

1 SENATE BILL 640

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Mimi Stewart

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; PROVIDING A NEW PUBLIC SCHOOL
12 FUNDING FORMULA; PROVIDING FOR MAINTENANCE AND PERIODIC
13 RECALIBRATION OF THE FORMULA; PROVIDING FOR A PER-STUDENT
14 SUFFICIENT COST; PROVIDING AN INDEX OF STAFF QUALIFICATIONS;
15 REQUIRING ANNUAL EDUCATIONAL PLANS FOR STUDENT SUCCESS;
16 REQUIRING OPERATING BUDGETS TO BE ALIGNED WITH SCHOOL DISTRICT
17 OR CHARTER SCHOOL EDUCATIONAL PLANS FOR STUDENT SUCCESS;
18 REQUIRING ACCOUNTABILITY; USING A CENSUS-BASED SPECIAL
19 EDUCATION IDENTIFICATION RATE FOR SCHOOL DISTRICTS; CLARIFYING
20 FINANCIAL RESPONSIBILITY FOR SPECIAL EDUCATION; CREATING A
21 FUND; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA
22 1978.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

25 SECTION 1. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] FINDINGS--PURPOSE OF 2015 EDUCATION
3 REFORM.--

4 A. The legislature finds that education reform in
5 New Mexico has been a multi-year process that began in 1999
6 with the creation of the education initiatives and
7 accountability task force. That task force reported the
8 results of its work to the 2001 legislative session, and the
9 legislature passed a bill that was subsequently vetoed by the
10 governor. In 2003, the legislature again passed the bill,
11 commonly referred to as "House Bill 212", and the governor
12 signed it. That bill enacted the first part of education
13 reform, which was based on the need to attract and retain
14 highly qualified teachers to teach New Mexico's multicultural
15 student population and to hold teachers and administrators
16 accountable for student success. That educational reform
17 recognized the importance of integrating the cultural strengths
18 of New Mexico into the curriculum with high expectations for
19 all students. In 2007, the legislature addressed the need for
20 a rigorous and relevant high school curriculum, as expressed in
21 House Bill 212, by enacting what is popularly known as "high
22 school redesign". The goal of that legislation is to prepare
23 students for success in college and the workplace.

24 B. The legislature finds that the next step toward
25 true educational reform was taken in 2005, when the legislature

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1 passed, and the governor signed, legislation to appoint a task
2 force of legislators and educators to direct an independent
3 study of the state's funding formula.

4 C. The purpose of this 2015 act is to establish a
5 new, simplified funding formula for public schools that is
6 based on student need, grade composition and scale of
7 operations for school districts and charter schools. The
8 formula, and the attendant accountability that is provided,
9 strengthen the goals of the overall education reform begun in
10 2003's House Bill 212. This 2015 reform links increased
11 funding that will be provided through the adoption and full
12 implementation of the new funding formula to each school
13 district's and charter school's educational plan for student
14 success. The educational plan and the attendant site-specific
15 school plans are the means to inform statutory provisions such
16 as the Assessment and Accountability Act, kindergarten plus and
17 K-3 plus, high school redesign, the Indian Education Act, the
18 Bilingual Multicultural Education Act, the Fine Arts Education
19 Act, the Mathematics and Science Education Act and other
20 curricula-specific provisions of the Public School Code."

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

23 "22-1-2. DEFINITIONS.--As used in the Public School Code:

24 A. "academic proficiency" means mastery of the
25 subject-matter knowledge and skills specified in state academic

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1 content and performance standards for a student's grade level;

2 B. "adequate yearly progress" means the measure
3 adopted by the department based on federal requirements to
4 assess the progress that a public school or school district or
5 the state makes toward improving student achievement;

6 C. "commission" means the public education
7 commission;

8 D. "cost factor demographic data" means a school
9 district's or charter school's student-need data pertaining to
10 poverty, English language learners, special education and
11 mobility;

12 E. "December enrollment" means the total enrollment
13 in a public school or school district on December 1 or the
14 first working day in December;

15 [~~D-~~] F. "department" means the public education
16 department;

17 G. "dyslexia" means a condition of neurological
18 origin that is characterized by difficulty with accurate or
19 fluent word recognition and by poor spelling and decoding
20 abilities, which characteristics typically result from a
21 deficit in the phonological component of language that is often
22 unexpected in relation to other cognitive abilities and the
23 provision of effective classroom instruction and may result in
24 problems in reading comprehension and reduced reading
25 experience that may impede the growth of vocabulary and

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1 background knowledge;

2 H. "educational plan" means the educational plan
3 for student success of a school district or charter school;

4 I. "February enrollment" means the total enrollment
5 in a public school or school district on the second Wednesday
6 in February;

7 ~~[E.]~~ J. "home school" means the operation by the
8 parent of a school-age person of a home study program of
9 instruction that provides a basic academic educational program,
10 including reading, language arts, mathematics, social studies
11 and science;

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

19 ~~[G.]~~ L. "licensed school employee" means teachers,
20 school administrators and instructional support providers;

21 ~~[H.]~~ M. "local school board" means the policy-
22 setting body of a school district;

23 ~~[I.]~~ N. "local superintendent" means the chief
24 executive officer of a school district;

25 O. "October enrollment" means the total enrollment

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1 in a public school or school district on the second Wednesday
2 in October;

3 [J-] P. "parent" includes a guardian or other
4 person having custody and control of a school-age person;

5 [K-] Q. "private school" means a school, other than
6 a home school, that offers on-site programs of instruction and
7 that is not under the control, supervision or management of a
8 local school board;

9 [L-] R. "public school" means that part of a school
10 district that is a single attendance center in which
11 instruction is offered by one or more teachers and is
12 discernible as a building or group of buildings generally
13 recognized as either an elementary, middle, junior high or high
14 school or any combination of those and includes a charter
15 school;

16 S. "qualified student" means a student who:

17 (1) has not graduated from high school;

18 (2) is regularly enrolled in one-half or more
19 of the minimum course requirements approved by the department
20 for public school students; and

21 (3) in terms of age:

22 (a) is at least five years of age prior
23 to 12:01 a.m. on September 1 of the school year or will be five
24 years of age prior to 12:01 a.m. on September 1 of the school
25 year if the student is enrolled in a public school extended-

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1 year kindergarten program that begins prior to the start of the
2 regular school year;

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

6 (c) has not reached the student's
7 twenty-second birthday on the first day of the school year and
8 is receiving special education in accordance with federal law;

9 T. "response to intervention" means a multitiered
10 intervention model that uses a set of increasingly intensive
11 academic or behavioral supports, matched to student need, as a
12 framework for making educational programming and eligibility
13 decisions;

14 ~~[M-]~~ U. "school" means a supervised program of
15 instruction designed to educate a student in a particular
16 place, manner and subject area;

17 ~~[N-]~~ V. "school administrator" means a person
18 licensed to administer in a school district and includes school
19 principals and central district administrators;

20 ~~[O-]~~ W. "school-age person" means a person who is
21 at least five years of age prior to 12:01 a.m. on September 1
22 of the school year and who has not received a high school
23 diploma or its equivalent. A maximum age of twenty-one shall
24 be used for a school-age person who is classified as needing
25 special education ~~[membership as defined in Section 22-8-21~~

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1 ~~NMSA 1978 or as a resident of a state institution];~~

2 [P-] X. "school building" means a public school, an
3 administration building and related school structures or
4 facilities, including teacher housing, that is owned, acquired
5 or constructed by the school district as necessary to carry out
6 the functions of the school district;

7 [Q-] Y. "school bus private owner" means a person,
8 other than a school district, the department, the state or any
9 other political subdivision of the state, that owns a school
10 bus;

11 [R-] Z. "school district" means an area of land
12 established as a political subdivision of the state for the
13 administration of public schools and segregated geographically
14 for taxation and bonding purposes;

15 [S-] AA. "school employee" includes licensed and
16 nonlicensed employees of a school district;

17 [T-] BB. "school principal" means the chief
18 instructional leader and administrative head of a public
19 school;

20 [U-] CC. "school year" means the total number of
21 contract days offered by public schools in a school district
22 during a period of twelve consecutive months;

23 [V-] DD. "secretary" means the secretary of public
24 education;

25 EE. "special education" means the provision of

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1 services additional to, supplementary to or different from
2 those provided in the general school program of a public school
3 to students who are required by the federal Individuals with
4 Disabilities Education Act to have an individualized education
5 program, and including developmentally disabled three- and
6 four-year-old children attending public school;

7 FF. "student assistance team" means a school-based
8 group whose purpose, based on procedures and guidelines
9 established by the department, is to provide additional
10 educational support to students who are experiencing
11 difficulties that are preventing them from benefiting from
12 general instruction;

13 [W-] GG. "state agency" or "state institution"
14 means the New Mexico military institute, New Mexico school for
15 the blind and visually impaired, New Mexico school for the
16 deaf, New Mexico boys' school, girls' welfare home, New Mexico
17 youth diagnostic and development center, Sequoyah adolescent
18 treatment center, Carrie Tingley crippled children's hospital,
19 New Mexico behavioral health institute at Las Vegas and any
20 other state agency responsible for educating resident children;

21 [X-] HH. "state educational institution" means an
22 institution enumerated in Article 12, Section 11 of the
23 constitution of New Mexico;

24 II. "student" means a school-age person who is a
25 public school student;

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1 ~~[Y.]~~ JJ. "substitute teacher" means a person who
2 holds a certificate to substitute for a teacher in the
3 classroom;

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

10 ~~[AA.]~~ LL. "certified school instructor" means a
11 teacher or instructional support provider; and

12 ~~[BB.]~~ MM. "certified school employee" or "certified
13 school personnel" means a licensed school employee."

