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BILL

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC EDUCATION; AMENDING THE PUBLIC SCHOOL CODE TO REMOVE CHARTER SCHOOL ELIGIBILITY FOR SMALL-SCHOOL SIZE ADJUSTMENT PROGRAM UNITS AND TO MAKE STATE-CHARTERED CHARTER SCHOOLS ELIGIBLE FOR AT-RISK UNITS.

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

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

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

A. An approved public school with a MEM of less than 400, including early childhood education full-time-equivalent MEM but excluding membership in class C and class D programs and excluding full-time-equivalent membership in three- and four-year-old developmentally disabled programs, is eligible for additional program units. Separate schools

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1 established to provide special programs, including but not  
2 limited to vocational and alternative education and charter  
3 schools, shall not be classified as public schools for purposes  
4 of generating size adjustment program units. The number of  
5 additional program units to which a school district is entitled  
6 under this subsection is the sum of elementary-junior high  
7 units and senior high units computed in the following manner:

8 Elementary-Junior High Units

9 200 - MEM

10 \_\_\_\_\_ x 1.0 x MEM = 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 membership in  
15 class C and class D programs and excluding full-time-equivalent  
16 membership in three- and four-year-old developmentally disabled  
17 programs;

18 Senior High Units

19 200 - MEM

20 \_\_\_\_\_ x 2.0 x MEM = Units

21 200

22 or,

23 Senior High Units

24 400 - MEM

25 \_\_\_\_\_ x 1.6 x MEM = Units

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400

whichever calculation for senior high units is higher, where MEM is equal to the membership of an approved senior high school excluding membership in class C and class D programs.

B. A school district with total MEM of less than 4,000, including early childhood education full-time-equivalent MEM, is eligible for additional program units. The number of additional program units to which a school district is entitled under this subsection is the number of district units computed in the following manner:

$$\frac{\text{District Units} \\ 4,000 - \text{MEM}}{4,000} \times 0.15 \times \text{MEM} = \text{Units}$$

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

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

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$$4,000 - \text{MEM}$$
$$\text{-----} \times 0.50 = \text{Units}$$

Senior High Schools

where MEM is equal to the total district membership, including early childhood education full-time-equivalent membership, and where senior high schools are equal to the number of approved regular senior high schools in the school district.

D. A school district, as defined in Subsection R of Section 22-1-2 NMSA 1978, with a MEM of less than 200, including early childhood education full-time-equivalent MEM, is eligible for additional program units, provided that the department certifies that the school district has implemented practices to reduce scale inefficiencies, including shared service agreements with regional education cooperatives or other school districts for noninstructional functions and distance education. The number of additional program units to which a school district is entitled under this subsection is the number of units computed in the following manner:

$$200 - \text{MEM} = \text{Units}$$

where MEM is equal to the total district MEM, including early childhood education full-time-equivalent MEM."

**SECTION 2.** Section 22-8-23.3 NMSA 1978 (being Laws 1997, Chapter 40, Section 7, as amended) is amended to read:

"22-8-23.3. AT-RISK PROGRAM UNITS.--

A. A state-chartered charter school or a school

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1 district is eligible for additional program units if it  
2 establishes within its department-approved educational plan  
3 identified services to assist students to reach their full  
4 academic potential. A state-chartered charter school or a  
5 school district receiving additional at-risk program units  
6 shall include a report of specified services implemented to  
7 improve the academic success of at-risk students. The report  
8 shall identify the ways in which the state-chartered charter  
9 school or the school district and individual schools use  
10 funding generated through the at-risk index and the intended  
11 outcomes. For purposes of this section, "at-risk student"  
12 means a student who meets the criteria to be included in the  
13 calculation of the three-year average total rate in Subsection  
14 B of this section. The number of additional units to which a  
15 state-chartered charter school or a school district is entitled  
16 under this section is computed in the following manner:

$$\text{At-Risk Index} \times \text{MEM} = \text{Units}$$

18 where MEM is equal to the total respective state-chartered  
19 charter school or district membership, including early  
20 childhood education, full-time-equivalent membership and  
21 special education membership and where the at-risk index is  
22 calculated in the following manner:

$$\text{Three-Year Average Total Rate} \times 0.106 = \text{At-Risk Index.}$$

24 B. To calculate the three-year average total rate,  
25 the department shall compute a three-year average of the state-

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1 chartered charter school's or school district's percentage of  
2 membership used to determine its Title I allocation, a three-  
3 year average of the percentage of membership classified as  
4 English language learners using criteria established by the  
5 federal office of civil rights and a three-year average of the  
6 percentage of student mobility. The department shall then add  
7 the three-year average rates. The number obtained from this  
8 calculation is the three-year average total rate.

9 C. The department shall recalculate the at-risk  
10 index for each state-chartered charter school or school  
11 district every year."

12 SECTION 3. EFFECTIVE DATE.--The effective date of the  
13 provisions of this act is July 1, 2015.