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HOUSE BILL 193

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO PUBLIC SCHOOLS; CLARIFYING THAT A KINDERGARTEN  
STUDENT BORN ANY TIME ON SEPTEMBER 1 SHALL BE ACCEPTED FOR  
KINDERGARTEN ENROLLMENT.

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) 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

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1 withdrawn from the public school, include students absent from  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

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

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

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

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

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

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

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

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

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

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

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

22                   (1) has not graduated from high school;

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

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(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

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