14 **SECTION 3.** Section 22-2-8.1 NMSA 1978 (being Laws 1986,
15 Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,
16 Section 1 and by Laws 2011, Chapter 154, Section 1) is amended
17 to read:

18 "22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--
19 MINIMUM.--

20 A. A school year consists of at least one hundred
21 eighty full instructional days for a regular school year
22 calendar, exclusive of any release time for in-service
23 training. A school year consists of at least one hundred
24 fifty-one full instructional days for a four-day school year
25 calendar, exclusive of any release time for in-service

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1 training. Beginning with the 2017-2018 school year, a school
2 year consists of at least one hundred eighty-five full
3 instructional days for a regular school calendar, exclusive of
4 any release time for in-service training. Beginning in the
5 2017-2018 school year, a school year consists of at least one
6 hundred fifty-six full instructional days for a four-day school
7 year calendar, exclusive of any release time for in-service
8 training. Except as provided in Subsection B of this section,
9 days or parts of days that are lost to weather, in-service
10 training or other events that are not school-directed programs
11 shall be made up so that students are given a full school year.

12 [A.] B. Except as otherwise provided in this
13 section, regular students shall be in school-directed programs,
14 exclusive of lunch, for a minimum of the following:

15 (1) kindergarten, for half-day programs, two
16 and one-half hours per day [~~or four hundred fifty hours per~~
17 ~~year]~~ or, for full-day programs, five and one-half hours per
18 day [~~or nine hundred ninety hours per year]~~;

19 (2) grades one through six, five and
20 one-half hours per day [~~or nine hundred ninety hours per year]~~;
21 and

22 (3) grades seven through twelve, six hours per
23 day. [~~or one thousand eighty hours per year.~~

24 B.] C. Up to thirty-three hours of the full-day
25 kindergarten program may be used for home visits by the teacher

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1 or for parent-teacher conferences. Up to twenty-two hours of
2 grades one through six programs may be used for home visits by
3 the teacher or for parent-teacher conferences. Up to twelve
4 hours of grades seven through twelve programs may be used to
5 consult with parents to develop next step plans for students
6 and for parent-teacher conferences.

7 ~~[G.]~~ D. Nothing in this section precludes a local
8 school board from setting a school year or the length of school
9 days in excess of the minimum requirements established by
10 ~~[Subsection]~~ Subsections A and B of this section.

11 ~~[D.]~~ E. The secretary may waive the minimum
12 length of school days in those school districts where such
13 minimums would create undue hardships as defined by the
14 department as long as the school year is adjusted to ensure
15 that students in those school districts receive the same
16 total instructional time as other students in the state.

17 ~~[G.]~~ F. Notwithstanding any other provision of
18 this section, provided that instruction occurs
19 simultaneously, time when breakfast is served or consumed
20 pursuant to a state or federal program shall be deemed to be
21 time in a school-directed program and is part of the
22 instructional day."

23 **SECTION 4.** A new section of the Assessment and
24 Accountability Act is enacted to read:

25 "[NEW MATERIAL] EDUCATIONAL PLAN FOR STUDENT SUCCESS--

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1 EDUCATIONAL PROGRAMMING.--

2 A. As used in this section:

3 (1) "demographic data" means a school
4 district's funding formula cost factor demographic data and
5 any other demographic data or health status data required by
6 the department or collected by the school district for the
7 purposes of determining educational programming and focusing
8 the educational plan;

9 (2) "educational programming" includes
10 curricula; support services, including library and media,
11 school counseling, health services and athletic and activity
12 programs; and academic improvement strategies, including
13 extended school year, before- and after-school programs,
14 credit recovery and summer school courses, tutoring and other
15 response to intervention or remediation programs;

16 (3) "local school board" includes governing
17 bodies of charter schools; and

18 (4) "school district" includes charter
19 schools.

20 B. The department shall adopt and promulgate
21 rules to implement the provisions of this section.

22 C. The department shall verify, monitor and
23 evaluate educational plans through the budget approval
24 process and otherwise throughout the year. The department
25 shall ensure that each educational plan is developed and

1 implemented as provided in this section and the rules of the
2 department and that results are evaluated for effectiveness
3 each year.

4 D. Under the policy direction of the local school
5 board, each school district shall:

6 (1) develop, implement and assess a
7 district-level, student-centered "educational plan for
8 student success" as a long-range strategic plan to improve
9 academic achievement and success for all students;

10 (2) use a strategic planning model that is
11 approved by the department; and

12 (3) include the required school plans of
13 public schools that are part of the school district,
14 excluding charter schools, and ensure that those plans are
15 aligned with the educational plan.

16 E. The chartering authority shall approve a
17 charter school's educational plan based on the plan's
18 alignment with the charter.

19 F. The educational plan shall:

20 (1) be specific, measurable, realistic and
21 attainable and include the school plan of each public school
22 in the school district, excluding charter schools, and
23 specify how each of the school plans shall be evaluated and
24 aligned with the educational plan;

25 (2) solicit the input of school district

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1 staff, students, parents, businesses, post-secondary
2 educational institutions, tribal governments within the
3 school district and other interested residents in the
4 community at large;

5 (3) address the major core issues identified
6 through the public input process;

7 (4) implement the department's standards of
8 excellence, including the content standards and benchmarks,
9 and other programmatic requirements of state and federal law
10 and rules adopted in accordance with those laws;

11 (5) include focus areas and goals that
12 address student needs based on demographic data and student
13 academic achievement data;

14 (6) identify areas of student need that must
15 be addressed to ensure that students meet the educational
16 benchmarks specified in the state content standards and
17 benchmarks;

18 (7) identify resources to address student
19 needs, including such items as:

20 (a) highly qualified teachers,
21 academic coaches, resource teachers, interventionists,
22 specialists, counselors, educational assistants and other
23 instructional support personnel, and how staffing assignments
24 of these personnel shall be used in a proactive manner to
25 assist students in need of particular services;

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1 (b) professional development and time
2 for in-school collaboration for instructional staff;

3 (c) administrative and classroom
4 technology and access to distance learning opportunities for
5 students and staff;

6 (d) parental involvement and outreach
7 initiatives;

8 (e) involvement by post-secondary
9 educational institutions, tribal governments and the business
10 community; and

11 (f) other resources identified by the
12 school district or department;

13 (8) implement the state and district
14 assessment systems;

15 (9) demonstrate student progress toward the
16 educational plan's focus areas and goals;

17 (10) provide for a comprehensive and
18 periodic evaluation of the educational plan by the school
19 district; and

20 (11) be updated annually and submitted to
21 the department by March 1 or another date determined by the
22 department.

23 G. Each school district shall oversee the
24 development, implementation, assessment and evaluation of all
25 site-level school plans and shall ensure that those plans are

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1 aligned with the school district's educational plan.

2 H. School plans shall include:

3 (1) data-based strategies and activities to
4 support each of the school district-level focus areas and
5 goals;

6 (2) identification of persons responsible
7 for the implementation of the strategies and activities;

8 (3) time lines for the start and completion
9 of those strategies and activities;

10 (4) the educational programming targeted to
11 the school's demographic data and student academic
12 achievement;

13 (5) formal and informal professional
14 development activities that support each of the school
15 district-level focus areas and goals; and

16 (6) availability of school, district,
17 community and family resources that support each of the
18 school district-level focus areas and goals.

19 I. Each public school shall involve school staff,
20 parents and community members in the development and
21 evaluation of the school plan.

22 J. The educational plan shall include the cost
23 factor demographic data of each public school and the school
24 district and shall link educational programming to those and
25 other demographic data and the student academic achievement

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1 data reported pursuant to the Assessment and Accountability
2 Act.

3 K. Educational programming shall be assessed
4 through the educational plan. As part of the approval
5 process of the educational plan and the operating budget of a
6 school district, the department shall consider how the school
7 district proposes to address specifically the needs of low-
8 income students, students who are not proficient in English,
9 students whose education is disrupted by mobility, students
10 in need of special education and gifted students.

11 L. Based on the demographic profiles of students,
12 student academic achievement data and the department's
13 standards of excellence, the educational plan shall include
14 educational programming for:

- 15 (1) bilingual and multicultural education,
16 including culturally relevant learning environments,
17 educational opportunities and culturally relevant
18 instructional materials;
- 19 (2) health and wellness, including physical
20 education, athletics, nutrition and health education;
- 21 (3) career-technical education;
- 22 (4) visual and performing arts and music;
- 23 (5) gifted education, advanced placement and
24 honors programs;
- 25 (6) special education; and

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1 (7) distance education.

2 M. The local school board shall approve the
3 educational plan and submit it to the department.

4 N. The secretary shall disapprove an educational
5 plan in whole or in part if it does not meet the requirements
6 of this section or other provisions of the Public School
7 Code. The secretary shall provide the local school board and
8 the school district with a written report that specifies
9 which parts of the educational plan the secretary is
10 disapproving, reasons for the disapproval and suggestions for
11 improvement. The school district has thirty days to submit a
12 revised educational plan, during which time the department
13 shall assist the school district as requested.

14 O. If the local school board does not approve a
15 revised educational plan or if the department does not
16 recommend approval of the revised educational plan, the
17 secretary shall hold a public hearing within twenty days
18 after the revised educational plan was due.

