units.

10 B. To be eligible for the funding generated by the  
11 disability language program unit, a school district or charter  
12 school must develop and implement a school-based disability  
13 language instructional program to meet the needs of students  
14 who are deaf or hard-of-hearing or require the use of American  
15 sign language as their primary receptive or expressive form of  
16 communication.

17 C. To be eligible for the disability language  
18 program units, a student must participate in a school-based  
19 disability language instructional program and the student's  
20 individualized educational program as provided for in Section  
21 22-13-8 NMSA 1978 must indicate that the student is deaf or  
22 hard-of-hearing or requires the use of American sign language  
23 as the student's primary receptive or expressive form of  
24 communication.

25 D. The department shall review and evaluate any

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1 school-based disability language instructional program  
2 developed and implemented by a school district or charter  
3 school."

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

6 "22-8-18. PROGRAM COST CALCULATION--LOCAL  
7 RESPONSIBILITY.--

8 A. The total program units for the purpose of  
9 computing the program cost shall be calculated by multiplying  
10 the sum of the program units itemized as Paragraphs (1) and (2)  
11 in this subsection by the staffing cost multiplier and adding  
12 the program units itemized as Paragraphs (3) through [~~(15)~~]  
13 (16) in this subsection. The itemized program units are as  
14 follows:

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

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1                    [~~(9)~~] (10) enrollment growth or new district  
2 adjustment;

3                    [~~(10)~~] (11) special education units derived  
4 from membership in class D special education programs in  
5 private, nonsectarian, nonprofit training centers;

6                    [~~(11)~~] (12) national board for professional  
7 teaching standards certification;

8                    [~~(12)~~] (13) home school student;

9                    [~~(13)~~] (14) home school student activities;

10                    [~~(14)~~] (15) charter school student activities;

11 and

12                    [~~(15)~~] (16) K-12 plus.

13                    B. The total program cost calculated as prescribed  
14 in Subsection A of this section includes the cost of early  
15 childhood, special, bilingual multicultural, fine arts and  
16 vocational education and other remedial or enrichment programs.  
17 It is the responsibility of the local school board or governing  
18 body of a charter school to determine its priorities in terms  
19 of the needs of the community served by that board. Except as  
20 otherwise provided in this section, funds generated under the  
21 Public School Finance Act are discretionary to local school  
22 boards and governing bodies of charter schools; provided that  
23 the special program needs as enumerated in this section are  
24 met; and provided further that the department shall ensure that  
25 the local school board or governing body of a charter school is

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1 prioritizing resources for the public school toward proven  
2 programs and methods linked to improved student achievement."

3 SECTION 3. A new Section 22-8-21.1 NMSA 1978 is enacted  
4 to read:

5 "22-8-21.1. [NEW MATERIAL] DISABILITY LANGUAGE PROGRAM  
6 UNIT.--The number of disability language program units is  
7 determined by multiplying the full-time equivalent MEM in  
8 special education applicable to students who participate in a  
9 school-based disability language instructional program and who  
10 are deaf or hard-of-hearing or require the use of American sign  
11 language as their primary receptive or expressive form of  
12 communication by the cost differential factor 2.0."

13 SECTION 4. APPLICABILITY.--The provisions of this act are  
14 applicable to the 2024-2025 school year and subsequent school  
15 years.