

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 305

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO PUBLIC SCHOOLS; SPECIFYING THE PROGRAM UNITS THAT
APPLY TO VIRTUAL CHARTER SCHOOLS FOR THE PURPOSE OF CALCULATING
PROGRAM COST.

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

SECTION 1. Section 22-1-2 NMSA 1978 (being Laws 2003,
Chapter 153, Section 3, as amended by Laws 2015, Chapter 58,
Section 2 and by Laws 2015, Chapter 108, Section 1) is amended
to read:

"22-1-2. DEFINITIONS.--As used in the Public School Code:

A. "academic proficiency" means mastery of the
subject-matter knowledge and skills specified in state academic
content and performance standards for a student's grade level;

B. "charter school" means a school authorized by a
chartering authority to operate as a public school;

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underscored material = new
[bracketed material] = delete

1 C. "commission" means the public education
2 commission;

3 D. "department" means the public education
4 department;

5 E. "home school" means the operation by the parent
6 of a school-age person of a home study program of instruction
7 that provides a basic academic educational program, including
8 reading, language arts, mathematics, social studies and
9 science;

10 F. "instructional support provider" means a person
11 who is employed to support the instructional program of a
12 school district, including educational assistant, school
13 counselor, social worker, school nurse, speech-language
14 pathologist, psychologist, physical therapist, occupational
15 therapist, recreational therapist, marriage and family
16 therapist, interpreter for the deaf and diagnostician;

17 G. "licensed school employee" means teachers,
18 school administrators and instructional support providers;

19 H. "local school board" means the policy-setting
20 body of a school district;

21 I. "local superintendent" means the chief executive
22 officer of a school district;

23 J. "parent" includes a guardian or other person
24 having custody and control of a school-age person;

25 K. "private school" means a school, other than a

1 home school, that offers on-site programs of instruction and
2 that is not under the control, supervision or management of a
3 local school board;

4 L. "public school" means that part of a school
5 district that is a single attendance center in which
6 instruction is offered by one or more teachers and is
7 discernible as a building or group of buildings generally
8 recognized as either an elementary, middle, junior high or high
9 school or any combination of those and includes a charter
10 school;

11 M. "school" means a supervised program of
12 instruction designed to educate a student in a particular
13 place, manner and subject area;

14 N. "school administrator" means a person licensed
15 to administer in a school district and includes school
16 principals, central district administrators and charter school
17 head administrators;

18 O. "school-age person" means a person who is at
19 least five years of age prior to 12:01 a.m. on September 1 of
20 the school year and who has not received a high school diploma
21 or its equivalent. A maximum age of twenty-one shall be used
22 for a person who is classified as special education membership
23 as defined in Section 22-8-21 NMSA 1978 or as a resident of a
24 state institution;

25 P. "school building" means a public school, an

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1 administration building and related school structures or
2 facilities, including teacher housing, that is owned, acquired
3 or constructed by the school district as necessary to carry out
4 the functions of the school district;

5 Q. "school bus private owner" means a person, other
6 than a school district, the department, the state or any other
7 political subdivision of the state, that owns a school bus;

8 R. "school district" means an area of land
9 established as a political subdivision of the state for the
10 administration of public schools and segregated geographically
11 for taxation and bonding purposes;

12 S. "school employee" includes licensed and
13 nonlicensed employees of a school district;

14 T. "school principal" means the chief instructional
15 leader and administrative head of a public school;

16 U. "school year" means the total number of contract
17 days offered by public schools in a school district during a
18 period of twelve consecutive months;

19 V. "secretary" means the secretary of public
20 education;

21 W. "state agency" or "state institution" means the
22 New Mexico military institute, New Mexico school for the blind
23 and visually impaired, New Mexico school for the deaf, New
24 Mexico boys' school, girls' welfare home, New Mexico youth
25 diagnostic and development center, Sequoyah adolescent

1 treatment center, Carrie Tingley crippled children's hospital,
 2 New Mexico behavioral health institute at Las Vegas and any
 3 other state agency responsible for educating resident children;

4 X. "state educational institution" means an
 5 institution enumerated in Article 12, Section 11 of the
 6 constitution of New Mexico;

7 Y. "substitute teacher" means a person who holds a
 8 certificate to substitute for a teacher in the classroom;

9 Z. "teacher" means a person who holds a level one,
 10 two or three-A license and whose primary duty is classroom
 11 instruction or the supervision, below the school principal
 12 level, of an instructional program or whose duties include
 13 curriculum development, peer intervention, peer coaching or
 14 mentoring or serving as a resource teacher for other teachers;

15 AA. "virtual charter school" means a charter school
 16 in which instruction and curriculum are delivered predominantly
 17 via internet-based methods by teachers licensed in New Mexico;

18 [~~AA.~~] BB. "certified school instructor" means a
 19 teacher or instructional support provider; and

20 [~~BB.~~] CC. "certified school employee" or "certified
 21 school personnel" means a licensed school employee."

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

24 "22-8-18. PROGRAM COST CALCULATION--LOCAL
 25 RESPONSIBILITY.--

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1 A. The total program units for the purpose of
2 computing the program cost shall be calculated by multiplying
3 the sum of the program units itemized as Paragraphs (1) through
4 (6) in this subsection by the instructional staff training and
5 experience index and adding the program units itemized as
6 Paragraphs (7) through (14) in this subsection. The itemized
7 program units are as follows:

- 8 (1) early childhood education;
- 9 (2) basic education;
- 10 (3) special education, adjusted by subtracting
11 the units derived from membership in class D special education
12 programs in private, nonsectarian, nonprofit training centers;
- 13 (4) bilingual multicultural education;
- 14 (5) fine arts education;
- 15 (6) elementary physical education;
- 16 (7) size adjustment;
- 17 (8) at-risk program;
- 18 (9) enrollment growth or new district
19 adjustment;
- 20 (10) special education units derived from
21 membership in class D special education programs in private,
22 nonsectarian, nonprofit training centers;
- 23 (11) national board for professional teaching
24 standards certification;
- 25 (12) home school student program unit;

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1 (13) home school student activities; and

2 (14) charter school student activities.

3 B. The total program cost calculated as prescribed
4 in Subsection A of this section includes the cost of early
5 childhood, special, bilingual multicultural, fine arts and
6 vocational education and other remedial or enrichment programs.
7 It is the responsibility of the local school board or, for a
8 charter school, the governing body of the charter school to
9 determine its priorities in terms of the needs of the community
10 served by that board. Except as otherwise provided in this
11 section, funds generated under the Public School Finance Act
12 are discretionary to local school boards and governing bodies
13 of charter schools; provided that the special program needs as
14 enumerated in this section are met; and provided further that
15 if a public school has been rated D or F for two consecutive
16 years, the department shall ensure that the local school board
17 or, for a charter school, the governing body of the charter
18 school is prioritizing resources for the public school toward
19 proven programs and methods linked to improved student
20 achievement until the public school earns a C or better for two
21 consecutive years.

22 C. For a virtual charter school, the total program
23 units for the purpose of computing the program cost shall be
24 calculated only by adding the program units itemized as
25 Paragraphs (1) through (3) and (11) of Subsection A of this

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1 section and not by multiplying the instructional staff training
2 and experience index."

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