



Date: November 20, 2019

Prepared By: Simon and Terrazas

Purpose: Review statutory requirements for the use of funds generated through the at-risk index and state oversight mechanisms to ensure school districts and charter schools are complying with the statutory requirements.

Witness: Ryan Stewart, Ed.L.D., secretary-designate, PED; Adán Delgado, deputy secretary, PED; Joseph Simon and Denise Terrazas, LESC staff

Expected Outcome: Understand state-level processes for ensuring school districts and charter schools are utilizing at-risk funds consistent with state law.

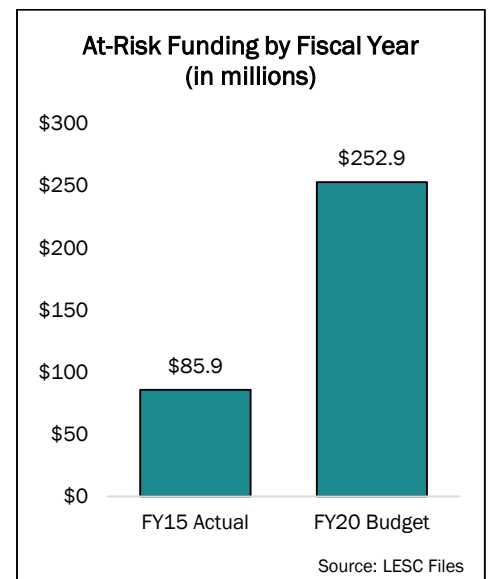
School District Use of At-Risk Funds in FY20

The Public School Finance Act authorizes additional funding through the public school funding formula's at-risk index, for school districts and charter schools that provide extra services to improve the academic outcomes of at-risk students. To generate this funding, statute requires a school district or charter school to report to the state how they use the funds associated with the at-risk index and the outcomes they expect to see from their investment. During the 2019 legislative session, the Legislature appropriated an additional \$113.2 million to increase the at-risk index; however, many school districts have stated that much of the at-risk funding was used to fund increases to educator salaries, rather than expand at-risk services, raising concerns that at-risk funding is not being used as required by statute.

An LFC analysis of budget data submitted to PED by school districts and charter schools statewide indicates returning teacher salaries were increased by \$99.7 million between FY19 and FY20, but it only cost \$79.8 million to raise salaries for those teachers by 6 percent or to the statutory minimum salary.

At-Risk Funding Requirements and Oversight

In recent years, funding generated through the at-risk index has increased substantially, from \$85.9 million in FY15 to an estimated \$252.9 million in FY20. (See **Attachment 1: At-Risk Funding by School District and Charter School** for change in funding between FY19 and FY20.) As the Legislature has approved increases in at-risk funding, the reporting requirements associated with at-risk funding have been improved. Since the addition of the at-risk index in 1997, school districts and charter schools have been required to report specified services to the state, but in 2014 the statute was amended to require school districts and charter schools to identify the ways school districts and individual schools use at-risk funding. In 2019, the law was further amended to require at-risk funds to be used on research-based or evidence-based social, emotional or academic interventions and included examples of such interventions.



The Importance of At-Risk Services

Laws 2019, Chapters 206 and 207 (Senate Bill 1 and House Bill 5) provided additional clarification on which services school districts and charter schools could fund with at-risk dollars, requiring at-risk funds to be used for “research-based or evidence-based social, emotional, or academic interventions,” such as the following (See **Attachment 2: Senate Bill 1 With Amendments in Context**):

- Case management, tutoring, reading interventions and after-school programs delivered by social workers, counselors, teachers or other professional staff;
- Culturally relevant professional and curriculum development, including those necessary to support language acquisition, bilingual, and multicultural education;
- Additional compensation strategies for high-need schools;
- Whole school interventions, including school-based health centers and community schools;
- Educational programming intended to improve career and college readiness of at-risk students, including dual or concurrent enrollment, career and technical education, guidance counseling services, and coordination with post-secondary institutions; and
- Services to engage and support parents and families in the education of students.

Research shows social-emotional learning interventions increase both academic achievement and positive social interactions, while decreasing negative outcomes later in life. According to the Collaborative for Academic, Social, and Emotional Learning, social-emotional learning focuses on improving students' ability to manage emotions, achieve positive goals, make responsible decisions, maintain positive relationships, and show empathy for others. After reviewing over 213 studies on the impacts of social-emotional learning, researchers found that students who participated in these programs showed 11 percentile-point gains in academic achievement compared with those who were not part of the programs. Participants also demonstrated improved classroom behavior, an increased ability to manage stress and depression, and better attitudes about themselves, others, and schools.