19 P. The secretary shall appoint an impartial and
20 knowledgeable person to serve as the hearing officer to
21 conduct the public hearing. All parties, including the
22 public, shall be given an opportunity to present their views
23 about the original educational plan and any revisions to that
24 plan. The hearing officer shall make recommendations to the
25 secretary within ten days of the public hearing. The

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1 secretary shall make the final decision based on the hearing
2 officer's recommendations. The decision of the secretary may
3 be appealed to the district court as provided in Section
4 39-3-1.1 NMSA 1978. The final educational plan shall be
5 aligned with the department-approved operating budget."

6 SECTION 5. A new section of the Public School Finance
7 Act is enacted to read:

8 "[NEW MATERIAL] 2015 FUNDING FORMULA--FINDINGS AND
9 PURPOSE.--

10 A. The legislature finds that based on a two-year
11 study to determine the best method of funding a sufficient
12 public education for New Mexico's children, the state, school
13 districts and charter schools would be better served by a new
14 funding formula that incorporates:

15 (1) a smaller and simplified set of student-
16 needs weighting factors to achieve a more equitable
17 distribution of the state's equalization guarantee;

18 (2) a simplified set of programmatic weights
19 that accounts for grade level composition for elementary,
20 middle and high school students; and

21 (3) a weighting schedule that accounts
22 separately for the scale of school district and charter
23 school operations.

24 B. The legislature finds further that the 2015
25 funding formula:

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1 (1) avoids unnecessary complexity by
2 focusing directly on the factors associated with student
3 needs and scale;

4 (2) appropriately promotes and preserves
5 both vertical and horizontal equity across school districts;

6 (3) minimizes incentives to pursue funding
7 not directly linked to student needs; and

8 (4) captures components in the pre-2015
9 funding formula and is more precise in measuring student need
10 and scale.

11 C. The legislature finds further that the cost
12 factors used in the 2015 funding formula better measure need
13 by addressing special cost differentials associated with
14 students that have special educational needs as well as
15 particular types of local educational agency. The poverty,
16 English language learner and special education cost factors
17 measure those federally recognized attributes that
18 unambiguously reflect the special educational needs of
19 students. The cost factor for mobility recognizes the
20 significant impact of disruption on students' educational
21 experience. The cost factors for grade level enrollment
22 address the knowledge gained from educational research and
23 experience that educating students becomes more expensive as
24 they progress through the educational system from elementary
25 through secondary school. Total school district or charter

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1 school enrollment is included as a cost factor that accounts
2 for relative economies of scale in the delivery of
3 educational services.

4 D. The legislature finds further that the federal
5 No Child Left Behind Act of 2001 has required states to
6 employ highly qualified teachers to teach students in core
7 academic subjects. The federal Individuals with Disabilities
8 Education Act requires highly qualified personnel to provide
9 holistic services for students in need of special education,
10 as well as staff who are qualified to intervene before
11 students are classified as needing special education. To
12 carry out these mandates, and to continue encouraging school
13 districts to hire and retain highly qualified teachers and
14 instructional support providers, the 2015 funding formula
15 replaces the training and experience index with an index of
16 staff qualifications to provide the means to cover the costs
17 associated with increased academic qualifications and
18 experience for these personnel."

19 SECTION 6. Section 22-8-2 NMSA 1978 (being Laws 1978,
20 Chapter 128, Section 3, as amended) is repealed and a new
21 Section 22-8-2 NMSA 1978 is enacted to read:

22 "22-8-2. [NEW MATERIAL] DEFINITIONS.--As used in the
23 Public School Finance Act:

24 A. "base per-student cost" means the reference
25 value cost of providing an educational program to a qualified

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1 student attending the average size district with the average
2 composition of enrollment across grade ranges kindergarten
3 through five, six through eight and nine through twelve and
4 with no formula adjustments applied;

5 B. "cost factor" means a measure of student need,
6 grade level composition, scale of operations or staff
7 qualifications;

8 C. "enrollment" means the number of qualified
9 students on the current roll of a class or public school on a
10 specified day;

11 D. "formula adjustment" means a component of the
12 funding formula that accounts for a differential cost
13 associated with a cost factor;

14 E. "governing body" means the governing body of a
15 charter school;

16 F. "growth" means that a school district's or
17 charter school's current-year October total enrollment is
18 greater than its prior-year October total enrollment;

19 G. "head administrator" means the person
20 responsible for the day-to-day operations of a charter
21 school;

22 H. "mobility rate" means the district-level
23 student-weighted average percentage of total enrollment that
24 entered or left the school over the school year;

25 I. "operating budget" means the annual financial

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1 plan required to be submitted to the department by a local
2 school board or governing body;

3 J. "public money" or "public funds" means all
4 money from public or private sources received by a school
5 district or charter school or officer or employee of a school
6 district or charter school for public use;

7 K. "sufficient per-student cost" means the base
8 per-student cost multiplied by the applicable formula
9 adjustments;

10 L. "total enrollment" means the number of
11 qualified students on a school's or charter school's roll on
12 a specified day in all grade levels and in programs for
13 three- and four-year-old developmentally disabled qualified
14 students; and

15 M. "total program cost" means the sufficient per-
16 student cost multiplied by the number of students in a school
17 district or charter school."

18 SECTION 7. A new section of the Public School Finance
19 Act is enacted to read:

20 "[NEW MATERIAL] ESTABLISHMENT OF ENROLLMENT.--The
21 current roll of a class, public school and school district or
22 charter school is established by the addition of original
23 entries and re-entries minus withdrawals. Withdrawals of
24 qualified students, in addition to qualified students
25 formally withdrawn from the public school, include qualified

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1 students absent from the public school for as many as ten
2 consecutive school days; provided that withdrawals do not
3 include truants and habitual truants with whom the school
4 district or charter school is required to intervene and keep
5 in an educational setting as provided in Section 22-12-9 NMSA
6 1978."

7 SECTION 8. Section 22-8-6 NMSA 1978 (being Laws 1967,
8 Chapter 16, Section 60, as amended by Laws 1999, Chapter 281,
9 Section 21 and by Laws 1999, Chapter 291, Section 2) is
10 amended to read:

11 "22-8-6. BUDGETS--SUBMISSION--FAILURE TO SUBMIT.--

12 A. Prior to April 15 of each year, each local
13 school board shall submit to the department an operating
14 budget for the school district [~~and any charter schools in~~
15 ~~the district~~] for the ensuing fiscal year. Upon written
16 approval of the [~~state superintendent~~] secretary, the date
17 for the submission of the proposed operating budget as
18 required by this section may be extended to a later date
19 fixed by the [~~state superintendent~~] secretary.

20 B. The operating budget required by this section
21 may include:

22 (1) estimates of the cost of insurance
23 policies for periods up to five years if a lower rate may be
24 obtained by purchasing insurance for the longer term; or

25 (2) estimates of the cost of contracts for

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1 the transportation of students for terms extending up to four
2 years.

3 ~~[G. The operating budget required by this section~~
4 ~~shall include a proposed breakdown for charter schools in the~~
5 ~~school district, by individual charter school budget for each~~
6 ~~charter school of the membership projected for each charter~~
7 ~~school, the total program units generated at that charter~~
8 ~~school and approximate anticipated disbursements and~~
9 ~~expenditures at each charter school.]~~

10 ~~[D.]~~ C. If a local school board fails to submit a
11 budget pursuant to this section, the department shall prepare
12 the operating budget for the school district for the ensuing
13 fiscal year. ~~[A local school board shall be considered as~~
14 ~~failing to submit a]~~

15 D. The department shall not approve an operating
16 budget pursuant to this section if the budget submitted:

17 (1) exceeds the total projected resources of
18 the school district ~~[or if the budget submitted];~~

19 (2) does not comply with the law or with
20 rules and procedures of the department; or

21 (3) except as provided in Subsection D of
22 Section 22-8-11 NMSA 1978, is not aligned with the school
23 district's approved educational plan."

24 SECTION 9. Section 22-8-6.1 NMSA 1978 (being Laws 1993,
25 Chapter 227, Section 8, as amended) is repealed and a new

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1 Section 22-8-6.1 NMSA 1978 is enacted to read:

2 "22-8-6.1. [NEW MATERIAL] CHARTER SCHOOL BUDGETS.--

3 A. Prior to April 15 of each year, the governing
4 body of each state-chartered charter school shall submit its
5 proposed operating budget to the charter schools division of
6 the department for its approval or amendment pursuant to the
7 Public School Finance Act and the Charter Schools Act. To
8 receive final budget approval, the operating budget must be
9 aligned to the school's approved educational plan.

10 B. Prior to April 15 of each year, the governing
11 body of each locally chartered charter school shall submit
12 its proposed operating budget at the same time to the
13 department and the school district that chartered it. In
14 order to be approved, the operating budget must be aligned to
15 the charter school's approved educational plan. The
16 operating budget shall be submitted to the local school board
17 for approval. The approval authority of the local school
18 board is limited to ensuring that sound fiscal practices are
19 followed in the development of the operating budget and that
20 the operating budget is within the allotted resources. The
21 local school board shall have no veto authority over
22 individual line items within the operating budget, but shall
23 only approve or disapprove the operating budget in its
24 entirety. The local school board shall notify the department
25 of its approval or disapproval of the operating budget,

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1 including its reasons for disapproval.

2 C. Upon written approval of the secretary, the
3 date for submission of a proposed operating budget may be
4 extended to a later date fixed by the secretary. If the
5 governing body fails to submit its proposed operating budget
6 pursuant to this section, the department shall prepare the
7 operating budget for the charter school for the ensuing
8 fiscal year. A governing body shall be considered as failing
9 to submit an operating budget pursuant to this section if the
10 operating budget submitted:

11 (1) exceeds the total projected resources of
12 the charter school;

13 (2) does not comply with the law or with
14 rules and procedures of the department; or

15 (3) except as provided in Subsection D of
16 Section 22-8-11 NMSA 1978, is not aligned with the charter
17 school's approved educational plan.

