

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 305

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO PUBLIC SCHOOLS; REDUCING PROGRAM UNITS OF VIRTUAL
SCHOOLS BEFORE CALCULATING PROGRAM COST.

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

SECTION 1. Section 22-1-2 NMSA 1978 (being Laws 2003,
Chapter 153, Section 3, as amended by Laws 2015, Chapter 58,
Section 2 and by Laws 2015, Chapter 108, Section 1) is amended
to read:

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

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

B. "charter school" means a school authorized by a
chartering authority to operate as a public school;

C. "commission" means the public education

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underscored material = new
[bracketed material] = delete

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

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, central district administrators and charter school
16 head administrators;

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

24 P. "school building" means a public school, an
25 administration building and related school structures or

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1 facilities, including teacher housing, that is owned, acquired
2 or constructed by the school district as necessary to carry out
3 the functions of the school district;

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

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

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

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

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

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

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

1 New Mexico behavioral health institute at Las Vegas and any
2 other state agency responsible for educating resident children;

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

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

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

14 AA. "virtual charter school" means a charter school
15 in which instruction and curriculum are delivered predominantly
16 via internet-based methods by teachers licensed in New Mexico;

17 [~~AA.~~] BB. "certified school instructor" means a
18 teacher or instructional support provider; and

19 [~~BB.~~] CC. "certified school employee" or "certified
20 school personnel" means a licensed school employee."

21 **SECTION 2.** A new section of the Public School Finance Act
22 is enacted to read:

23 "[NEW MATERIAL] VIRTUAL CHARTER SCHOOLS--PROGRAM UNIT
24 REDUCTIONS.--For a virtual charter school, each category of
25 program unit listed in Section 22-8-18 NMSA 1978 that applies

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1 to the virtual charter school shall be reduced by twenty-five
2 percent before the program cost is calculated and the state
3 equalization guarantee distribution for the virtual charter
4 school is determined and distributed pursuant to Section
5 22-8-25 NMSA 1978."