Experts have said students can better respond to the effects of trauma by developing social-emotional competencies. The brain's neuroplasticity makes it possible for repeated experiences to shape the brain and even reverse the effects of chronic stress.

Additionally, research on culturally responsive teaching has shown students learn more effectively when the knowledge and skills taught are presented within the context of their own experiences and cultural frames of reference. Addressing student's needs through school-based health centers or strategies aligned with the community school model, such as parent and family engagement, support student learning by mitigating out-of-school barriers to their education.

Finally, educational programming intended to improve career and college readiness is critical to improving postsecondary success. College- and career-ready graduates should be able to enter and succeed in postsecondary courses without the need for remediation. According to the American Institutes for Research, a lack of preparation forces many students to spend resources, including student loans and scholarships, on remedial coursework in addition to or in place of credit-bearing courses. The lack of preparation at the onset of a student's educational career is indicative of non-matriculation, which leads to fewer opportunities for success and higher quality of life.

Allocation of At-Risk Funding

The state has several options when deciding how to allocate funding for additional services to at-risk students. One option is to increase the amount of at-risk dollars that flow through the public school funding formula by increasing the weight of the at-

risk index. This method allows school districts and charter schools statewide to generate additional funding based on their at-risk populations. However, this method gives significant discretion to school districts and charter schools over how to spend the dollars made available by the state.

The state has also funded some programming designed to improve the outcomes of at-risk students outside the public school funding formula by appropriating funds to the Public Education Department (PED) for special programs, sometimes called “below-the-line” appropriations. However, there are drawbacks with this approach. First, not all school districts and charter schools will necessarily be awarded funding from special program appropriations. Additionally, in previous years, PED has used funding appropriated to special programs to supplement departmental operating expenses, in some instances in a manner inconsistent with legislative intent. For example, in June 2019, PED used \$68 thousand from an appropriation for truancy and dropout prevention programs to purchase computer equipment.

PED’s Budget Review Authority

While school districts and charter schools are generally given discretion over how to budget formula funds received from the state, PED has significant authority to oversee public school spending. The 1st Judicial District Court’s ruling in the consolidated *Martinez* and *Yazzie* lawsuit found PED had failed to exercise its power to monitor or audit school districts’ and charter schools’ use of funds and failed to use its statutory power to ensure school districts and charter schools use their funding to improve outcomes for at-risk students. In defense of the state, PED argued that the department could not control school district and charter school spending or be responsible for their failure to provide programs that would benefit at-risk students. The court rejected this defense, finding that PED has read its authority under state statutes too narrowly and that the department’s authority is broad enough for PED to assure that school districts and charter schools are using funding to provide programs to at-risk students.

For many years, PED has conducted technical program budget reviews with between 15 and 20 school districts and charter schools — for FY18 the department conducted 19 technical reviews — but with significant changes to the public school funding formula for FY20, the department decided to only conduct about six technical reviews. PED leadership indicated the department considered 2019 to be a transition year after the adoption of new accountability requirements in SBI and HB5, despite the fact statutory requirements for at-risk spending predate this legislation. In response to language included in the General Appropriation Act of 2019, PED technical budget reviews in FY20 were only conducted on school districts and charter schools with lower than average spending on instruction and student services. The department points out budget office analysts and other department staff are engaging in more informal conversations with school district and charter school budget officials as part of the regular budget review process, but staffing limitations impacted the ability of the department to provide the detailed oversight of \$4.3 billion in public school spending the 1st Judicial District Court says the department should be providing.

PED may need to increase personnel to provide robust oversight of school district and charter school at-risk spending. PED staff have indicated it may not be appropriate for budget office staff to conduct program reviews of at-risk programs and new employees may need to be hired to help oversee these programs.

Although statute requires a school district receiving additional at-risk program units to report the ways in which the school district and individual public schools use funding from the at-risk index, it is unclear if PED has ever required reporting at an individual public school level.

