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HOUSE BILL 701

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

EARLENE ROBERTS

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978 PERTAINING TO THE DISTRIBUTION OF EDUCATION FUNDS.

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 SCHOOL BOARD 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 (4)]~~ Subsections A through D in this ~~[subsection]~~ section by the instruction staff training and experience index and adding the program units itemized as ~~[Paragraphs (5) through (7)]~~ Subsections E through G in this ~~[subsection]~~ section. The

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1 itemized program units are as follows:

2 [(1)] A. early childhood education;

3 [(2)] B. basic education;

4 [(3)] C. special education, adjusted by subtracting  
5 the units derived from class D special education MEM in private,  
6 nonsectarian, nonprofit training centers;

7 D. vocational education;

8 [(4)] E. bilingual multicultural education;

9 [(5)] F. size adjustment; and

10 [(6)] ~~enrollment growth or new district~~  
11 ~~adjustment; and~~

12 [(7)] G. special education units derived from class D  
13 special education MEM in private, nonsectarian, nonprofit  
14 training centers.

15 [~~B. The total program cost calculated as prescribed~~  
16 ~~in Subsection A of this section includes the cost of early~~  
17 ~~childhood, special, bilingual multicultural and vocational~~  
18 ~~education and other remedial or enrichment programs. It is the~~  
19 ~~responsibility of the local school board to determine its~~  
20 ~~priorities in terms of the needs of the community served by that~~  
21 ~~board. Funds generated under the Public School Finance Act are~~  
22 ~~discretionary to local school boards, provided that the special~~  
23 ~~program needs as enumerated in this section are met.]"~~

24 Section 2. Section 22-8-19 NMSA 1978 (being Laws 1974,  
25 Chapter 8, Section 9, as amended) is amended to read:

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1 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS. -- The  
2 number of early childhood education program units is determined  
3 by multiplying the early childhood education MEM by the cost  
4 differential factor [~~1.44~~] 1.1. [~~No early childhood education~~  
5 ~~student shall be counted for more than 0.5 early childhood~~  
6 ~~education MEM.]"~~

7 Section 3. Section 22-8-20 NMSA 1978 (being Laws 1991,  
8 Chapter 85, Section 3, as amended by Laws 1993, Chapter 226,  
9 Section 22 and also by Laws 1993, Chapter 228, Section 3) is  
10 amended to read:

11 "22-8-20. BASIC PROGRAM UNITS. -- The number of basic  
12 program units is determined by multiplying the basic program MEM  
13 in each grade by the corresponding cost differential factor as  
14 follows:

<u>Grades</u>	<u>Cost Differential Factor</u>
15 <u>1 through 3</u>	[ <del>1.2</del> ] <u>1.1</u>
16 [ <del>2 and 3</del> ]	[ <del>1.18</del> ]
17 4 through 6	[ <del>1.045</del> ] <u>1.0</u>
18 7 through [ <del>12</del> ] <u>9</u>	[ <del>1.25</del> ] <u>1.2</u>
19 <u>10 through 12</u>	<u>1.4.</u> "

20 Section 4. Section 22-8-21 NMSA 1978 (being Laws 1974,  
21 Chapter 8, Section 11, as amended by Laws 1992, Chapter 75,  
22 Section 1 and also by Laws 1992, Chapter 84, Section 1) is  
23 amended to read:

24 "22-8-21. SPECIAL EDUCATION PROGRAM UNITS. --

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1           A. For the purpose of the Public School Finance Act,  
2 special education programs for exceptional children are those  
3 approved by the department and classified as follows:

4           (1) class A programs, in which department-  
5 certified individuals provide services to children whose  
6 individualized education programs require a minimal amount of  
7 special education and in which the ratio of students to  
8 professionals is regulated by the state board;

9           (2) class B programs, in which department-  
10 certified individuals provide services to children whose  
11 individualized education programs require a moderate amount of  
12 special education and in which the ratio of students to  
13 professionals is regulated by the state board;

14           (3) class C programs, in which department-  
15 certified individuals provide services to children whose  
16 individualized education programs require an extensive amount of  
17 special education and in which the ratio of students to  
18 professionals is regulated by the state board;

19           (4) class D programs, in which department-  
20 certified individuals provide services to children whose  
21 individualized education programs require a maximum amount of  
22 special education and in which the ratio of students to  
23 professionals is regulated by the state board. Students in  
24 class D programs may be enrolled in private, nonsectarian,  
25 nonprofit educational training centers in accordance with the

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1 provisions of Section 22-13-8 NMSA 1978; and

2 (5) programs for developmentally disabled  
3 three- and four-year-old children meeting standards approved by  
4 the state board.

