

1 HOUSE BILL 282
2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY
4 Christine Trujillo
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10 AN ACT

11 RELATING TO EDUCATION; REQUIRING THE PUBLIC EDUCATION
12 DEPARTMENT TO COLLABORATE WITH THE HIGHER EDUCATION DEPARTMENT
13 TO ADMINISTER THE EXTERNAL DIPLOMA PROGRAM; AMENDING THE
14 DEFINITION OF "QUALIFIED STUDENT"; PROVIDING REQUIREMENTS TO
15 RECEIVE FUNDS; MAKING AN APPROPRIATION.
16

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

18 SECTION 1. Section 22-1-9.2 NMSA 1978 (being Laws 2019,
19 Chapter 185, Section 1) is amended to read:

20 "22-1-9.2. DEPARTMENT-ISSUED DIPLOMAS.--

21 A. The department shall authorize a diploma program
22 that results in a diploma award by the department for adults
23 who have not graduated from high school but who want a program
24 that:

25 [~~A.~~] (1) documents their educational

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1 attainment through college and career readiness standards;

2 ~~[B.]~~ (2) assesses high school-level skills in
3 applied life and work contexts; and

4 ~~[C.]~~ (3) prepares them to enter college or the
5 workforce, upgrade their skills, advance to a better job or
6 move from one field of work to another.

7 B. The department, in collaboration with the higher
8 education department, shall administer the external diploma
9 program."

10 SECTION 2. Section 22-8-2 NMSA 1978 (being Laws 1978,
11 Chapter 128, Section 3, as amended by Laws 2019, Chapter 206,
12 Section 6 and by Laws 2019, Chapter 207, Section 6) is amended
13 to read:

14 "22-8-2. DEFINITIONS.--As used in the Public School
15 Finance Act:

16 A. "ADM" or "MEM" means membership;

17 B. "membership" means the total enrollment of
18 qualified students on the current roll of a class or school on
19 a specified day. The current roll is established by the
20 addition of original entries and reentries minus withdrawals.
21 Withdrawals of students, in addition to students formally
22 withdrawn from the public school, include students absent from
23 the public school for as many as ten consecutive school days;
24 provided that withdrawals do not include students in need of
25 early intervention and habitual truants the school district is

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1 required to intervene with and keep in an educational setting
2 as provided in Section 22-12-9 NMSA 1978;

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

7 D. "cost differential factor" is the numerical
8 expression of the ratio of the cost of a particular segment of
9 the school program to the cost of the basic program in grades
10 four through six;

11 E. "department" or "division" means the public
12 education department;

13 F. "early childhood education ADM" or "early
14 childhood education MEM" means the full-time-equivalent MEM of
15 students attending approved early childhood education programs;

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

22 H. "operating budget" means the annual financial
23 plan and educational plan required to be submitted by a local
24 school board or governing body of a state-chartered charter
25 school;

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1 I. "performance measure" means a quantitative
2 indicator used to assess the output or outcome of an approved
3 program;

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

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

10 L. "program element" is that component of a public
11 school system to which a cost differential factor is applied to
12 determine the number of program units to which a school
13 district is entitled, including MEM, full-time-equivalent MEM,
14 teacher, classroom or public school;

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

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

22 O. "qualified student" means a public school
23 student who:

24 (1) has not graduated from high school;

25 (2) is regularly enrolled in one-half or more

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1 of the minimum course requirements approved by the department
2 for public school students; and

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

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

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

9 (c) except as provided in Subparagraph
10 (d) of this paragraph, has not reached the student's
11 twenty-second birthday on the first day of the school year; or

12 (d) has reached the student's twenty-
13 second birthday on the first day of the 2019-2020 school year
14 and subsequent school years, is counted in a school district's
15 or charter school's MEM on the third reporting date of the
16 2018-2019 school year and subsequent school years, has been
17 continuously enrolled in the same public school since that
18 reporting date and is still enrolled in that school;

19 P. "rural population rate" means that proportion of
20 the total population within a school district's geographic
21 boundaries that lives in a rural area and not in an urban area
22 as defined by the United States census bureau;

23 Q. "staffing cost multiplier" means:

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

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1 (2) for fiscal year 2020, the weighted average
2 of the instructional staff training and experience index at
3 seventy-five percent and the teacher cost index at twenty-five
4 percent;

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

8 (4) for fiscal year 2022, the weighted average
9 of the instructional staff training and experience index at
10 twenty-five percent and the teacher cost index at seventy-five
11 percent; and

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

14 R. "state superintendent" means the secretary of
15 public education or the secretary's designee."

16 SECTION 3. APPROPRIATION.--

17 A. Five million dollars (\$5,000,000) is
18 appropriated from the general fund to the higher education
19 department for expenditure in fiscal year 2022 for the
20 administration of the external diploma program. Any unexpended
21 or unencumbered balance remaining at the end of fiscal year
22 2022 shall revert to the general fund.

23 B. To receive funds, a public school must have been
24 in existence prior to July 1, 2021 and be certified to provide
25 an external diploma program. The department shall prioritize

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1 funding to public schools that have served adult students
2 toward obtaining a high school equivalency credential or high
3 school diploma in the 2018-2019 school year.

4 C. A public school providing an external diploma
5 program shall receive five thousand dollars (\$5,000) per
6 student enrolled in the public school's external diploma
7 program.

8 SECTION 4. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2021.