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HOUSE BILL 518

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

INTRODUCED BY

Jimmie C. Hall

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; ALLOWING THE PUBLIC
EDUCATION DEPARTMENT TO REDIRECT SCHOOL DISTRICT RESOURCES
TOWARD EDUCATIONAL PROGRAMS AND METHODS THAT ARE GROUNDED IN
SCIENTIFICALLY BASED RESEARCH LINKED TO STUDENT ACHIEVEMENT;
RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN
LAWS 2007.

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

SECTION 1. Section 22-8-11 NMSA 1978 (being Laws 1967,
Chapter 16, Section 66, as amended) is amended to read:

"22-8-11. BUDGETS--APPROVAL OF OPERATING BUDGET.--

A. The department shall:

(1) on or before July 1 of each year, approve
and certify to each local school board and governing body of a
state-chartered charter school an operating budget for use by

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1 the school district or state-chartered charter school; ~~and~~

2 (2) make corrections, revisions and amendments
3 to the operating budgets fixed by the local school boards or
4 governing bodies of state-chartered charter schools and the
5 secretary to conform the budgets to the requirements of law and
6 to the department's rules and procedures; and

7 (3) have the ability to revise an operating
8 budget of a school district or charter school to redirect funds
9 and other resources toward educational programs and methods
10 that are grounded in scientifically based research linked to
11 student achievement.

12 B. No school district or state-chartered charter
13 school or officer or employee of a school district or state-
14 chartered charter school shall make any expenditure or incur
15 any obligation for the expenditure of public funds unless that
16 expenditure or obligation is made in accordance with an
17 operating budget approved by the department. This prohibition
18 does not prohibit the transfer of funds pursuant to the
19 department's rules and procedures.

20 C. The department shall not approve and certify an
21 operating budget of any school district or state-chartered
22 charter school that fails to demonstrate that parental
23 involvement in the budget process was solicited."

24 SECTION 2. Section 22-8-18 NMSA 1978 (being Laws 1974,
25 Chapter 8, Section 8, as amended by Laws 2007, Chapter 347,

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1 Section 1 and by Laws 2007, Chapter 348, Section 2 and also by
2 Laws 2007, Chapter 365, Section 1) is amended to read:

3 "22-8-18. PROGRAM COST CALCULATION--LOCAL
4 RESPONSIBILITY.--

5 A. The total program units for the purpose of
6 computing the program cost shall be calculated by multiplying
7 the sum of the program units itemized as Paragraphs (1) through
8 (6) in this subsection by the instructional staff training and
9 experience index and adding the program units itemized as
10 Paragraphs (7) through [~~(12)~~] (13) in this subsection. The
11 itemized program units are as follows:

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

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1 nonsectarian, nonprofit training centers;

2 (11) national board for professional teaching
3 standards certification; ~~and~~

4 ~~(11)~~ (12) home school student activities; and

5 ~~(12)~~ (13) charter school student activities.

6 B. The total program cost calculated as prescribed
7 in Subsection A of this section includes the cost of early
8 childhood, special, bilingual multicultural, fine arts and
9 vocational education and other remedial or enrichment programs.
10 It is the responsibility of the local school board or governing
11 body of a charter school to determine its priorities in terms
12 of the needs of the community served by that board. Except as
13 provided in Subsection C of this section, funds generated under
14 the Public School Finance Act are discretionary to local school
15 boards and governing bodies of charter schools, provided that
16 the special program needs as enumerated in this section are
17 met.

18 C. The department may require that funds generated
19 under the Public School Finance Act and other resources be
20 directed toward education programs and methods that are
21 grounded in scientifically based research linked to improved
22 student achievement."