5 B. All students assigned to the programs for  
6 exceptional children classified in Subsection A of this section  
7 shall have been so assigned as a result of diagnosis and  
8 evaluation performed in accordance with the standards of the  
9 department before the students may be counted in the  
10 determination of special education program units as provided in  
11 Subsection C of this section.

12 C. The number of special education program units is  
13 the sum of the following:

14 (1) for class A and class B programs as defined  
15 in Subsection A of this section, the product of the number of  
16 approved class A and class B programs requested by the local  
17 school board and certified by the department multiplied by the  
18 cost differential factor 20;

19 (2) the special education MEM in class C  
20 programs as defined in Subsection A of this section multiplied  
21 by the cost differential factor 1.9;

22 (3) the special education MEM in class D  
23 programs as defined in Subsection A of this section multiplied  
24 by the cost differential factor [~~3.5~~] 3.8; and

25 (4) the special education MEM for

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1 developmentally disabled three- and four-year-old children as  
2 defined in Paragraph (5) of Subsection A of this section  
3 multiplied by the cost differential factor 3.5; provided that no  
4 developmentally disabled three- or four-year-old student shall  
5 be counted for additional ancillary service units. "

6 Section 5. Section 22-8-22 NMSA 1978 (being Laws 1974,  
7 Chapter 8, Section 13, as amended) is amended to read:

8 "22-8-22. BILINGUAL MULTICULTURAL EDUCATION PROGRAM  
9 UNITS.--The number of bilingual multicultural education program  
10 units is determined by multiplying the full-time-equivalent MEM  
11 in programs implemented in accordance with the provisions of the  
12 Bilingual Multicultural Education Act by the cost differential  
13 factor [~~0.35, effective July 1, 1990; 0.4, effective July 1,~~  
14 ~~1991; .425, effective July 1, 1992; 0.45, effective July 1,~~  
15 ~~1993; and 0.5 effective July 1,~~  
16 ~~1994]~~ 0.5. "

17 Section 6. Section 22-8-23 NMSA 1978 (being Laws 1975,  
18 Chapter 119, Section 1, as amended) is amended to read:

19 "22-8-23. SIZE ADJUSTMENT PROGRAM UNITS. --  
20 A. An approved public school with a MEM of less than  
21 [~~400, including early childhood education full-time equivalent~~  
22 ~~MEM but excluding special education class C and class D MEM, is~~  
23 ~~eligible for additional program units. Separate schools~~  
24 ~~established to provide special programs, including but not~~  
25 ~~limited to vocational and alternative education, shall not be~~

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1 ~~classified as public schools for purposes of generating size~~  
2 ~~adjustment] two hundred and a district with a MEM of less than~~  
3 ~~four thousand, including special education MEM but excluding~~  
4 ~~early childhood education MEM is eligible for additional~~  
5 program units. The number of additional program units to which  
6 a school district is entitled under this subsection is the sum  
7 of elementary-junior high units, ~~[and] senior high units and the~~  
8 ~~district units~~ computed in the following manner:

9 Elementary-Junior High Units

$$10 \quad \underline{200 - MEM} \times 1.0 \times MEM = \text{Units}$$

11 200

12 where MEM is equal to the membership of an approved elementary  
13 or junior high school, including ~~[early childhood education~~  
14 ~~full-time equivalent membership but excluding]~~ special education  
15 ~~[class C and class D] membership but excluding early childhood~~  
16 ~~education membership;~~

17 Senior High Units

$$18 \quad \underline{200 - MEM} \times 2.0 \times MEM = \text{Units}$$

19 200

20 [or,

21 Senior High Units

$$22 \quad \underline{400 - MEM} \times 1.6 \times MEM = \text{Units}$$

23 400

24 ~~whichever calculation for senior high units is higher, where MEM~~  
25 ~~is equal to the membership of an approved senior high school,~~

