

1 SENATE BILL 142

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Cynthia Nava

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9  
10 AN ACT

11 RELATING TO PUBLIC SCHOOL FINANCE; LIMITING SPECIAL EDUCATION  
12 PROGRAM UNITS PERTAINING TO ANCILLARY SERVICE AND DIAGNOSTIC  
13 SERVICE PERSONNEL.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 22-8-21 NMSA 1978 (being Laws 1974,  
17 Chapter 8, Section 11, as amended) is amended to read:

18 "22-8-21. SPECIAL EDUCATION PROGRAM UNITS.--

19 A. For the purpose of the Public School Finance  
20 Act, special education programs for exceptional children are  
21 those approved by the department and classified as follows:

22 (1) class A programs, in which department-  
23 certified individuals provide services to children whose  
24 individualized education programs require a minimal amount of  
25 special education and in which the ratio of students to

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1 professionals is regulated by the [~~state board~~] department;

2 (2) class B programs, in which department-  
3 certified individuals provide services to children whose  
4 individualized education programs require a moderate amount of  
5 special education and in which the ratio of students to  
6 professionals is regulated by the [~~state board~~] department;

7 (3) class C programs, in which department-  
8 certified individuals provide services to children whose  
9 individualized education programs require an extensive amount  
10 of special education and in which the ratio of students to  
11 professionals is regulated by the [~~state board~~] department;

12 (4) class D programs, in which department-  
13 certified individuals provide services to children whose  
14 individualized education programs require a maximum amount of  
15 special education and in which the ratio of students to  
16 professionals is regulated by the [~~state board~~] department.

17 Students in class D programs may be enrolled in private,  
18 nonsectarian, nonprofit educational training centers in  
19 accordance with the provisions of Section 22-13-8 NMSA 1978;  
20 and

21 (5) programs for developmentally disabled  
22 three- and four-year-old children meeting standards approved by  
23 the [~~state board~~] department.

24 B. All students assigned to the programs for  
25 exceptional children classified in Subsection A of this section

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1 shall have been so assigned as a result of diagnosis and  
2 evaluation performed in accordance with the standards of the  
3 department before the students may be counted in the  
4 determination of special education program units as provided in  
5 Subsection C of this section.

6 C. The number of special education program units is  
7 the sum of the following:

8 (1) the MEM in approved class A and B programs  
9 as defined in Subsection A of this section multiplied by the  
10 cost differential factor .7;

11 (2) the MEM in approved class C programs as  
12 defined in Subsection A of this section multiplied by the cost  
13 differential factor 1.0;

14 (3) the MEM in approved class D programs as  
15 defined in Subsection A of this section multiplied by the cost  
16 differential factor 2.0;

17 (4) the MEM for developmentally disabled  
18 three- and four-year-old children as defined in Subsection A of  
19 this section multiplied by the cost differential factor 2.0;  
20 provided that no developmentally disabled three- or four-year-  
21 old student shall be counted for additional ancillary service  
22 units; and

23 (5) for related services ancillary to  
24 providing special education, the number of full-time-equivalent  
25 [~~certified or~~] licensed ancillary service and diagnostic

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1 service personnel multiplied by the cost differential factor  
2 25.0; provided that the number of full-time-equivalent licensed  
3 ancillary service and diagnostic service personnel multiplied  
4 by the cost differential factor shall not exceed 1.5 multiplied  
5 by the sum of:

6 (a) the MEM in approved class A and B  
7 programs as defined in Subsection A of this section multiplied  
8 by 0.029;

9 (b) the MEM in approved class C programs  
10 as defined in Subsection A of this section multiplied by 0.067;  
11 and

12 (c) the MEM in approved class D programs  
13 as defined in Subsection A of this section multiplied by 0.125.

14 D. For the purpose of calculating membership in  
15 class C and class D programs, students shall be counted in  
16 actual grade placement or according to chronological age if not  
17 in actual grade placement."