For FY20, PED reintroduced program and budget review questionnaires, to help the department identify the school districts and charter schools most in need of support in development of the educational plan, required in SB1 and HB5, beginning with FY21 budget submissions. While not meant as an accountability tool for FY20 budgets, these submissions include some data on how school districts and charter schools budgeted

at-risk funds. The questionnaires ask for a narrative regarding the at-risk services provided by the school district or charter school, as well as an accounting of at-risk spending by the school district or charter school. (See **Attachment 3: Public Education Department 2019-2020 Operating Budget Documentation for Program/Budget Review**). However, the categories presented in the accounting portion of the questionnaire include examples – such as student information systems or security personnel – that are not well aligned with the newly enacted statutory requirements, alongside interventions that are clearly aligned with statute – such as tutoring, after school programs, and support services, including guidance or health services. The detail included in school districts’ and charter schools’ responses varies. Some school districts and charter schools did not provide a detailed accounting of at-risk funds, while others included detailed accounting, including services provided with federal or other sources of funding. In general, most school districts reported spending less than their funding formula allocation for the at-risk index, but in some

cases, the school district noted an at-risk service in the provided narrative, but does not note that service in the detailed accounting. As a result, FY20 submissions probably do not present a true picture of at-risk spending, something that should be improved in the future. PED staff indicate the department will require additional time and training of local school district and charter school personnel to ensure these are useful tools in assessing school district and charter school budgets.

Some school districts and charter schools might benefit from considering how much the state allocates for services to at-risk students when creating their annual operating budget. Based on FY20 responses, it appears that some school districts may not have considered this when developing a budget for at-risk programs.

Conclusion

In recent years, school districts have argued the Legislature should prioritize funding – including funding for services to at-risk students – to the public school funding formula rather than to special department appropriations. Stakeholders have argued that increasing formula funding with state oversight through a program approval process is preferable because it allows school districts and charter schools more flexibility in building at-risk programming that meets the needs of their unique populations.

It is imperative that school districts and charter schools think strategically when building at-risk services, and prioritize funding to services that have been shown to improve outcomes for at-risk students. PED will need to support school districts and charter schools in this, and provide oversight through a robust program approval process. PED must be willing to hold school districts and charter schools accountable in the allocation of at-risk funds and ensure they meet the requirements of statute. To make this possible, the Legislature must ensure the department has sufficient resources to support its budget oversight function. Although the court has made clear that PED has tools to ensure at-risk funds are being used on programs to serve at-risk

students, the Legislature should be prepared to provide PED with additional authority if it is to meet the court's expectations of state oversight.



At-Risk Funding by School District and Charter School

	School District or Charter School	FY19 Final	FY20 Preliminary	Change in Funding FY19 to FY20
1	Alamogordo	\$1,912,859	\$3,831,767	\$1,918,908
2	Albuquerque	\$31,710,859	\$64,131,259	\$32,420,401
3	ACE Leadership	\$128,035	\$231,110	\$103,076
4	Albuquerque Charter Acad.	\$111,078	\$245,254	\$134,175
5	Alb Talent Dev Secondary	\$64,116	\$130,909	\$66,793
6	Alice King Community School	\$172,269	\$376,970	\$204,701
7	Christine Duncan Community	\$126,865	\$314,949	\$188,084
8	Cien Aguas International	\$164,864	\$343,433	\$178,569
9	Coral Community	\$80,875	\$173,938	\$93,063
10	Corrales International	\$95,099	\$197,171	\$102,072
11	Cottonwood Classical	\$282,958	\$579,798	\$296,840
12	Digital Arts & Tech Academy	\$112,637	\$216,163	\$103,526
13	East Mountain	\$142,455	\$288,484	\$146,028
14	El Camino Real	\$117,901	\$254,544	\$136,643
15	Gilbert L. Sena	\$65,285	\$141,414	\$76,129
16	Gordon Bernell	\$169,348	\$351,920	\$182,572
17	Health Leadership Charter	\$68,986	\$183,840	\$114,854
18	Int'L School Mesa Del Sol	\$121,991	\$255,759	\$133,767
19	La Academia De Esperanza	\$128,814	\$251,718	\$122,904
20	La Resolana Leadership	\$27,869		
21	Los Puentes	\$73,860	\$121,212	\$47,352
22	Mark Armijo	\$63,529	\$142,628	\$79,099
23	Montessori Of The Rio Grande	\$84,773	\$174,143	\$89,370
24	Mountain Mahogany	\$73,273	\$149,494	\$76,222
25	Native American Comm Acad.	\$169,151	\$367,274	\$198,122
26	New America Charter School	\$120,629	\$225,860	\$105,231
27	New Mexico International	\$87,694	\$216,971	\$129,278
28	PAPA	\$148,105	\$343,839	\$195,735
29	Robert F. Kennedy	\$127,255	\$276,363	\$149,107
30	Siembra Leadership	\$32,349	\$96,568	\$64,218
31	South Valley Academy	\$240,282	\$495,352	\$255,069
32	Technology Leadership	\$70,352	\$176,161	\$105,809
33	Twenty First Cent.	\$95,099	\$237,981	\$142,882
34	William & Josephine Dorn	\$21,633	\$48,485	\$26,851
35	Animas	\$59,489	\$107,397	\$47,908
36	Artesia	\$951,931	\$1,887,573	\$935,643
37	Aztec	\$658,299	\$1,266,700	\$608,402
38	Mosaic Academy Charter	\$41,489	\$84,643	\$43,153
39	Belen	\$1,691,842	\$3,483,828	\$1,791,986
40	Bernalillo	\$1,465,247	\$2,848,099	\$1,382,852
41	Bloomfield	\$924,686	\$1,769,060	\$844,374
42	Capitan	\$189,816	\$397,985	\$208,169
43	Carlsbad	\$1,983,739	\$4,330,565	\$2,346,826
44	Jefferson Mont. Acad.	\$59,812	\$151,699	\$91,888
45	Pecos Connections	\$163,980	\$601,287	\$437,308
46	Carrizozo	\$72,774	\$120,335	\$47,561
47	Central Cons.	\$2,870,187	\$5,922,515	\$3,052,327
48	Dream Dine' (Central)	\$12,321	\$17,326	\$5,005

