HOUSE BILL 1141

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

EARLENE ROBERTS

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; AMENDING AND ENACTING
SECTIONS OF THE NMSA 1978 PERTAINING TO THE DISTRIBUTION OF
EDUCATIONAL 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 F and G in this [subsection] section.   The itemized

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1    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;

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

11   and

12           [(7)] G.   special education units derived from class

13   D 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.   [No early childhood education student

5    shall be counted for more than 0.5 early childhood education

6    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:

| Grades | Cost Differential Factor |
|--------|--------------------------|
| 1 through 3 | [1.2] 1.1 |
| [2 and 3] | [1.18] |
| 4 through 6 | [1.045] 1.0 |
| 7 through [12] 9 | [1.25.] 1.2 |
| 10 through 12 | 1.4." |

21       Section 4.   Section 22-8-21 NMSA 1978 (being Laws 1974,

22   Chapter 8, Section 11, as amended by Laws 1992, Chapter 75,

23   Section 1 and also by Laws 1992, Chapter 84, Section 1) is

24   amended to read:

25       "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 1,1994] 0.5."

16        Section 6.   Section 22-8-23 NMSA 1978 (being Laws 1975,

17   Chapter 119, Section 1, as amended) is amended to read:

18        "22-8-23.   SIZE ADJUSTMENT PROGRAM UNITS.--

19             A.   An approved public school with a MEM of less than

20   [400, including early childhood education full-time equivalent

21   MEM but excluding special education class C and class D MEM, is

22   eligible for additional program units.   Separate schools

23   established to provide special programs, including but not

24   limited to vocational and alternative education, shall not be

25   classified as public schools for purposes of generating size

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1  adjustment] two hundred and a district with a MEM of less than

2  four thousand, including special education MEM but excluding

3  early childhood education MEM, is eligible for additional

4  program units.   The number of additional program units to which

5  a school district is entitled under this subsection is the sum

6  of elementary-junior high units, [and] senior high units and the

7  district units computed in the following manner:

8                          Elementary-Junior High Units

9                          200 - MEM x 1.0 x MEM = Units

10                                  200

11  where MEM is equal to the membership of an approved elementary

12  or junior high school, including [early childhood education

13  full-time equivalent membership but excluding] special education

14  [class C and class D] membership but excluding early childhood

15  education membership;

16                          Senior High Units

17                          200 - MEM x 2.0 x MEM = Units

18                                  200

19  [or,

20                          Senior High Units

21                          400 - MEM x 1.6 x MEM = Units

22                                  400

23  whichever calculation for senior high units is higher, where MEM

24  is equal to the membership of an approved senior high school,

25  excluding special education class C and class D membership].


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1        B.   A school district with total MEM of less than

2    [4,000] <u>four thousand</u>, including early childhood education full-

3    time-equivalent MEM and special education MEM, is eligible for

4    additional program units.   The number of additional program

5    units to which a district is entitled under this subsection is

6    the number of district units computed in the following manner:

7                        District Units

8                 <u>4000 - MEM</u> x 0.15 x MEM = Units

9                        4000

10   where MEM is equal to the total district membership, including

11   early childhood education full-time-equivalent membership and

12   special education membership.

13        [C.   A school district with over 10,000 MEM with a

14   ratio of MEM to senior high schools less than 4,000:1 is

15   eligible for additional program units based on the number of

16   approved regular senior high schools that are not eligible for

17   senior high units under Subsection A of this section.   The

18   number of additional program units to which an eligible school

19   district is entitled under this subsection is the number of

20   units computed in the following manner:

21                 4000 - MEM  x 0.50 = Units

22                 Senior High Schools

23   where MEM is equal to the total district membership, including

24   early childhood education full-time equivalent membership and

25   special education membership, and where senior high schools are

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1    equal to the number of approved regular senior high schools in

2    the district.

3              D.    A school district with a total MEM of greater

4    than ten thousand but less than fifteen thousand, including

5    early childhood education full-time equivalent MEM and special

6    education MEM, is eligible for additional program units.  The

7    number of additional program units to which an eligible district

8    is entitled under this subsection is the number of units

9    computed in the following manner:

10                   MEM - 10,000 x .15 x MEM = Units

11                        10,000

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             E.    A school district with a total MEM of greater

16   than fifteen thousand but less than thirty-five thousand,

17   including early childhood education full-time equivalent MEM and

18   special education MEM, is eligible for additional program units.

19   The number of additional program units to which an eligible

20   district is entitled under this subsection is the number of

21   units computed in the following manner:

22                   MEM - 15,000 x .15 x MEM = Units

23                        15,000

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.

2          F.   A school district with a total MEM of greater

3   than thirty-five thousand, including early childhood education

4   full-time equivalent MEM and special education MEM, is eligible

5   for additional program units.   The number of additional program

6   units to which an eligible district is entitled under this

7   subsection is the number of units computed in the following

8   manner:

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

10

11  where MEM is equal to the total district membership, including

12  early childhood education full-time equivalent membership and

13  special education membership.]"

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