18 D. For the first year of operation, the proposed
19 operating budget of a charter school shall be based on the
20 projected enrollment and cost factor demographic data of that
21 charter school and the index of staff qualifications of the
22 school district in which the charter school is geographically
23 located. The operating budget shall be adjusted based on the
24 actual October enrollment and cost factor demographic data.
25 For second and subsequent years of operation, the operating

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1 budget shall be based on the charter school's own cost factor
2 demographic data and index of staff qualifications."

3 SECTION 10. Section 22-8-8 NMSA 1978 (being Laws 1967,
4 Chapter 16, Section 62, as amended) is amended to read:

5 "22-8-8. OPERATING BUDGETS--MINIMUM STUDENT
6 ~~[MEMBERSHIP]~~ ENROLLMENT.--Without prior approval of the
7 ~~[state superintendent]~~ secretary, no local school board or
8 governing body shall maintain or provide [a] an operating
9 budget allowance for a public school having an ~~[average daily~~
10 ~~membership]~~ enrollment of ~~[less]~~ fewer than eight."

11 SECTION 11. Section 22-8-9 NMSA 1978 (being Laws 1967,
12 Chapter 16, Section 63, as amended) is amended to read:

13 "22-8-9. OPERATING BUDGETS--MINIMUM REQUIREMENTS.--

14 A. [A] An operating budget for a school district
15 shall not be approved by the department that does not provide
16 for:

17 (1) a school year and school day as provided
18 in Section 22-2-8.1 NMSA 1978; and

19 (2) a ~~[pupil-teacher ratio or]~~ class or
20 teaching load as provided in Section 22-10A-20 NMSA 1978.

21 B. Beginning with the 2017-2018 school year, an
22 operating budget for a school district shall not be approved
23 by the department that does not provide for a school year
24 established pursuant to Section 22-2-8.1 NMSA 1978. Teachers
25 and instructional support staff shall be paid for four days

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1 additional to the school year for professional development or
2 instructional planning.

3 [B-] C. The department shall, by rule, establish
4 the requirements for an instructional day, the standards for
5 an instructional hour and the standards for a full-time
6 teacher and for the equivalent ~~[thereof]~~ of those."

7 SECTION 12. Section 22-8-11 NMSA 1978 (being Laws 1967,
8 Chapter 16, Section 66, as amended) is amended to read:

9 "22-8-11. OPERATING BUDGETS--APPROVAL OF ~~[OPERATING~~
10 ~~BUDGET]~~ .--

11 A. On or before July 1 of each year, the
12 department shall:

13 (1) ~~[on or before July 1 of each year]~~
14 approve and certify ~~[to]~~ the operating budget for each
15 ~~[local]~~ school ~~[board]~~ district and ~~[governing body of a~~
16 ~~state-chartered]~~ charter school. ~~[an operating budget for~~
17 ~~use by the school district or state-chartered charter school;~~

18 ~~(2)]~~ The department may make corrections,
19 revisions and amendments to the operating budgets fixed by
20 the local school boards or governing bodies ~~[of state-~~
21 ~~chartered charter schools and the secretary]~~ to conform the
22 operating budgets to the requirements of law and to the
23 department's rules and procedures; and

24 ~~(3)]~~ (2) ensure that a local school board
25 or governing body of a charter school is prioritizing

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1 resources of a public school rated D or F toward proven
2 programs and methods that are linked to improved student
3 achievement until the public school earns a grade of C or
4 better for two consecutive years.

5 B. No school district or [~~state-chartered~~]
6 charter school or officer or employee of a school district or
7 [~~state-chartered~~] charter school shall make any expenditure
8 or incur any obligation for the expenditure of public [~~funds~~]
9 money unless that expenditure or obligation is made in
10 accordance with an operating budget approved by the
11 department. This prohibition does not prohibit the transfer
12 of [~~funds~~] money pursuant to the department's rules and
13 procedures.

14 C. The department shall not approve and certify
15 an operating budget of any school district or [~~state-~~
16 ~~chartered~~] charter school that [~~fails to~~] does not align with
17 the educational plan and demonstrate that parental
18 involvement in the budget process was solicited.

19 D. The department may approve a conditional
20 operating budget if a school district's or charter school's
21 educational plan is in the process of being approved as
22 provided in Section 4 of this 2015 act. After the
23 secretary's final decision on the educational plan, the
24 conditional operating budget shall be aligned with the
25 department-approved educational plan and become the operating

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1 budget for the applicable fiscal year."

2 SECTION 13. Section 22-8-12.1 NMSA 1978 (being Laws
3 1978, Chapter 128, Section 5, as amended) is amended to read:

4 "22-8-12.1. [~~MEMBERSHIP~~] SUFFICIENT PER-STUDENT COST
5 PROJECTIONS AND BUDGET REQUESTS.--

6 A. Beginning with projections for the 2016-2017
7 school year, each [~~local school board or governing body of a~~
8 ~~state-chartered~~] school district and charter school shall
9 submit annually, on or before October 15, to the department:

10 (1) an estimate for the succeeding fiscal
11 year of:

12 (a) the [~~membership of qualified~~
13 ~~students to be enrolled in the basic program~~] enrollment by
14 grade level;

15 (b) the full-time-equivalent
16 [~~membership of students to be enrolled~~] enrollment in
17 approved early childhood education programs; [~~and~~]

18 (c) the [~~membership of students to be~~
19 ~~enrolled~~] enrollment in approved special education programs;
20 and

21 (d) the cost factor demographic data
22 by grade level;

23 (2) all other information necessary to
24 calculate total program [~~costs~~] cost; and

25 (3) any other information related to the

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1 financial needs of the school district or [~~state-chartered~~]
2 charter school as may be requested by the department.

3 B. All information requested pursuant to
4 Subsection A of this section shall be submitted on forms
5 prescribed and furnished by the department and shall comply
6 with the department's rules and procedures.

7 C. The department shall:

8 (1) review the financial needs of each
9 school district [~~or state-chartered~~] and charter school for
10 the succeeding fiscal year; and

11 (2) submit annually, on or before November
12 [~~30~~] 20, to the secretary of finance and administration the
13 recommendations of the department for:

14 (a) amendments to the public school
15 [~~finance~~] funding formula;

16 (b) appropriations for the succeeding
17 fiscal year to the public school fund for inclusion in the
18 executive budget document; and

19 (c) appropriations for the succeeding
20 fiscal year for [~~pupil~~] student transportation and
21 instructional materials."

22 SECTION 14. Section 22-8-13 NMSA 1978 (being Laws 1974,
23 Chapter 8, Section 3, as amended) is amended to read:

24 "22-8-13. REPORTS.--

25 A. Each public school shall keep accurate records

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1 concerning ~~[membership]~~ enrollment in the public school.

2 B. The dates for which ~~[MEM]~~ enrollment is
3 reported are as follows:

4 (1) the first reporting date, the second
5 Wednesday in October;

6 (2) the second reporting date, December 1 or
7 the first working day in December; and

8 (3) the third reporting date, the second
9 Wednesday in February.

10 C. The ~~[superintendent of]~~ department may require
11 enrollment or other reports at other times specified by the
12 department.

13 D. Each school district ~~[or head administrator of~~
14 ~~a state-chartered]~~ and charter school shall maintain the
15 following reports for each enrollment reporting period:

16 (1) the ~~[basic program MEM]~~ enrollment and
17 cost factor demographic data by grade in each public school;

18 (2) the early childhood education ~~[MEM]~~
19 enrollment;

20 (3) the special education ~~[MEM in each~~
21 ~~public school in class C and class D programs as defined in~~
22 ~~Section 22-8-21 NMSA 1978;~~

23 ~~(4) the number of class A and class B~~
24 ~~programs as defined in Section 22-8-21 NMSA 1978]~~ enrollment;
25 and

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1 [~~(5)~~] (4) the [~~full-time-equivalent MEM~~]
2 enrollment for bilingual multicultural education programs.

3 [~~D. The superintendent of]~~ E. Each school
4 district and [~~the head administrator of each state-chartered~~]
5 charter school shall furnish all reports, including financial
6 reports, required by law or the department to the department
7 within ten working days of the close of each reporting
8 period. Failure of the department to approve timely
9 submissions shall not cause a school district or charter
10 school to be found noncompliant with the requirements of this
11 section. For purposes of this section, "working day" means
12 every calendar day excluding Saturdays, Sundays and legal
13 holidays.

14 [~~E.~~] F. All information required pursuant to this
15 section shall be on forms prescribed and furnished by the
16 department. A copy of any report made pursuant to this
17 section shall be kept as a permanent record of the school
18 district or charter school and shall be subject to inspection
19 and audit at any reasonable time.

20 [~~F.~~] G. The department may withhold up to one
21 hundred percent of the allotments of funds to any school
22 district or [~~state-chartered~~] charter school [~~where~~] when the
23 local superintendent or head administrator has failed to
24 comply with the requirements of this section. Withholding
25 may continue until the local superintendent or head

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1 administrator complies with and agrees to continue complying
2 with requirements of this section.

3 [G-] H. The provisions of this section may be
4 modified or suspended by the department for any school
5 district or [~~school or state-chartered~~] charter school
6 operating under the Variable School Calendar Act. The
7 department shall require [MEM] reports consistent with the
8 calendar of operations of [~~such~~] the school district or
9 [~~school or state-chartered~~] charter school and shall
10 calculate an equivalent [MEM] enrollment for use in
11 projecting school district or charter school revenue."