	School District or Charter School	FY19 Final	FY20 Preliminary	Change in Funding FY19 to FY20
49	Chama Valley	\$108,903	\$248,125	\$139,222
50	Cimarron	\$108,149	\$215,099	\$106,950
51	Moreno Valley High	\$15,389	\$37,646	\$22,258
52	Clayton	\$117,176	\$262,032	\$144,856
53	Cloudcroft	\$129,548	\$260,164	\$130,617
54	Clovis	\$2,879,252	\$6,137,322	\$3,258,070
55	Cobre Cons.	\$432,056	\$800,841	\$368,786
56	Corona	\$10,004	\$25,324	\$15,321
57	Cuba	\$435,639	\$855,261	\$419,622
58	Deming	\$2,438,354	\$5,109,584	\$2,671,230
59	Deming Cesar Chavez	\$75,963	\$158,191	\$82,228
60	Des Moines	\$17,162	\$30,880	\$13,719
61	Dexter	\$281,110	\$560,253	\$279,144
62	Dora	\$48,379	\$110,748	\$62,369
63	Dulce	\$366,657	\$715,628	\$348,971
64	Elida	\$30,597	\$73,202	\$42,604
65	Española	\$1,511,095	\$3,063,290	\$1,552,195
66	Estancia	\$236,188	\$486,202	\$250,015
67	Eunice	\$236,037	\$522,575	\$286,538
68	Farmington	\$3,873,649	\$8,058,697	\$4,185,049
69	New Mexico Virtual Academy	\$176,686		
70	Floyd	\$61,882	\$136,926	\$75,044
71	Ft. Sumner	\$93,737	\$192,473	\$98,736
72	Gadsden	\$7,183,821	\$15,493,714	\$8,309,893
73	Gallup	\$7,020,160	\$14,294,262	\$7,274,102
74	Grady	\$18,084	\$40,404	\$22,320
75	Grants	\$1,559,700	\$3,138,395	\$1,578,695
76	Hagerman	\$172,160	\$361,343	\$189,183
77	Hatch	\$710,538	\$1,474,641	\$764,103
78	Hobbs	\$3,300,475	\$7,289,316	\$3,988,842
79	Hondo	\$65,331	\$127,831	\$62,500
80	House	\$21,545	\$33,560	\$12,015
81	Jal	\$117,880	\$244,628	\$126,748
82	Jemez Mountain	\$101,033	\$198,321	\$97,288
83	Lindrith Area Heritage	\$11,856	\$19,723	\$7,867
84	Jemez Valley	\$134,359	\$246,363	\$112,005
85	San Diego Riverside Charter	\$43,183	\$91,034	\$47,852
86	Lake Arthur	\$42,998	\$91,272	\$48,274
87	Las Cruces	\$8,079,791	\$17,034,672	\$8,954,881
88	Las Vegas City	\$604,601	\$1,169,033	\$564,431
89	Logan	\$56,090	\$104,694	\$48,604
90	Lordsburg	\$159,629	\$331,449	\$171,819
91	Los Alamos	\$292,031	\$538,974	\$246,943
92	Los Lunas	\$2,683,699	\$5,309,960	\$2,626,261
93	Loving	\$158,297	\$359,412	\$201,115
94	Lovington	\$1,183,915	\$2,476,096	\$1,292,181
95	Magdalena	\$161,511	\$325,117	\$163,605
96	Maxwell	\$25,702	\$63,952	\$38,250
97	Melrose	\$63,881	\$126,188	\$62,307

