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HOUSE BILL 135

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

Derrick J. Lente

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; PROVIDING NATIVE LANGUAGE  
EDUCATION PROGRAM UNITS.

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 by Laws 2019, Chapter 206,  
Section 13 and by Laws 2019, Chapter 207, Section 13) 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) and (2)  
in this subsection by the staffing cost multiplier and adding  
the program units itemized as Paragraphs (3) through [~~(4)~~]

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1     (17) in this subsection. The itemized program units are as  
2 follows:

3                   (1) early childhood education;  
4                   (2) basic education;  
5                   (3) special education, adjusted by subtracting  
6 the units derived from membership in class D special education  
7 programs in private, nonsectarian, nonprofit training centers;

8                   (4) bilingual multicultural education;  
9                   (5) native language education;  
10                  [~~(5)~~] (6) fine arts education;  
11                  [~~(6)~~] (7) elementary physical education;  
12                  [~~(7)~~] (8) size adjustment;  
13                  [~~(8)~~] (9) at-risk;  
14                  [~~(9)~~] (10) enrollment growth or new district  
15 adjustment;

16                  [~~(10)~~] (11) special education units derived  
17 from membership in class D special education programs in  
18 private, nonsectarian, nonprofit training centers;

19                  [~~(11)~~] (12) national board for professional  
20 teaching standards certification;

21                  [~~(12)~~] (13) home school student;  
22                  [~~(13)~~] (14) home school student activities;  
23                  [~~(14)~~] (15) charter school student activities;  
24                  [~~(15)~~] (16) K-5 plus; and  
25                  [~~(16)~~] (17) extended learning time.

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1           B. The total program cost calculated as prescribed  
2 in Subsection A of this section includes the cost of early  
3 childhood, special, bilingual multicultural, native language,  
4 fine arts and vocational education and other remedial or  
5 enrichment programs. It is the responsibility of the local  
6 school board or governing body of a charter school to determine  
7 its priorities in terms of the needs of the community served by  
8 that board. Except as otherwise provided in this section,  
9 funds generated under the Public School Finance Act are  
10 discretionary to local school boards and governing bodies of  
11 charter schools; provided that the special program needs as  
12 enumerated in this section are met; and provided further that  
13 the department shall ensure that the local school board or  
14 governing body of a charter school is prioritizing resources  
15 for the public school toward proven programs and methods linked  
16 to improved student achievement."

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

19           "[NEW MATERIAL] NATIVE LANGUAGE PROGRAM UNITS.--The number  
20 of native language program units is determined by multiplying  
21 the full-time-equivalent MEM in native language programs  
22 implemented in accordance with the provisions of the Indian  
23 Education Act and the Bilingual Multicultural Education Act by  
24 the cost differential factor 0.5."

25           **SECTION 3.** EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2020.

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