12 SECTION 15. Section 22-8-14 NMSA 1978 (being Laws 1967,
13 Chapter 16, Section 69, as amended) is amended to read:

14 "22-8-14. PUBLIC SCHOOL FUND.--

15 A. The "public school fund" is created in the
16 state treasury. The fund consists of appropriations,
17 earmarked revenue, income from investment of the fund and any
18 other money credited to the fund.

19 B. The public school fund shall be distributed to
20 school districts and state-chartered charter schools in the
21 following parts:

22 (1) state equalization guarantee
23 distribution;

24 (2) transportation distribution; and

25 (3) supplemental distributions:

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1 (a) out-of-state tuition to school
2 districts;

3 (b) emergency; and

4 (c) program enrichment.

5 C. The distributions of the public school fund
6 shall be made by the department within limits established by
7 law. The balance remaining in the public school fund at the
8 end of each fiscal year shall not revert to the general fund
9 [~~unless otherwise provided by law~~].

10 D. Until the funding formula provided for in
11 Section 22-8-18 NMSA 1978 is implemented, all revenue, except
12 appropriations in the general appropriation act, dedicated to
13 public school purposes by law or constitutional amendment
14 that is approved after January 1, 2015 shall be credited to a
15 separate account in the public school fund. Money
16 sequestered in this separate account shall not be counted as
17 part of a state reserve for bonding or any other purpose
18 other than to provide the marginal sufficiency cost of
19 implementing the funding formula as provided in Subsection 0
20 of Section 22-8-18 NMSA 1978."

21 SECTION 16. Section 22-8-17 NMSA 1978 (being Laws 1974,
22 Chapter 8, Section 7, as amended) is amended to read:

23 "22-8-17. TOTAL PROGRAM COST DETERMINATION--REQUIRED
24 INFORMATION.--

25 A. The department shall calculate the total

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1 program cost for each school district and charter school
2 [~~shall be determined by the department~~] in accordance with
3 the provisions of the Public School Finance Act.

4 B. The department is authorized to require from
5 each school district and charter school the information
6 necessary to make an accurate determination of the district's
7 or charter school's total program cost."

8 SECTION 17. Section 22-8-18 NMSA 1978 (being Laws 1974,
9 Chapter 8, Section 8, as amended) is repealed and a new
10 Section 22-8-18 NMSA 1978 is enacted to read:

11 "22-8-18. [NEW MATERIAL] PROJECTED SUFFICIENT PER-
12 STUDENT COST CALCULATION FOR SCHOOL DISTRICTS AND CHARTER
13 SCHOOLS--LOCAL RESPONSIBILITY.--

14 A. As used in this section:

- 15 (1) "ENR" means total enrollment;
16 (2) "exp" means the exponential function
17 with its base being the mathematical constant e; and
18 (3) "ln" means natural logarithm.

19 B. The cost factors used to determine the
20 sufficient per-student cost for a school district or charter
21 school are:

- 22 (1) poverty, which is measured by the
23 percentage of qualified students in a school who qualified
24 for free or reduced-price lunch as of September 30 of the
25 prior school year;

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1 (2) English language learners, which is
2 measured by the percentage of qualified students designated
3 as English language learners based on a department-approved
4 English language proficiency assessment;

5 (3) special education, which is measured by
6 sixteen percent of the number of qualified students for
7 school districts and by the percentage of qualified students
8 who are required by the federal Individuals with Disabilities
9 Education Act to have an individualized education program for
10 the delivery of special education, including developmentally
11 disabled three- and four-year-old qualified students, for
12 charter schools;

13 (4) mobility, which is the mobility rate
14 determined by the following formula: $1 - (1 \div (1 + \text{statewide}$
15 $\text{mobility ratio}))$, where the mobility ratio is determined
16 annually by the department;

17 (5) the percent of total district enrollment
18 in grades six through eight;

19 (6) the percent of total district enrollment
20 in grades nine through twelve;

21 (7) the total district enrollment; and

22 (8) the weighted index of staff
23 qualifications.

24 C. The sufficient per-student cost for school
25 districts is determined by multiplying the base per-student

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1 cost by a series of formula adjustments as follows:

2 "base per-student cost x
3 [(1+ percent free/reduced-fee lunch)^{0.375}] x
4 [(1+ percent English language learners)^{0.094}] x
5 [(1+ percent special education)^{1.723}] x
6 [(1+ mobility rate)^{0.190}] x
7 [(1+ enrollment percent in grades six-eight)^{0.291} ÷
8 1.063] x
9 [(1+ enrollment percent in grades nine-twelve)^{0.608}
10 ÷1.187] x
11 [(ENR)^{-0.5750} x exp((ln(ENR))²)^{0.0287} ÷ 0.0619] x
12 weighted index of staff qualifications formula
13 adjustment determined pursuant to Section 22-8-24
14 NMSA 1978".

15 D. The funding formula equation used to determine
16 the sufficient per-student cost for charter schools is
17 determined by multiplying the base per-student cost by a
18 series of formula adjustments as follows:

19 "base per-student cost x
20 [(1+ percent free/reduced-fee lunch)^{0.375}] x
21 [(1+ percent English language learners)^{0.094}] x
22 [(1+ percent special education)^{1.723}] x
23 [(1+ mobility rate)^{0.190}] x
24 [(1+ enrollment percent in grades six-eight)^{0.291} ÷
25 1.074] x

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1 [(1+ enrollment percent in grades nine-twelve)^{0.608}
2 ÷1.241] x
3 [(ENR)^{-0.3071} x exp((ln(ENR))²)^{0.0122} ÷ 0.2881] x
4 weighted index of staff qualifications adjustment
5 as determined pursuant to Section 22-8-24 NMSA
6 1978".

7 E. The exponents and denominators used in the
8 formula adjustments shall remain constant until they are
9 redetermined after the required periodic funding formula
10 study.

11 F. Except as otherwise provided in this section,
12 cost factor demographic data and total enrollment are based
13 on the average of the prior year's total enrollment reported
14 in December and February and the prior-year cost factor
15 demographic data.

16 G. A school district or charter school that is
17 experiencing growth may elect to use the greater of the
18 prior-year average December and February total enrollment or
19 the current-year October total enrollment, as determined by
20 the difference in the prior-year October total enrollment and
21 the current-year October total enrollment.

22 H. A new school district or charter school shall
23 use the current-year October cost factor demographic data and
24 total enrollment for the first year.

25 I. The special education formula adjustment for a
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1 school district is calculated using sixteen percent of the
2 number of qualified students in the school district.

3 J. The special education formula adjustment for a
4 charter school is calculated using the actual number of
5 appropriately identified special education qualified students
6 who are receiving special education on the October enrollment
7 report. The legislature finds that charter schools are
8 designed for unique populations and the range of variation in
9 special education in charter schools is wider and often well
10 below school district averages; therefore, it is rational and
11 reasonable to differentiate between school districts and
12 charter schools in the special education cost factor.

13 K. The department shall assist school districts
14 to implement response to intervention strategies to lower
15 their special education identification rates. It is the
16 intent of the legislature that all school districts and
17 charter schools accurately identify students needing special
18 education and that they implement response to intervention
19 strategies to provide students with the most appropriate
20 services required for their educational success. The
21 department shall report to the legislature by September 1 of
22 each year on:

23 (1) the prior year's special education
24 identification rates in school districts and charter schools;
25 and

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1 (2) the adoption and efficacy of response to
2 intervention strategies for each school district and charter
3 school.

4 L. To maintain the funding formula each year, the
5 department shall:

6 (1) update the cost factors of each school
7 district and charter school to determine their respective
8 formula adjustments for that year; and

9 (2) adjust the base per-student cost
10 according to legislative appropriation, including inflation.
11 As used in this section, inflation is determined by the
12 percentage increase, if any:

13 (a) of the prior-year legislative
14 appropriation for salary increases applied to that statewide
15 portion of the budget designated for salaries and benefits;
16 and

17 (b) of the prior-year consumer price
18 index for all urban consumers for the remaining statewide
19 portions of the budget funded through the formula.

20 M. The department shall undertake a thorough
21 funding formula study every ten years, or more frequently if
22 the legislature determines a need, to update the current
23 funding formula to determine the formula's equation exponents
24 and denominators.

25 N. The sufficient per-student cost is based on a
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1 comprehensive instructional program that includes the cost of
2 core academic programs, career-technical education, gifted
3 programs, bilingual-multicultural programs, arts and music,
4 health and physical education and special education and
5 appropriate staff. It is the responsibility of the local
6 school board or governing body to determine its priorities in
7 terms of the needs of the community served by that board or
8 body. Money distributed through the provisions of the Public
9 School Finance Act is discretionary to local school boards
10 and governing bodies to provide the programs identified in
11 their educational plans.

12 O. Beginning with fiscal year 2017, the
13 legislature and the department shall use the funding formula
14 provided in this section as the method for determining the
15 appropriation for and distribution of the state equalization
16 guarantee. When the funding formula is implemented, those
17 school districts and charter schools that had received more
18 money than the funding formula provides for a sufficient per-
19 student cost shall be held harmless for no more than three
20 years."