	School District or Charter School	FY19 Final	FY20 Preliminary	Change in Funding FY19 to FY20	
98	Mesa Vista	\$115,965	\$256,430	\$140,465	98
99	Mora	\$119,934	\$244,519	\$124,585	99
100	Moriarty	\$798,747	\$1,558,083	\$759,336	100
101	Mosquero	\$6,131	\$7,999	\$1,867	101
102	Mountainair	\$75,511	\$152,412	\$76,901	102
103	Pecos	\$229,680	\$394,109	\$164,429	103
104	Peñasco	\$143,118	\$252,431	\$109,313	104
105	Pojoaque	\$494,793	\$983,805	\$489,012	105
106	Portales	\$1,014,152	\$2,479,561	\$1,465,409	106
107	Quemado	\$87,421	\$192,149	\$104,728	107
108	Questa	\$143,528	\$245,167	\$101,639	108
109	Raton	\$268,851	\$562,774	\$293,922	109
110	Reserve	\$42,047	\$85,008	\$42,961	110
111	Rio Rancho	\$3,794,505	\$7,512,752	\$3,718,247	111
112	Roswell	\$3,775,725	\$7,774,569	\$3,998,844	112
113	Sidney Gutierrez	\$24,705	\$50,923	\$26,218	113
114	Roy	\$9,555	\$18,599	\$9,044	114
115	Ruidoso	\$674,844	\$1,407,730	\$732,886	115
116	San Jon	\$38,355	\$65,121	\$26,766	116
117	Santa Fe	\$4,711,785	\$8,879,453	\$4,167,668	117
118	Acad For Tech & Classics	\$144,647	\$275,911	\$131,263	118
119	Santa Rosa	\$203,923	\$380,413	\$176,490	119
120	Silver City Cons.	\$761,058	\$1,530,974	\$769,915	120
121	Socorro	\$586,346	\$1,162,682	\$576,336	121
122	Cottonwood Valley Charter	\$67,682	\$138,925	\$71,243	122
123	Springer	\$55,898	\$100,896	\$44,998	123
124	Taos	\$812,157	\$1,592,168	\$780,011	124
125	Anansi Charter	\$70,553	\$143,112	\$72,559	125
126	Taos Charter	\$77,661	\$157,534	\$79,873	126
127	Vista Grande	\$33,363	\$69,152	\$35,789	127
128	Tatum	\$87,170	\$193,135	\$105,965	128
129	Texico	\$166,846	\$326,418	\$159,572	129
130	Truth Or Conseq.	\$503,422	\$1,054,240	\$550,818	130
131	Tucumcari	\$355,363	\$711,766	\$356,403	131
132	Tularosa	\$438,598	\$846,683	\$408,085	132
133	Vaughn	\$29,822	\$70,166	\$40,344	133
134	Wagon Mound	\$54,045	\$102,366	\$48,320	134
135	West Las Vegas	\$562,446	\$1,163,705	\$601,259	135
136	Rio Gallinas Charter School	\$37,014	\$56,072	\$19,059	136
137	Zuni	\$788,643	\$1,588,388	\$799,746	137
138	Albuquerque Insti. Math & Sci.	\$141,479	\$284,042	\$142,563	138
139	Albuquerque Collegiate	\$14,810	\$28,283	\$13,472	139
140	Albuquerque School Of Excellence	\$207,736	\$502,624	\$294,888	140
141	Albuquerque Sign Language	\$38,003	\$77,982	\$39,979	141
142	Aldo Leopold	\$46,866	\$101,854	\$54,988	142
143	Alma D' Arte	\$59,175	\$103,626	\$44,451	143
144	Altura Preparatory School	\$23,775	\$46,467	\$22,692	144
145	Amy Biehl	\$114,004	\$240,405	\$126,402	145

