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SENATE BILL 143

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Antonio Maestas

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; PROVIDING FOR SCHOOL-BASED INSTRUCTIONAL PROGRAMS FOR STUDENTS WHO ARE DEAF OR HARD-OF-HEARING OR REQUIRE THE USE OF AMERICAN SIGN LANGUAGE AS THEIR RECEPTIVE OR EXPRESSIVE FORM OF COMMUNICATION; CREATING THE DISABILITY LANGUAGE PROGRAM UNIT; ALLOWING SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT DEVELOP AND IMPLEMENT SCHOOL-BASED DISABILITY LANGUAGE INSTRUCTIONAL PROGRAMS TO RECEIVE DISTRIBUTIONS GENERATED BY THE DISABILITY LANGUAGE PROGRAM UNIT; INSTRUCTING THE PUBLIC EDUCATION DEPARTMENT TO REVIEW AND EVALUATE SCHOOL-BASED DISABILITY LANGUAGE INSTRUCTIONAL PROGRAMS.

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

SECTION 1. A new section of the Public School Finance Act is enacted to read:

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1 "[NEW MATERIAL] DISABILITY LANGUAGE PROGRAM UNITS--

2 ELIGIBILITY.--

3 A. School districts and charter schools that
4 develop and implement school-based disability language
5 instructional programs that meet the needs of students who are
6 deaf or hard-of-hearing or require the use of American sign
7 language as their primary receptive or expressive form of
8 communication are eligible for disability language program
9 units.

10 B. To be eligible for the funding generated by the
11 disability language program unit, a school district or charter
12 school must develop and implement a school-based disability
13 language instructional program to meet the needs of students
14 who are deaf or hard-of-hearing or require the use of American
15 sign language as their primary receptive or expressive form of
16 communication.

17 C. To be eligible for the disability language
18 program units, a student must participate in a school-based
19 disability language instructional program and the student's
20 individualized educational program as provided for in Section
21 22-13-8 NMSA 1978 must indicate that the student is deaf or
22 hard-of-hearing or requires the use of American sign language
23 as the student's primary receptive or expressive form of
24 communication.

25 D. The department shall review and evaluate any

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1 school-based disability language instructional program
2 developed and implemented by a school district or charter
3 school."

4 SECTION 2. Section 22-8-18 NMSA 1978 (being Laws 1974,
5 Chapter 8, Section 8, as amended) is amended to read:

6 "22-8-18. PROGRAM COST CALCULATION--LOCAL
7 RESPONSIBILITY.--

8 A. The total program units for the purpose of
9 computing the program cost shall be calculated by multiplying
10 the sum of the program units itemized as Paragraphs (1) and (2)
11 in this subsection by the staffing cost multiplier and adding
12 the program units itemized as Paragraphs (3) through [~~(15)~~]
13 (16) in this subsection. The itemized program units are as
14 follows:

- 15 (1) early childhood education;
- 16 (2) basic education;
- 17 (3) special education, adjusted by subtracting
18 the units derived from membership in class D special education
19 programs in private, nonsectarian, nonprofit training centers;
- 20 (4) disability language;
- 21 [~~(4)~~] (5) bilingual multicultural education;
- 22 [~~(5)~~] (6) fine arts education;
- 23 [~~(6)~~] (7) elementary physical education;
- 24 [~~(7)~~] (8) size adjustment;
- 25 [~~(8)~~] (9) at-risk;

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1 [~~(9)~~] (10) enrollment growth or new district
2 adjustment;

3 [~~(10)~~] (11) special education units derived
4 from membership in class D special education programs in
5 private, nonsectarian, nonprofit training centers;

6 [~~(11)~~] (12) national board for professional
7 teaching standards certification;

8 [~~(12)~~] (13) home school student;

9 [~~(13)~~] (14) home school student activities;

10 [~~(14)~~] (15) charter school student activities;

11 and

12 [~~(15)~~] (16) K-12 plus.

13 B. The total program cost calculated as prescribed
14 in Subsection A of this section includes the cost of early
15 childhood, special, bilingual multicultural, fine arts and
16 vocational education and other remedial or enrichment programs.
17 It is the responsibility of the local school board or governing
18 body of a charter school to determine its priorities in terms
19 of the needs of the community served by that board. Except as
20 otherwise provided in this section, funds generated under the
21 Public School Finance Act are discretionary to local school
22 boards and governing bodies of charter schools; provided that
23 the special program needs as enumerated in this section are
24 met; and provided further that the department shall ensure that
25 the local school board or governing body of a charter school is

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underscoring material = new
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1 prioritizing resources for the public school toward proven
2 programs and methods linked to improved student achievement."

3 SECTION 3. A new Section 22-8-21.1 NMSA 1978 is enacted
4 to read:

5 "22-8-21.1. [NEW MATERIAL] DISABILITY LANGUAGE PROGRAM
6 UNIT.--The number of disability language program units is
7 determined by multiplying the full-time equivalent MEM in
8 special education applicable to students who participate in a
9 school-based disability language instructional program and who
10 are deaf or hard-of-hearing or require the use of American sign
11 language as their primary receptive or expressive form of
12 communication by the cost differential factor 2.0."

13 SECTION 4. APPLICABILITY.--The provisions of this act are
14 applicable to the 2024-2025 school year and subsequent school
15 years.