21 SECTION 18. A new section of the Public School Finance
22 Act is enacted to read:

23 "[NEW MATERIAL] SUFFICIENT PER-STUDENT COST.--

24 A. The 2005-2008 funding formula study found that
25 the following types of expenditures are important in

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1 supporting the educational plan:

2 (1) extending the school year one or more
3 days;

4 (2) extending the school day for teachers or
5 extending contract days for teachers up to four days beyond
6 the school year;

7 (3) offering summer school, credit recovery
8 and enhanced before- and after-school opportunities;

9 (4) lower class sizes and student-teacher
10 ratios;

11 (5) providing academic coaches, resource
12 teachers and specialists, particularly in reading,
13 mathematics and English language learning programs;

14 (6) enhancing intervention efforts for
15 children who may be at risk of academic failure;

16 (7) enhancing remediation programs in
17 language arts and reading, mathematics, science and social
18 studies;

19 (8) improving truancy prevention and
20 intervention strategies, including establishing or enhancing
21 truancy tracking systems and employing truancy officers;

22 (9) establishing or enhancing bilingual-
23 multicultural programs;

24 (10) offering visual and performing arts,
25 music and physical education to more students;

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1 (11) enhancing programs for gifted students;

2 (12) enhancing career-technical education
3 programs;

4 (13) providing educational assistants,
5 librarians, counselors, nurses, social workers and student
6 support service staff;

7 (14) providing professional development
8 opportunities for licensed school employees outside the
9 instructional day or school year;

10 (15) providing teaching English as a second
11 language and bilingual endorsement courses for instructional
12 staff;

13 (16) providing stipends for instructional
14 staff who have a teaching English as a second language or
15 bilingual endorsement;

16 (17) improving information technology
17 services for students and staff, including employing
18 information technology personnel or contracting with
19 technical consultants;

20 (18) improving the district's ability to
21 collect and analyze student and staff data to improve
22 education management;

23 (19) improving student and school safety; or

24 (20) other measures approved by the
25 department that are tied to the educational plan.

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1 B. The use to which increased funding is put
2 pursuant to Subsection A of this section shall be
3 incorporated into the school district's or charter school's
4 educational plan and approved by the department. The
5 educational plan shall provide detailed information:

6 (1) describing the purposes to which
7 increased funding will be applied;

8 (2) the specific outcomes expected from such
9 increased funding;

10 (3) the performance measures to be used to
11 evaluate the efficacy of the purposes to which increased
12 funding was applied; and

13 (4) any other information requested by the
14 department to assist the department and the school district
15 or charter school to evaluate its educational programs or
16 administrative efficiency."

17 **SECTION 19.** Section 22-8-24 NMSA 1978 (being Laws 1974,
18 Chapter 8, Section 15, as amended by Laws 1993, Chapter 91,
19 Section 1 and also by Laws 1993, Chapter 237, Section 3) is
20 repealed and a new Section 22-8-24 NMSA 1978 is enacted to
21 read:

22 "22-8-24. [NEW MATERIAL] INDEX OF STAFF
23 QUALIFICATIONS--NATIONAL BOARD CERTIFICATION STIPEND.--

24 A. For the purpose of calculating the index of
25 staff qualifications, the following definitions and

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1 limitations apply:

2 (1) "instructional staff" means the
3 personnel assigned to the instructional program of a school
4 district or charter school, including teachers and
5 instructional support providers, and excluding principals,
6 substitute teachers, educational assistants, secretaries and
7 clerks;

8 (2) the number of instructional staff to be
9 counted in calculating matrix A and matrix B of the index of
10 staff qualifications is the actual number of full-time
11 equivalent instructional staff on the October payroll of the
12 prior year;

13 (3) the number of years of experience within
14 a level for matrix A or the number of years of experience for
15 matrix B to be used in calculating the index of staff
16 qualifications is that number of years of experience allowed
17 for salary increment purposes on the salary schedule of the
18 school district or charter school; and

19 (4) the academic degree and additional
20 credit hours to be used in calculating the index of staff
21 qualifications are the degree and additional semester credit
22 hours allowed for salary increment purposes on the salary
23 schedule of the school district or charter school.

24 B. The factors for each classification of
25 academic training by years of experience are provided in the

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1 following matrix for teachers.

2 Matrix of Staff Qualifications A - Teachers

3

Academic Classification	Years of Experience									
	Level I			Level II				Level III		
	0-1	2-3	4-5	4-6	7-8	9-15	Over 15	7-8	9-15	Over 15
Bachelor's degree	0.64	0.67	0.71	0.76	0.82	0.93	1.04	0.90	1.02	1.17
Master's degree or nat'l bd cert	0.68	0.72	0.76	0.81	0.88	1.00	1.11	0.96	1.09	1.25
Master's degree plus 45 credit hours or post-master's degree	0.71	0.75	0.79	0.85	0.92	1.05	1.16	1.01	1.14	1.31

4
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11 C. The factors for each classification of academic
12 training by years of experience are provided in the following
13 matrix for other instructional staff.

14 Matrix of Staff Qualifications B - Other Instructional Staff

15

Academic Classification	Years of Experience				
	0-2	3-5	6-8	9-15	Over 15
Bachelor's degree or less	0.65	0.78	0.87	0.91	0.91
Bachelor's degree plus 15 credit hours	0.70	0.83	0.87	0.96	1.00
Bachelor's degree plus 45 credit hours or master's degree	0.74	0.87	0.91	1.00	1.04
Master's degree plus 15 credit hours	0.78	0.91	1.00	1.13	1.17
Master's degree plus 45 credit hours or post-master's degree	0.87	1.00	1.13	1.22	1.30

16
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21
22 D. The index of staff qualifications for each
23 school district and charter school shall be calculated in
24 accordance with instructions issued by the secretary. The
25 following calculation shall be made to compute the value of

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1 the index of staff qualifications:

2 (1) multiply the number of full-time-
3 equivalent teachers in each academic classification and level
4 in matrix A by the numerical factor in the appropriate "years
5 of experience" column provided in Subsection B of this
6 section;

7 (2) multiply the number of full-time-
8 equivalent other instructional staff in each classification
9 and level in matrix B by the numerical factor in the
10 appropriate "years of experience" column provided in
11 Subsection C of this section;

12 (3) add the adjusted full-time-equivalents
13 calculated in Paragraphs (1) and (2) of this subsection; and

14 (4) divide the total obtained in Paragraph
15 (3) of this subsection by the total number of full-time-
16 equivalent instructional staff.

17 E. If the result of the calculation of the index
18 of staff qualifications for a school district or charter
19 school is less than 1.0, its factor shall be 1.0.

20 F. If a new school district is created, the index
21 of staff qualifications for that school district for the first
22 year of operation shall be 1.0.

23 G. If a school district's or charter school's
24 index of staff qualifications is greater than 1.0, the index
25 of staff qualifications formula adjustment used to determine

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1 the sufficient per-student cost is equal to the amount
2 determined in Subsection D of this section multiplied by the
3 percentage of the prior year's budget for instructional staff
4 salaries and benefits plus a factor equal to one hundred
5 percent minus the percentage of the prior year's budget for
6 instructional staff salaries and benefits.

7 H. In addition to the sufficient per-student cost,
8 each school district and charter school shall calculate the
9 amount of national board for professional teaching standards
10 certification salary differential due to each national board-
11 certified teacher employed by the school district or charter
12 school on the October report date. The department shall
13 calculate the amount of the salary differential for
14 legislative appropriation based on the amount paid to board-
15 certified teachers in the 2015-2016 base school year adjusted
16 yearly by the same overall percentage increase in teacher
17 salary provided by the legislature. The department shall
18 verify the certification and current employment of board-
19 certified teachers. Department approval of any allocations
20 for this item shall be contingent on verification by the
21 school district or charter school that these teachers will
22 receive the one-time salary differential for the school year
23 equal to the amount calculated."

24 SECTION 20. Section 22-8-25 NMSA 1978 (being Laws 1981,
25 Chapter 176, Section 5, as amended) is amended to read:

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1 "22-8-25. STATE EQUALIZATION GUARANTEE DISTRIBUTION--
2 DEFINITIONS--DETERMINATION OF AMOUNT.--

3 A. The state equalization guarantee distribution
4 is that amount of money distributed to each school district to
5 ensure that its operating revenue, including its local and
6 federal revenues as defined in this section, is at least equal
7 to the school district's total program cost. For [~~state-~~
8 ~~chartered~~] charter schools, the state equalization guarantee
9 distribution is the difference between the [~~state-chartered~~]
10 charter school's total program cost and the two percent
11 withheld by the school district or the department for
12 administrative services.

13 B. "Local revenue", as used in this section, means
14 seventy-five percent of receipts to the school district
15 derived from that amount produced by a school district
16 property tax applied at the rate of fifty cents (\$.50) to each
17 one thousand dollars (\$1,000) of net taxable value of property
18 allocated to the school district and to the assessed value of
19 products severed and sold in the school district as determined
20 under the Oil and Gas Ad Valorem Production Tax Act and upon
21 the assessed value of equipment in the school district as
22 determined under the Oil and Gas Production Equipment Ad
23 Valorem Tax Act.

24 C. "Federal revenue", as used in this section,
25 means receipts to the school district, excluding amounts that,

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1 if taken into account in the computation of the state
2 equalization guarantee distribution, result, under federal law
3 or regulations, in a reduction in or elimination of federal
4 school funding otherwise receivable by the school district,
5 derived from the following:

6 (1) seventy-five percent of the school
7 district's share of forest reserve funds distributed in
8 accordance with Section 22-8-33 NMSA 1978; and

9 (2) seventy-five percent of grants from the
10 federal government as assistance to those areas affected by
11 federal activity authorized in accordance with Title 20 of the
12 United States Code, commonly known as "PL 874 funds" or
13 "impact aid".

