

1 SENATE BILL 380

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Linda M. Lopez

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9  
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; EXTENDING COMPULSORY EDUCATION TO  
12 CHILDREN WHO HAVE REACHED THE AGE OF FOUR.

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

15 SECTION 1. Section 22-1-2 NMSA 1978 (being Laws 2003,  
16 Chapter 153, Section 3, as amended) is amended to read:

17 "22-1-2. DEFINITIONS.--As used in the Public School Code:

18 A. "academic proficiency" means mastery of the  
19 subject-matter knowledge and skills specified in state academic  
20 content and performance standards for a student's grade level;

21 B. "adequate yearly progress" means the measure  
22 adopted by the department based on federal requirements to  
23 assess the progress that a public school or school district or  
24 the state makes toward improving student achievement;

25 C. "commission" means the public education

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1 commission;

2 D. "department" means the public education  
3 department;

4 E. "home school" means the operation by the parent  
5 of a school-age person of a home study program of instruction  
6 that provides a basic academic educational program, including  
7 reading, language arts, mathematics, social studies and  
8 science;

9 F. "instructional support provider" means a person  
10 who is employed to support the instructional program of a  
11 school district, including educational assistant, school  
12 counselor, social worker, school nurse, speech-language  
13 pathologist, psychologist, physical therapist, occupational  
14 therapist, recreational therapist, marriage and family  
15 therapist, interpreter for the deaf and diagnostician;

16 G. "licensed school employee" means teachers,  
17 school administrators and instructional support providers;

18 H. "local school board" means the policy-setting  
19 body of a school district;

20 I. "local superintendent" means the chief executive  
21 officer of a school district;

22 J. "parent" includes a guardian or other person  
23 having custody and control of a school-age person;

24 K. "private school" means a school, other than a  
25 home school, that offers on-site programs of instruction and

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1 that is not under the control, supervision or management of a  
2 local school board;

3 L. "public school" means that part of a school  
4 district that is a single attendance center in which  
5 instruction is offered by one or more teachers and is  
6 discernible as a building or group of buildings generally  
7 recognized as either an elementary, middle, junior high or high  
8 school or any combination of those and includes a charter  
9 school;

10 M. "school" means a supervised program of  
11 instruction designed to educate a student in a particular  
12 place, manner and subject area;

13 N. "school administrator" means a person licensed  
14 to administer in a school district and includes school  
15 principals and central district administrators;

16 O. "school-age person" means a person who is at  
17 least [~~five~~] four years of age prior to 12:01 a.m. on September  
18 1 of the school year and who has not received a high school  
19 diploma or its equivalent. A maximum age of twenty-one shall  
20 be used for a person who is classified as special education  
21 membership as defined in Section 22-8-21 NMSA 1978 or as a  
22 resident of a state institution;

23 P. "school building" means a public school, an  
24 administration building and related school structures or  
25 facilities, including teacher housing, that is owned, acquired

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1 or constructed by the school district as necessary to carry out  
2 the functions of the school district;

3 Q. "school bus private owner" means a person, other  
4 than a school district, the department, the state or any other  
5 political subdivision of the state, that owns a school bus;

6 R. "school district" means an area of land  
7 established as a political subdivision of the state for the  
8 administration of public schools and segregated geographically  
9 for taxation and bonding purposes;

10 S. "school employee" includes licensed and  
11 nonlicensed employees of a school district;

12 T. "school principal" means the chief instructional  
13 leader and administrative head of a public school;

14 U. "school year" means the total number of contract  
15 days offered by public schools in a school district during a  
16 period of twelve consecutive months;

17 V. "secretary" means the secretary of public  
18 education;

19 W. "state agency" or "state institution" means the  
20 New Mexico military institute, New Mexico school for the blind  
21 and visually impaired, New Mexico school for the deaf, New  
22 Mexico boys' school, girls' welfare home, New Mexico youth  
23 diagnostic and development center, Sequoyah adolescent  
24 treatment center, Carrie Tingley crippled children's hospital,  
25 New Mexico behavioral health institute at Las Vegas and any

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1 other state agency responsible for educating resident children;

2 X. "state educational institution" means an  
3 institution enumerated in Article 12, Section 11 of the  
4 constitution of New Mexico;

5 Y. "substitute teacher" means a person who holds a  
6 certificate to substitute for a teacher in the classroom;

7 Z. "teacher" means a person who holds a level one,  
8 two or three-A license and whose primary duty is classroom  
9 instruction or the supervision, below the school principal  
10 level, of an instructional program or whose duties include  
11 curriculum development, peer intervention, peer coaching or  
12 mentoring or serving as a resource teacher for other teachers;

13 AA. "certified school instructor" means a teacher  
14 or instructional support provider; and

15 BB. "certified school employee" or "certified  
16 school personnel" means a licensed school employee."

17 SECTION 2. Section 22-8-2 NMSA 1978 (being Laws 1978,  
18 Chapter 128, Section 3, as amended) is amended to read:

19 "22-8-2. DEFINITIONS.--As used in the Public School  
20 Finance Act:

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

22 B. "membership" means the total enrollment of  
23 qualified students on the current roll of a class or school on  
24 a specified day. The current roll is established by the  
25 addition of original entries and reentries minus withdrawals.

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1 Withdrawals of students, in addition to students formally  
2 withdrawn from the public school, include students absent from  
3 the public school for as many as ten consecutive school days;  
4 provided that withdrawals do not include students in need of  
5 early intervention and habitual truants the school district is  
6 required to intervene with and keep in an educational setting  
7 as provided in Section 22-12-9 NMSA 1978;

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

12 D. "cost differential factor" is the numerical  
13 expression of the ratio of the cost of a particular segment of  
14 the school program to the cost of the basic program in grades  
15 four through six;

16 E. "department" or "division" means the public  
17 education department;

18 F. "early childhood education ADM" or "early  
19 childhood education MEM" means the full-time-equivalent MEM of  
20 students attending approved early childhood education programs;

21 G. "full-time-equivalent ADM" or "full-time-  
22 equivalent MEM" is that membership calculated by applying to  
23 the MEM in an approved public school program the ratio of the  
24 number of hours per school day devoted to the program to six  
25 hours or the number of hours per school week devoted to the

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1 program to thirty hours;

2 H. "operating budget" means the annual financial  
3 plan required to be submitted by a local school board or  
4 governing body of a state-chartered charter school;

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

9 J. "program element" is that component of a public  
10 school system to which a cost differential factor is applied to  
11 determine the number of program units to which a school  
12 district is entitled, including but not limited to MEM,  
13 full-time-equivalent MEM, teacher, classroom or public school;

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

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

21 M. "qualified student" means a public school  
22 student who:

23 (1) has not graduated from high school;

24 (2) is regularly enrolled in one-half or more  
25 of the minimum course requirements approved by the department

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1 for public school students; and

2 (3) in terms of age:

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

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

8 (c) has not reached the student's  
9 twenty-second birthday on the first day of the school year and  
10 is receiving special education services pursuant to rules of  
11 the department; and

12 N. "state superintendent" means the secretary of  
13 public education or the secretary's designee."