

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 140

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

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; PROVIDING FOR AN ACTIVITIES  
PROGRAM UNIT FOR CERTAIN PRIVATE SCHOOL STUDENTS.

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

**SECTION 1.** Section 22-8-18 NMSA 1978 (being Laws 1974,  
Chapter 8, Section 8, as amended) is amended to read:

"22-8-18. PROGRAM COST CALCULATION--LOCAL  
RESPONSIBILITY.--

A. The total program units for the purpose of  
computing the program cost shall be calculated by multiplying  
the sum of the program units itemized as Paragraphs (1) through  
(6) in this subsection by the instructional staff training and  
experience index and adding the program units itemized as  
Paragraphs (7) through (14) in this subsection. The itemized  
program units are as follows:

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underscored material = new  
[bracketed material] = delete

- 1 (1) early childhood education;
- 2 (2) basic education;
- 3 (3) special education, adjusted by subtracting
- 4 the units derived from membership in class D special education
- 5 programs in private, nonsectarian, nonprofit training centers;
- 6 (4) bilingual multicultural education;
- 7 (5) fine arts education;
- 8 (6) elementary physical education;
- 9 (7) size adjustment;
- 10 (8) at-risk program;
- 11 (9) enrollment growth or new district
- 12 adjustment;
- 13 (10) special education units derived from
- 14 membership in class D special education programs in private,
- 15 nonsectarian, nonprofit training centers;
- 16 (11) national board for professional teaching
- 17 standards certification;
- 18 (12) home school student program unit;
- 19 (13) home school and certain private school
- 20 student activities; and
- 21 (14) charter school student activities.

22 B. The total program cost calculated as prescribed

23 in Subsection A of this section includes the cost of early

24 childhood, special, bilingual multicultural, fine arts and

25 vocational education and other remedial or enrichment programs.

1 It is the responsibility of the local school board or governing  
 2 body of a charter school to determine its priorities in terms  
 3 of the needs of the community served by that board. Except as  
 4 otherwise provided in this section, funds generated under the  
 5 Public School Finance Act are discretionary to local school  
 6 boards and governing bodies of charter schools; provided that  
 7 the special program needs as enumerated in this section are  
 8 met; and provided further that if a public school has been  
 9 rated D or F for two consecutive years, the department shall  
 10 ensure that the local school board or governing body of a  
 11 charter school is prioritizing resources for the public school  
 12 toward proven programs and methods linked to improved student  
 13 achievement until the public school earns a C or better for two  
 14 consecutive years."

15 SECTION 2. Section 22-8-23.8 NMSA 1978 (being Laws 2007,  
 16 Chapter 365, Section 2, as amended) is amended to read:

17 "22-8-23.8. HOME SCHOOL AND CERTAIN PRIVATE SCHOOL  
 18 STUDENT ACTIVITIES PROGRAM UNIT.--The home school and certain  
 19 private school student activities program unit for a school  
 20 district is determined by multiplying the number of home school  
 21 students and private school students enrolled in a private  
 22 school with less than three hundred fifty students who are  
 23 participating in school district activities governed by the New  
 24 Mexico activities association by the cost differential factor  
 25 of 0.1. The home school and certain private school student

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1 activities program unit shall be paid to the school district in  
2 which it is generated. A home school student or a private  
3 school student enrolled in a private school with less than  
4 three hundred fifty students is eligible to participate in up  
5 to three school district activities at the public school in the  
6 attendance zone in which the student resides, according to the  
7 New Mexico activities association guidelines. The school  
8 district shall verify each home school student's or private  
9 school student's academic eligibility to participate in school  
10 district activities. As used in this section, "activities"  
11 means athletics, co-curricular and extracurricular activities  
12 sanctioned by the New Mexico activities association."

13 SECTION 3. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is July 1, 2015.