14 D. To determine the amount of the state
15 equalization guarantee distribution, the department shall

16 ~~[(1) calculate the number of program units to~~
17 ~~which each school district or charter school is entitled using~~
18 ~~an average of the MEM on the second and third reporting dates~~
19 ~~of the prior year; or~~

20 ~~(2) calculate the number of program units to~~
21 ~~which a school district or charter school operating under an~~
22 ~~approved year-round school calendar is entitled using an~~
23 ~~average of the MEM on appropriate dates established by the~~
24 ~~department; or~~

25 ~~(3) calculate the number of program units to~~

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1 ~~which a school district or charter school with a MEM of two~~
2 ~~hundred or less is entitled by using an average of the MEM on~~
3 ~~the second and third reporting dates of the prior year or the~~
4 ~~fortieth day of the current year, whichever is greater; and~~

5 ~~(4) using the results of the calculations in~~
6 ~~Paragraph (1), (2) or (3) of this subsection and the~~
7 ~~instructional staff training and experience index from the~~
8 ~~October report of the prior school year, establish a total~~
9 ~~program cost of the school district or charter school;~~

10 ~~(5) for school districts, calculate the local~~
11 ~~and federal revenues as defined in this section;~~

12 ~~(6) deduct the sum of the calculations made~~
13 ~~in Paragraph (5) of this subsection from the program cost~~
14 ~~established in Paragraph (4) of this subsection;~~

15 ~~(7)]~~ determine the total program cost for each
16 school district and charter school and subtract the local and
17 federal revenue. The department shall then deduct the total
18 amount of guaranteed energy savings contract payments that the
19 department determines will be made to the school district from
20 the public school utility conservation fund during the fiscal
21 year for which the state equalization guarantee distribution
22 is being computed and ~~[(8)]~~ deduct ninety percent of the
23 amount certified for the school district by the department
24 pursuant to the Energy Efficiency and Renewable Energy Bonding
25 Act.

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1 E. Reduction of a school district's state
2 equalization guarantee distribution pursuant to the Energy
3 Efficiency and Renewable Energy Bonding Act shall cease when
4 the school district's cumulative reductions equal its
5 proportional share of the cumulative debt service payments
6 necessary to service the bonds issued pursuant to [~~the Energy~~
7 ~~Efficiency and Renewable Energy Bonding~~] that act.

8 ~~[F. The amount of the state equalization guarantee~~
9 ~~distribution to which a school district is entitled is the~~
10 ~~balance remaining after the deductions made in Paragraphs (6)~~
11 ~~through (8) of Subsection D of this section.~~

12 G.] F. The state equalization guarantee
13 distribution shall be distributed prior to June 30 of each
14 fiscal year. The calculation shall be based on the local and
15 federal revenues specified in this section received from June
16 1 of the previous fiscal year through May 31 of the fiscal
17 year for which the state equalization guarantee distribution
18 is being computed. In the event that a school district or
19 charter school has received more state equalization guarantee
20 funds than its entitlement, a refund shall be made by the
21 school district or charter school to the [~~state general~~]
22 public school fund."

23 SECTION 21. A new section of the Public School Finance
24 Act is enacted to read:

25 "[NEW MATERIAL] SPECIAL EDUCATION CATASTROPHIC AID FUND--

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1 CREATED--DISTRIBUTION--LOCAL EFFORT.--

2 A. As used in this section, "high-cost special
3 education" means the provision of special education and
4 related services to a qualified student, the cost of which
5 exceeds the established threshold amount above the base per-
6 student cost.

7 B. The "special education catastrophic aid fund"
8 is created as a nonreverting fund in the state treasury. The
9 fund consists of appropriations, gifts, grants, donations,
10 income from investment of the fund and any other money
11 credited to the fund. The fund shall be administered by the
12 department, and money in the fund is appropriated to the
13 department to provide grants to school districts to assist
14 them in paying costs associated with high-cost special
15 education students. Money from the fund shall be disbursed by
16 warrants of the secretary of finance and administration on
17 vouchers signed by the secretary of public education or the
18 secretary's authorized representative.

19 C. A school district may apply to the department
20 for a grant from the fund to help defray the cost of providing
21 high-cost special education. The application shall be in a
22 form approved by the department and shall include the
23 documentation required by the department. A single grant
24 shall not exceed seventy-five percent of the projected cost of
25 providing the high-cost special education for a given school

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1 year.

2 D. Based on legislative appropriation each year,
3 the department shall determine the threshold amount for high-
4 cost special education."

5 SECTION 22. Section 22-13-1.7 NMSA 1978 (being Laws
6 2007, Chapter 348, Section 3) is amended to read:

7 "22-13-1.7. ELEMENTARY PHYSICAL EDUCATION.--

8 A. As used in this section, [~~(1)~~ "eligible
9 students" means students in kindergarten through grade six in
10 a public school classified by the department as an elementary
11 school; and ~~(2)~~] "physical education" includes programs of
12 education through which students participate in activities
13 related to fitness education and assessment; active games and
14 sports; and development of physical capabilities such as motor
15 skills, strength and coordination.

16 B. Elementary physical education programs [~~that~~
17 ~~serve eligible students are eligible for funding if those~~
18 ~~programs~~] shall meet academic content and performance
19 standards for elementary physical education programs and shall
20 be taught by teachers with a license endorsement for physical
21 education.

22 [~~C. In granting approval for funding of elementary~~
23 ~~physical education programs, the department shall provide that~~
24 ~~programs are first implemented in public schools that have the~~
25 ~~highest proportion of students most in need based on the~~

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1 ~~percentage of students eligible for free or reduced-fee lunch~~
2 ~~or grade-level schools that serve an entire school district~~
3 ~~and in public schools with available space. If the department~~
4 ~~determines that an elementary physical education program is~~
5 ~~not meeting the academic content and performance standards for~~
6 ~~elementary physical education programs, the department shall~~
7 ~~notify the school district that the public school's failure to~~
8 ~~meet the academic content and performance standards will~~
9 ~~result in the cessation of funding for the following school~~
10 ~~year. The department shall compile the program results~~
11 ~~submitted by the school districts each year and make an annual~~
12 ~~report to the legislative education study committee and the~~
13 ~~legislature.~~

14 ~~D. As they become eligible for elementary physical~~
15 ~~education program funding, public schools shall submit to the~~
16 ~~department their elementary physical education program plans~~
17 ~~that meet academic content and performance standards and other~~
18 ~~guidelines of the department. At a minimum, the plan shall~~
19 ~~include the elementary physical education program being taught~~
20 ~~and an evaluation component. To be eligible for state~~
21 ~~financial support, an elementary physical education program~~
22 ~~shall:~~

23 ~~(1) provide for the physical education needs~~
24 ~~of students defined in this section; and~~

25 ~~(2) use teachers with a license endorsement~~

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1 ~~for physical education.~~

2 ~~E. The department shall annually determine the~~
3 ~~programs and the consequent number of students in elementary~~
4 ~~physical education that will receive state financial support~~
5 ~~in accordance with funding available in each school year.]"~~

6 SECTION 23. A new Section 22-13-1.8 NMSA 1978 is enacted
7 to read:

8 "22-13-1.8. [NEW MATERIAL] GIFTED STUDENTS--STANDARDS--
9 DETERMINATION--MULTIDISCIPLINARY TEAMS--STUDENT-SPECIFIC
10 GIFTED EDUCATION PLANS--ADVISORY COMMITTEES.--

11 A. The department's educational standards for New
12 Mexico public schools shall include standards for the
13 identification, evaluation and education of gifted students.
14 The department shall monitor and oversee the implementation of
15 gifted student standards.

16 B. Each school district offering a gifted
17 education program shall create one or more advisory committees
18 of parents of gifted students, community members with
19 knowledge and concern about gifted education and school staff
20 members who work in gifted education. The school district may
21 create as many advisory committees as there are high schools
22 in the district or may create a single districtwide advisory
23 committee. The membership of each advisory committee shall
24 reflect the cultural diversity of the enrollment of the school
25 district or the schools the committee advises. The advisory

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1 committee shall regularly review the goals and priorities of
2 the gifted program, including the process of gifted student
3 identification, evaluation, placement and service delivery and
4 the development of student-specific educational goals plans
5 for gifted students.

6 C. To determine whether a student is gifted, a
7 multidisciplinary team from the school district shall evaluate
8 the student and shall consider:

9 (1) diagnostic or other evidence of the
10 student's:

11 (a) creativity or divergent-thinking
12 ability;

13 (b) critical-thinking or
14 problem-solving ability;

15 (c) intelligence; and

16 (d) achievement;

17 (2) information regarding the student's
18 cultural and linguistic background and socioeconomic
19 background; and

20 (3) any disability recognized under federal
21 law.

22 D. With the agreement of the student's parent, the
23 multidisciplinary team has the authority to designate a
24 student as gifted and constitute a gifted education plan team
25 made up of the gifted student's parent, the gifted student,

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1 teachers and other specialists the multidisciplinary team
2 deems necessary. The gifted education plan team shall prepare
3 a student-specific gifted education plan for the student that
4 at a minimum meets the department's standards of excellence
5 and includes a description of the differentiated instruction
6 and affective curriculum to be provided that will best
7 facilitate effective learning and development for the gifted
8 student. The gifted education plan team shall consider a
9 continuum of research-based services and placements when
10 developing the student-specific plan. If a gifted student
11 also has a disability that requires an individualized
12 educational plan pursuant to federal law, that plan shall be
13 substituted for the gifted education plan.

