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SENATE BILL 147

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Gay G. Kernan

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE AND  
THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; ADJUSTING THE COMPUTATION OF  
SIZE ADJUSTMENT PROGRAM 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, in  
a school district with a MEM of less than 500 or an approved  
public school with a MEM of less than 400, including early  
childhood education full-time-equivalent MEM but excluding

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1 membership in class C and class D programs and excluding full-  
2 time-equivalent membership in three- and four-year-old  
3 developmentally disabled programs, that serves at least three  
4 grade levels, kindergarten through twelfth grade, in a school  
5 district with a MEM of 500 or more is eligible for additional  
6 program units. Separate schools established to provide special  
7 programs, including [~~but not limited to~~] vocational and  
8 alternative education, shall not be classified as public  
9 schools for purposes of generating size adjustment program  
10 units. The number of additional program units to which a  
11 school district is entitled under this subsection is the sum of  
12 elementary-junior high units and senior high units computed in  
13 the following manner:

$$\begin{array}{l} \text{Elementary-Junior High Units} \\ 200 - \text{MEM} \\ \hline \quad \quad \quad \times 1.0 \times \text{MEM} = \text{Units} \\ 200 \end{array}$$

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17  
18 where MEM is equal to the membership of an approved elementary  
19 or junior high school, including early childhood education  
20 full-time-equivalent membership but excluding membership in  
21 class C and class D programs and excluding full-time-equivalent  
22 membership in three- and four-year-old developmentally disabled  
23 programs; where the MEM of an elementary school located within  
24 one mile of any other elementary school located within the  
25 geographic boundaries of the school district in which that

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1 other school is located is aggregated with the MEM of that  
2 other school, except that an approved public school in a school  
3 district with a MEM of less than 500 shall not be aggregated;  
4 and where the MEM of a junior high school located within one  
5 mile of any other junior high school located within the  
6 geographic boundaries of the school district in which that  
7 other school is located is aggregated with the MEM of that  
8 other school, except that an approved public school in a school  
9 district with a MEM of less than 500 shall not be aggregated;

10 Senior High Units

11 200 - MEM

12 \_\_\_\_\_ x 2.0 x MEM = Units

13 200

14 or

15 Senior High Units

16 400 - MEM

17 \_\_\_\_\_ x 1.6 x MEM = Units,

18 400

19 whichever calculation for senior high units is higher, where  
20 MEM is equal to the membership of an approved senior high  
21 school excluding membership in class C and class D programs;  
22 and where the MEM of a senior high school located within one  
23 mile of any other senior high school located within the  
24 geographic boundaries of the school district in which that  
25 other school is located is aggregated with the MEM of that

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1 other school.

2 B. A school district with total MEM of less than  
3 4,000, including early childhood education full-time-equivalent  
4 MEM, is eligible for additional program units. The number of  
5 additional program units to which a school district is entitled  
6 under this subsection is the number of district units computed  
7 in the following manner:

$$\begin{array}{r} \text{District Units} \\ 4,000 - \text{MEM} \\ \hline 4,000 \end{array} \quad \times 0.15 \times \text{MEM} = \text{Units}$$

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

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

$$\begin{array}{r} 4,000 - \text{MEM} \\ \hline \text{Senior High Schools} \end{array} \quad \times 0.50 = \text{Units}$$

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

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

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

16  
17 where MEM is equal to the total district MEM, including early  
18 childhood education full-time-equivalent MEM."

19 SECTION 2. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2019.