	School District or Charter School	FY19 Final	FY20 Preliminary	Change in Funding FY19 to FY20	
146	Ask Academy	\$110,504	\$230,279	\$119,775	146
147	Cesar Chavez Comm.	\$79,119	\$164,040	\$84,921	147
148	Dzit Dit Lool DEAP	\$16,881	\$51,279	\$34,398	148
149	Estancia Valley	\$160,011	\$363,881	\$203,871	149
150	Explore Academy	\$91,788	\$321,615	\$229,827	150
151	Horizon Academy West	\$181,233	\$367,675	\$186,442	151
152	Hozho Academy	\$78,352	\$180,133	\$101,781	152
153	J. Paul Taylor	\$67,054	\$142,441	\$75,387	153
154	La Academia Dolores Huerta	\$54,649	\$85,464	\$30,816	154
155	La Promesa	\$134,660	\$277,577	\$142,917	155
156	Las Montanas	\$55,152	\$117,158	\$62,006	156
157	La Tierra Montessori	\$42,533	\$66,778	\$24,245	157
158	MASTERS Program	\$76,755	\$152,923	\$76,168	158
159	McCurdy Charter School	\$227,412	\$488,782	\$261,370	159
160	Media Arts Collab.	\$95,685	\$201,618	\$105,932	160
161	Middle College High	\$63,064	\$125,567	\$62,503	161
162	Mission Achievement & Success	\$374,939	\$919,191	\$544,252	162
163	Monte Del Sol	\$125,411	\$250,664	\$125,253	163
164	Montessori Elememtary	\$163,502	\$348,281	\$184,780	164
165	New America School (Las Cruces)	\$84,488	\$144,934	\$60,446	165
166	New Mexcio Connections	\$699,851	\$779,042	\$79,191	166
167	New Mexico School For The Arts	\$82,413	\$153,644	\$71,231	167
168	North Valley Academy	\$182,792	\$380,203	\$197,410	168
169	Raices Del Saber Xinachtli		\$42,732		169
170	Red River Valley (Questa)	\$32,052	\$60,820	\$28,769	170
171	Roots & Wings	\$19,907	\$37,893	\$17,986	171
172	Sandoval Academy Of Bil Ed	\$21,214	\$60,670	\$39,456	172
173	School Of Dreams	\$147,472	\$274,997	\$127,526	173
174	Six Directions	\$46,183	\$88,094	\$41,911	174
175	Solare Collegiate		\$126,060		175
176	South Valley Prep	\$60,218	\$124,850	\$64,632	176
177	Southwest Aer.,Math & Science	\$103,870	\$223,436	\$119,566	177
178	Southwest Preparatory	\$76,198	\$149,494	\$73,296	178
179	Southwest Secondary	\$98,996	\$187,880	\$88,884	179
180	Taos Academy	\$75,657	\$160,492	\$84,835	180
181	Taos Integrated School Of Arts	\$56,149	\$124,622	\$68,473	181
182	Taos International	\$73,650	\$99,106	\$25,456	182
183	The Great Academy	\$62,360	\$146,668	\$84,309	183
184	Tierra Adentro	\$110,106	\$233,133	\$123,026	184
185	Tierra Encantada	\$112,587	\$210,269	\$97,682	185
186	Turquoise Trail	\$173,690	\$373,651	\$199,962	186
187	Walatowa	\$22,061	\$43,349	\$21,288	187
188	Statewide	\$123,607,113	\$252,861,529	\$129,254,415	188

Source: LESC Files

"22-8-6. OPERATING BUDGETS--EDUCATIONAL PLANS--

SUBMISSION--FAILURE TO SUBMIT.--

A. Prior to April 15 of each year, each local school board shall submit to the department an operating budget for the school district and any locally chartered charter ~~[schools]~~ school in the school district for the ensuing fiscal year.

~~[Upon written approval of the state superintendent]~~

B. The date for the submission of the operating budget for each school district and each charter school as

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 delete = →bold, red, highlight, strikethrough↔

required by this section may be extended to a later date fixed by the [~~state superintendent~~] secretary.

[~~B.~~] C. The operating budget required by this section may include:

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

(2) estimates of the cost of contracts for the transportation of students for terms extending up to four years.

[~~C.~~] D. The operating budget required by this section shall include a budget for each charter school of the membership projected for each charter school, the total program units generated at that charter school and approximate anticipated disbursements and expenditures at each charter school.

E. For fiscal year 2021 and subsequent fiscal years, each school district's and each locally chartered or state-chartered charter school's educational plan shall include:

(1) information on the instructional time offered by the school district or charter school, including the number of instructional days by school site and the number of hours in each instructional day and the frequency of early-release days;

(2) a narrative explaining the identified services to improve the academic success of at-risk students;

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underscored material = new

[bracketed material] = delete

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(3) a narrative explaining the services provided to students enrolled in the following programs:

HAFc → ~~(a) bilingual multicultural education programs;~~ ← HAFc

HAFc → ~~(b)~~ (a) ← HAFc extended learning time programs, including a report of how the extended learning time is used to improve the academic success of students and professional learning of teachers; and

HAFc → ~~(e)~~ (b) ← HAFc K-5 plus programs;

(4) a narrative explaining the school district's or charter school's beginning teacher mentorship programs as well as class size and teaching load information;

(5) a narrative explaining supplemental programs or services offered by the school district or charter school to ensure that the Bilingual Multicultural Education Act, the Indian Education Act and the Hispanic Education Act are being implemented by the school district or charter school;