14 E. Nothing in this section shall preclude a school
15 district from offering gifted programs to students who fail to
16 meet the eligibility criteria for gifted students, but the
17 school district is not required to prepare a student-specific
18 gifted education plan for those students."

19 SECTION 24. Section 22-13-5 NMSA 1978 (being Laws 1972,
20 Chapter 95, Section 1, as amended) is amended to read:

21 "22-13-5. SPECIAL EDUCATION.--

22 A. School districts shall provide special
23 education and related services appropriate to meet the needs
24 of students requiring special education and related services.
25 Rules and standards shall be developed and established by the

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1 department for the provision of special education in the
2 schools and classes of the public school system in the state
3 and in all institutions wholly or partly supported by the
4 state. The department shall monitor and enforce the rules and
5 standards.

6 B. Except as otherwise provided in this section,
7 the state institution in which a school-age person is detained
8 or enrolled shall be responsible for providing educational
9 services for the school-age person. A school-age person who
10 is a client as defined in Section 43-1-3 NMSA 1978 in a state
11 institution under the authority of the secretary of health has
12 a right to attend public school in the school district in
13 which the state institution in which the school-age person is
14 a client is located if:

15 (1) the school-age person has been
16 recommended for placement in a public school by the
17 educational appraisal and review committee of the school
18 district in which the institution is located; or

19 (2) the school-age person has been
20 recommended for placement in a public school as a result of
21 the appeal process as provided in the special education rules
22 of the department.

23 C. School districts shall also provide services
24 for three-year-old and four-year-old preschool children with
25 disabilities, unless the parent [~~or guardian~~] chooses not to

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1 enroll the child. Services for students age three through
2 twenty-one may include, but are not limited to, evaluating
3 particular needs, providing learning experiences that develop
4 cognitive and social skills, arranging for or providing
5 related services as defined by the department and providing
6 parent education. The services may be provided by licensed
7 school employees or contracted for with other community
8 agencies and shall be provided in age-appropriate, integrated
9 settings, including home, daycare centers, head start
10 programs, schools or community-based settings."

11 SECTION 25. Section 22-13-7 NMSA 1978 (being Laws 1972,
12 Chapter 95, Section 3, as amended) is amended to read:

13 "22-13-7. SPECIAL EDUCATION--RESPONSIBILITY.--

14 A. The [~~state board~~] department shall make, adopt
15 and keep current a state plan for special education policy,
16 programs and standards.

17 B. The department [~~of education with the approval~~
18 ~~of the state board~~] shall set standards for diagnosis and
19 screening of and educational offerings for [~~exceptional~~
20 ~~children~~] qualified students and school-age persons receiving
21 special education in public schools, in private, nonsectarian,
22 nonprofit training centers or residential treatment centers
23 for which a school district is responsible and in state
24 institutions under the authority of the secretary of health or
25 the secretary of children, youth and families.

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1 C. The [~~state board~~] department shall establish
2 and maintain a program of evaluation of the implementation and
3 impact of all programs for [~~exceptional children~~] qualified
4 students and school-age persons receiving special education in
5 the public schools. This program shall be operated with the
6 cooperation of [~~local~~] school districts. Portions of the
7 program may be subcontracted, and periodic reports regarding
8 the efficacy of programs for [~~exceptional children~~] qualified
9 students and school-age persons receiving special education
10 shall be made to the legislative education study committee.

11 D. The department [~~of education~~] shall coordinate
12 programming related to the transition of [~~persons with~~
13 ~~disabilities~~] qualified students and school-age persons
14 receiving special education from secondary and post-secondary
15 education programs to employment or vocational placement."

16 SECTION 26. Section 22-30-6 NMSA 1978 (being Laws 2007,
17 Chapter 292, Section 6 and Laws 2007, Chapter 293, Section 6)
18 is amended to read:

19 "22-30-6. DISTANCE LEARNING STUDENTS.--

20 A. A student must be enrolled in a public school
21 or a state-supported school and must have the permission of
22 the student's local distance education learning site to enroll
23 in a distance learning course. A distance learning student
24 shall [~~only~~] be counted only in the student's primary
25 enrolling district for the purpose of determining the

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1 [~~membership~~] enrollment used to calculate a school district's
2 state equalization guarantee. A student shall have only one
3 primary enrolling district.

4 B. A home school [~~student~~] school-age person may
5 participate in the statewide cyber academy by enrolling for
6 one-half or more of the minimum course requirements approved
7 by the department for public school students in the school
8 district in which the [~~student~~] school-age person resides; or,
9 if the [~~student~~] school-age person is enrolled for less than
10 one-half of the minimum course requirements, the [~~student~~]
11 school-age person may participate in the statewide cyber
12 academy by paying not more than thirty-five percent of the
13 current [~~unit value per curricular unit~~] base per-student
14 cost.

15 C. A [~~student~~] school-age person enrolled in a
16 nonpublic school may participate in the statewide cyber
17 academy if the school in which the [~~student~~] school-age person
18 is enrolled enters into a contract with the school district in
19 which the nonpublic school is located to pay the required
20 tuition.

21 D. A [~~student~~] school-age person who is detained
22 in or committed to a juvenile detention facility or a facility
23 for the long-term care and rehabilitation of delinquent
24 children may participate in the statewide cyber academy if the
25 facility in which the [~~student~~] school-age person is enrolled

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1 enters into a contract with the school district in which the
2 facility is located."

3 SECTION 27. TEMPORARY PROVISION--PROJECTIONS AND BUDGET
4 PREPARATION--PRE-2015 FORMULA.--The effective date of sections
5 in this act notwithstanding, the definitions set out in
6 Section 22-8-2 NMSA 1978 as enacted in this act shall be used
7 to project enrollments and prepare budgets for the 2016-2017
8 school year.

9 SECTION 28. TEMPORARY PROVISION--DATA VERIFICATION--BETA
10 TESTING OF FUNDING FORMULA.--

11 A. For the 2014-2015 and 2015-2016 school years,
12 the department and school districts shall collect and verify
13 all data required for the funding formula provided for in
14 Section 17 of this act, and shall test the data and the
15 formula. The legislative education study committee shall work
16 with the department to review the data collected and reported
17 by the department and may make recommendations on how to
18 improve data collection and reporting. The data collected
19 through the student and teacher accountability reporting
20 system shall be verified against the data used by the school
21 budget and finance analysis bureau for the final funded run to
22 determine distribution of the state equalization guarantee and
23 any other data collected by the department. The department,
24 the school districts, the office of education accountability
25 and the legislative education study committee shall verify

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1 that the data are accurate, and the department shall correct
2 all data errors. The school budget and finance analysis
3 bureau shall test the funding formula with the 2014-2015 and
4 2015-2016 school years verified data, using the budget
5 analysts' finance calculator that underpins the funding
6 formula.

7 B. During the testing period and beyond, the
8 department shall use the schedule of sufficient base
9 per-student costs developed by the funding formula study
10 contractor to calculate the sufficient per-student cost. For
11 school year 2015-2016, the school district base per-student
12 cost is five thousand six hundred forty-one dollars ninety-two
13 cents (\$5,641.92) and the charter school base per-student cost
14 is seven thousand six hundred thirty-two dollars ten cents
15 (\$7,632.10), and for school year 2016-2017, the school
16 district base per-student cost is five thousand seven hundred
17 eight dollars thirty cents (\$5,708.30) and the charter school
18 base per-student cost is seven thousand seven hundred twenty-
19 one dollars eighty-nine cents (\$7,721.89).

20 C. During the testing period, the department shall
21 consult with the United States department of education to
22 ensure that the proposed funding formula meets federal impact
23 aid requirements. The department shall keep the legislative
24 education study committee and the legislative finance
25 committee apprised of the results of its consultations.

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1 D. During the testing period, the department shall
2 work with the coalition of school administrators to provide
3 training to superintendents, business officers, principals and
4 others involved in data collection, compilation and
5 verification at the school and district levels.

6 **SECTION 29. REPEAL.**--Sections 22-8-3, 22-8-7.1, 22-8-19,
7 22-8-20 through 22-8-23.9, 22-8-25.1, 22-13-6 and 22-13-6.1
8 NMSA 1978 (being Laws 1988, Chapter 64, Section 14; Laws 1993,
9 Chapter 224, Section 1; Laws 1974, Chapter 8, Section 9; Laws
10 1991, Chapter 85, Section 3; Laws 1974, Chapter 8, Section 11;
11 Laws 1974, Chapter 8, Section 13; Laws 1975, Chapter 119,
12 Section 1; Laws 1990 (1st S.S.), Chapter 3, Sections 7 and 8;
13 Laws 1993, Chapter 237, Section 2; Laws 1997, Chapter 40,
14 Section 7; Laws 2003, Chapter 144, Section 2 and Laws 2003,
15 Chapter 152, Section 9; Laws 2003, Chapter 144, Section 3 and
16 Laws 2003, Chapter 152, Section 8; Laws 2006, Chapter 94,
17 Section 15; Laws 2007, Chapter 348, Section 1; Laws 2007,
18 Chapter 365, Section 2; Laws 2013, Chapter 113, Section 1;
19 Laws 1985 (1st S.S.), Chapter 15, Section 17; Laws 1972,
20 Chapter 95, Section 2; and Laws 1994, Chapter 25, Section 2,
21 as amended) are repealed.

22 **SECTION 30. EFFECTIVE DATE--CONTINGENCY.**--

23 A. The effective date of the provisions of
24 Sections 2, 4, 5, 8, 9, 10, 12, 24, 27 and 28 of this act is
25 July 1, 2015.

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