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AN ACT
RELATING TO PUBLIC SCHOOL FINANCE; ADJUSTING SCHOOL
DISTRICTS' AND CHARTER SCHOOLS' FISCAL YEAR 2023
TRANSPORTATION DISTRIBUTION CALCULATIONS FOR EFFECTS OF THE
CORONAVIRUS DISEASE 2019 PANDEMIC ON TRANSPORTATION; MAKING
TEMPORARY ADJUSTMENTS TO TRANSPORTATION DISTRIBUTIONS.

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

SECTION 1. Section 22-8-29 NMSA 1978 (being Laws 1967,
Chapter 16, Section 78, as amended) is amended to read:

"22-8-29. TRANSPORTATION DISTRIBUTIONS--REPORTS--
PAYMENTS.--

A. On the second reporting date and the third
reporting date of each year, each local school board of a
school district and governing body of a state-chartered
charter school shall report to the state transportation
director, upon forms furnished by the state transportation
director, the following information concerning the school
district's or state-chartered charter school's operation on
each respective reporting date of the current year:

(1) the number and designation of school bus
routes in operation in the school district;

(2) the number of miles traveled by each
school bus on each school bus route, showing the route
mileage in accordance with the type of road surface traveled;

1 (3) the number of students, including
2 special education students, transported on each reporting
3 date of the current year and adjusted for special education
4 students on December 1;

5 (4) the projected number of students to be
6 transported in the next school year;

7 (5) the seating capacity, age and mileage of
8 each bus used in the school district for student
9 transportation; and

10 (6) the number of total miles traveled for
11 each school district's or state-chartered charter school's
12 per capita feeder routes.

13 B. Each local school board of a school district
14 and governing body of a state-chartered charter school
15 maintaining a school bus route shall make further reports to
16 the state transportation director at other times specified by
17 the state transportation director.

18 C. The state transportation director shall certify
19 to the secretary that the allocations from the transportation
20 distributions to each school district and state-chartered
21 charter school are based upon the transportation distribution
22 formula established in the Public School Code, calculated and
23 distributed for the entire school year using an average of
24 the amounts reported pursuant to Subsection A of this section
25 on the second reporting date and third reporting date of the

1 prior school year, and are subject to audit and verification;
2 provided that for fiscal years 2022 and 2023, the state
3 transportation director shall use an average of the amounts
4 reported pursuant to Subsection A of this section on the
5 second and third reporting dates of fiscal year 2020.

6 D. The department shall make periodic installment
7 payments to school districts and state-chartered charter
8 schools during the school year from the transportation
9 distributions, based upon the allocations certified by the
10 state transportation director."

11 SECTION 2. Section 22-8-29.1 NMSA 1978 (being Laws
12 1995, Chapter 208, Section 10, as amended) is amended to
13 read:

14 "22-8-29.1. CALCULATION OF TRANSPORTATION ALLOCATION.--

15 A. As used in this section:

16 (1) "annual variables" means the
17 coefficients calculated by regressing the total operational
18 expenditures from two years prior to the current school year
19 for each school district and state-chartered charter school
20 using the number of students transported and the numerical
21 value of site characteristics; provided that for fiscal years
22 2022 and 2023, the coefficients shall be calculated by
23 regressing the total operational expenditures from fiscal
24 year 2019;

25 (2) "base amount" means the fixed amount

1 that is the same for all school districts and an amount
2 established by rule for state-chartered charter schools;

3 (3) "total operational expenditures" means
4 the sum of all to-and-from school transportation
5 expenditures, excluding expenditures incurred in accordance
6 with the provisions of Section 22-8-27 NMSA 1978; and

7 (4) "variable amount" means the sum of the
8 product of the annual variables multiplied by each school
9 district's or state-chartered charter school's numerical
10 value of the school district's and state-chartered charter
11 school's site characteristics multiplied by the number of
12 days of operation for each school district or state-chartered
13 charter school.

14 B. The department shall calculate the
15 transportation allocation for each school district and state-
16 chartered charter school.

17 C. The base amount is designated as product A.
18 Product A is the constant calculated by regressing the total
19 operational expenditures from the two years prior to the
20 current school year for school district or state-chartered
21 charter school operations using the numerical value of site
22 characteristics approved by the department. The legislative
23 education study committee and the legislative finance
24 committee may review the site characteristics developed by
25 the state transportation director prior to approval by the

1 department.

2 D. The variable amount is designated as product B.
3 Product B is the predicted additional expenditures for each
4 school district or state-chartered charter school based on
5 the regression analysis using the site characteristics as
6 predictor variables multiplied by the number of days.

7 E. The allocation to each school district and
8 state-chartered charter school shall be equal to product A
9 plus product B. The adjustment factor shall be applied to
10 the calculation.

11 F. For the 2001-2002, 2002-2003 and 2003-2004
12 school years, the transportation allocation for each school
13 district shall not be less than ninety-five percent or more
14 than one hundred five percent of the prior school year's
15 transportation expenditure."

16 **SECTION 3. TEMPORARY PROVISION.**--Notwithstanding the
17 provisions of the Public School Finance Act, for a
18 state-chartered charter school that did not operate a to-and-
19 from school transportation program in fiscal year 2019 or 2020
20 but did operate a to-and-from school transportation program in
21 fiscal year 2022, the public education department shall use
22 data from fiscal year 2022 to calculate the transportation
23 distribution for fiscal year 2023. _____