(6) a narrative describing the amount of program cost generated for services to students with disabilities and the spending of these revenues on services to students with disabilities, which shall include the following:

(a) program cost generated for students enrolled in approved special education programs;

(b) budgeted expenditures of program cost, for students enrolled in approved special education

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programs, on students with disabilities;

(c) the amount of program cost generated for personnel providing ancillary and related services to students with disabilities;

(d) budgeted expenditures of program cost for personnel providing ancillary and related services to students with disabilities, on special education ancillary and related services personnel; and

(e) a description of the steps taken to ensure that students with disabilities have access to a free and appropriate public education; and

(7) a common set of performance targets and performance measures, as determined by the department in consultation with the department of finance and administration, the legislative finance committee and the legislative education study committee.

~~[D.]~~ F. If a local school board or governing board of a charter school fails to submit ~~[a]~~ an operating budget pursuant to this section, the department shall prepare the operating budget for the school district or charter school for the ensuing fiscal year. A local school board or governing board of a charter school shall be considered as failing to submit ~~[a]~~ an operating budget pursuant to this section if the budget submitted exceeds the total projected resources of the school district or charter school or if the budget submitted

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does not comply with the law or with rules and procedures of the department."

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"22-8-23.3. AT-RISK PROGRAM UNITS.--

A. A school district is eligible for additional program units if it establishes within its department-approved educational plan identified services to assist students to reach their full academic potential. A school district receiving additional at-risk program units shall include a report of specified services implemented to improve the academic success of at-risk students. The report shall identify the ways in which the school district and individual public schools use funding generated through the at-risk index and the intended outcomes. For purposes of this section, "at-risk student" means a student who meets the criteria to be included in the calculation of the three-year average total rate in Subsection B of this section. The number of additional units to which a school district is entitled under this section is computed in the following manner:

$$\text{At-Risk Index} \times \text{MEM} = \text{Units}$$

where MEM is equal to the total district membership, including early childhood education, full-time-equivalent membership and special education membership and where the at-risk index is calculated in the following manner:

~~[(1) for fiscal year 2019,~~

~~Three-Year Average Total Rate x 0.130 = At-Risk Index;~~

~~(2) for fiscal year 2020,~~

~~Three-Year Average Total Rate x 0.140 = At-Risk Index; and~~

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~~(3) for fiscal year 2021 and subsequent fiscal years]~~

Three-Year Average Total Rate x ~~[0.150]~~ 0.25 = At-Risk Index.

B. To calculate the three-year average total rate, the department shall compute a three-year average of the school district's percentage of membership used to determine its Title [F] 1 allocation, a three-year average of the percentage of membership classified as English language learners using criteria established by the ~~[federal]~~ office ~~[of]~~ for civil rights of the United States department of education and a three-year average of the percentage of student mobility. The department shall then add the three-year average rates. The number obtained from this calculation is the three-year average total rate.

C. The department shall recalculate the at-risk index for each school district every year. HEC→"~~"~~←HEC

HEC→**D. For purposes of this section, "services" means research-based or evidence-based social, emotional or academic interventions, such as:**

(1) case management, tutoring, reading interventions and after-school programs that are delivered by social workers, counselors, teachers or other professional staff;

(2) culturally relevant professional and

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curriculum development, including those necessary to support language acquisition, bilingual and multicultural education;

(3) additional compensation strategies for high-need schools;

(4) whole school interventions, including school-based health centers and community schools;

(5) educational programming intended to improve career and college readiness of at-risk students, including dual or concurrent enrollment, career and technical education, guidance counseling services and coordination with post-secondary institutions; and

(6) services to engage and support parents and families in the education of students."←HEC

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School District/Charter School: _____

Person Completing Questionnaire: _____

Date: _____

Please complete answers to the questionnaire below and submit to the Public Education Department (PED) with your operating budget. The questionnaire will be used to guide the program/budget review. Answers will be retained in the district's/charter school's budget file as the district's/charter school's official response to the questions.

PROGRAM/BUDGET REVIEW QUESTIONS

Please provide specific written responses to the following questions prior to the district's/charter school's program/budget review. Attach extra pages as needed.