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1 ~~excluding special education class C and class D membership].~~

2 B. A school district with total MEM of less than  
3 [4,000] four thousand, including early childhood education full-  
4 time-equivalent MEM and special education MEM, is eligible for  
5 additional program units. The number of additional program  
6 units to which a district is entitled under this subsection is  
7 the number of district units computed in the following manner:

8 District Units

$$9 \quad \underline{4000 - MEM} \times 0.15 \times MEM = \text{Units}$$

10 4000

11 where MEM is equal to the total district membership, including  
12 early childhood education full-time-equivalent membership and  
13 special education membership.

14 ~~[C. A school district with over 10,000 MEM with a~~  
15 ~~ratio of MEM to senior high schools less than 4,000:1 is~~  
16 ~~eligible for additional program units based on the number of~~  
17 ~~approved regular senior high schools that are not eligible for~~  
18 ~~senior high units under Subsection A of this section. The~~  
19 ~~number of additional program units to which an eligible school~~  
20 ~~district is entitled under this subsection is the number of~~  
21 ~~units computed in the following manner:~~

$$22 \quad \underline{4000 - MEM} \times 0.50 = \text{Units}$$

23 Senior High Schools

24 where MEM is equal to the total district membership, including  
25 early childhood education full-time equivalent membership and



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1 ~~special education membership, and where senior high schools are~~  
2 ~~equal to the number of approved regular senior high schools in~~  
3 ~~the district.~~

4 ~~D. A school district with a total MEM of greater~~  
5 ~~than ten thousand but less than fifteen thousand, including~~  
6 ~~early childhood education full-time equivalent MEM and special~~  
7 ~~education MEM, is eligible for additional program units. The~~  
8 ~~number of additional program units to which an eligible district~~  
9 ~~is entitled under this subsection is the number of units~~  
10 ~~computed in the following manner:~~

$$\frac{\text{MEM} - 10,000}{10,000} \times .15 \times \text{MEM} = \text{Units}$$

13 ~~where MEM is equal to the total district membership, including~~  
14 ~~early childhood education full-time equivalent membership and~~  
15 ~~special education membership.~~

16 ~~E. A school district with a total MEM of greater~~  
17 ~~than fifteen thousand but less than thirty five thousand,~~  
18 ~~including early childhood education full-time equivalent MEM and~~  
19 ~~special education MEM, is eligible for additional program units.~~  
20 ~~The number of additional program units to which an eligible~~  
21 ~~district is entitled under this subsection is the number of~~  
22 ~~units computed in the following manner:~~

$$\frac{\text{MEM} - 15,000}{15,000} \times .15 \times \text{MEM} = \text{Units}$$

24 ~~where MEM is equal to the total district membership, including~~

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1 ~~early childhood education full-time equivalent membership and~~  
2 ~~special education membership.~~

3 F. A school district with a total MEM of greater  
4 ~~than thirty-five thousand, including early childhood education~~  
5 ~~full-time equivalent MEM and special education MEM, is eligible~~  
6 ~~for additional program units. The number of additional program~~  
7 ~~units to which an eligible district is entitled under this~~  
8 ~~subsection is the number of units computed in the following~~  
9 ~~manner:-~~

$$\frac{\text{MEM} - 35,000}{35,000} \times .023 \times \text{MEM} = \text{Units}$$

12 ~~where MEM is equal to the total district membership, including~~  
13 ~~early childhood education full-time equivalent membership and~~  
14 ~~special education membership. ]"~~

15 Section 7. A new section of the Public School Finance Act  
16 is enacted to read:

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

21 Section 8. REPEAL. -- Sections 22-8-23.1 and 22-8-23.2 NMSA  
22 1978 (being Laws 1990 (1st S.S.), Chapter 3, Section 7 and Laws  
23 1993, Chapter 237, Section 2, as amended) are repealed.

24 Section 9. EFFECTIVE DATE. -- The effective date of the  
25 provisions of this act is July 1, 1996.

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