1. What was your school district's or charter school's top three priorities when developing the Operating Budget?

2. What were the top three largest challenges you faced in developing the Operating Budget?

3. Did the district/charter have any financial audit findings in the 2017-2018 independent public audit report (include findings on internal controls)?
 Yes ____ No ____
 If "yes," please explain below:

Function/Object	Description	Is this a recurring finding? Yes? No?	Fiscal Impact	Expenditures required to address findings.	Corrective Action
			\$	\$	
			\$	\$	
			\$	\$	
			\$	\$	
			\$	\$	
			\$	\$	

4. Is the district/charter projecting Extended Learning Program Units? Yes___ No___
 Is the district/charter planning on generating Extended Learning Program Units in FY20? Yes___ No___

5. Is the district/charter projecting K-5 Plus Act Program Units? Yes___ No___
 Is the district/charter planning on generating K-5 Plus Act Program Units in FY20? Yes___ No___

If "yes" please list school site information below:

School	Percent Free or Reduced Lunch Program Eligible	Did the School Participate in K-3 or K-5 Plus in FY19?	Projected Membership (MEM)

If applicable, are the additional 25 instructional days shown on the School Calendar? Yes___ No___
 If so, please identify the dates of the program?

If not, when are the proposed dates of the program?

If applicable, please describe additional professional development opportunities you are considering for K-5 plus teachers to promote early reading.

6. Language in §22-2-8.1 NMSA 1978 .requires the district to have regular students be in school-directed programs, exclusive of lunch, for a minimum of the following: (1) kindergarten (K), for half-day programs, two and one-half hours per day or four hundred fifty hours (450) per year or, for full-day programs, five and one-half hours per day or nine hundred ninety hours (990) per year; (2) grades one through six (1-6), five and one-half hours per day or nine hundred ninety hours (990) per year; and (3) grades seven through twelve (7-12), six hours per day or one thousand eighty hours (1080) per year. For school year 2019-2020, does/did the district/charter school provide:

- a. the minimum instructional hours as required by law? Yes_____ No_____
- b. a four-day week? Yes_____ No_____
- c. a four day week in the 2018-2019 school year? Yes_____ No_____
- d. a five-day week? Yes_____ No_____
- e. a school year consisting of at least 180 full instructional days or the equivalent thereof, exclusive of any time for in-service training (professional development).? Yes_____ No_____
- f. a year-round school year calendar consisting of a minimum number of instructional hours? Yes _____ No _____
- g. a school year calendar exceeding the minimum requirement of instructional hours established by the state law?
Yes_____ No_____
 By how many hours and/or days? _____

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7. Please provide the additional information regarding instructional time in your district charter school (please use the definition of instructional day in in §22-2-8.1 NMSA 1978) :

School Site	Grades Served	Number of Instructional Days	Hours Per Instructional Days	Non-instructional Days	Early Release Days	Total Hours

8. Please provide narrative explaining identified services to improve academic success of at-risk student.

9. For school year 2018-2019, did the district/charter school meet class size requirements set forth in §22-10A-20 NMSA 1978? Yes____ No____
- a. If “no,” did the district/charter school receive waivers for class size exceptions in the 2019-2020 school year? Yes____ No____
 - b. Does the 2018-2019 program/budget provide sufficient resources to ensure meeting statutory class size requirements? Yes ____ No____
 - c. Please provide a narrative describing your beginning teacher mentorship programs.

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d. Please describe average class and teaching loads below.

Grade Levels	Average Class Load	Daily Teaching Load
K		N/A
1-3		N/A
4-6		N/A
7 - 12	N/A	

10. §22-8-11.C NMSA 1978 requires districts/charter schools to demonstrate that parental involvement in the budget process was solicited. Please provide dates that the local Board of Education and/or charter school Governance Council scheduled time to receive questions, comments, and suggestions from parents. Please describe the methods that demonstrate the district/charter school solicited parental involvement:

11. Please provide the following information regarding 2019-2020 program cost generated:

(a) Amounts generated for students enrolled in approved special education programs (Sum of 3Y/4Y DD, A/B, C, D level MEM):



(b) Amounts generated for personnel providing ancillary and related services to students with disabilities (Funded Ancillary FTE, which excludes caseload 95 staff):



(c) Please provide the following information regarding how these program cost amounts were budgeted for expenditures

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Students with Disabilities Services Budgeted Expenditures

a. Students with disabilities (use as many lines as necessary)

b. Ancillary /Related Services Personnel (use as many lines as necessary)

Budgeted Amount(s)	UCOA Expenditure Line Item(s)
\$	
\$	

12. Please provide a description of the steps taken to ensure students with disabilities have access to a free and appropriate education.

14. Identify any training needs—or wishes—of the following by category:

	<u>Business Office Staff</u>	<u>Superintendent/ Charter Principal</u>	<u>Local Board Members/ Charter Governing Council</u>
STARS Reporting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staffing Cost Multiplier Reporting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School Level Per Pupil Expenditure Reporting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Beginning or Advanced Excel Spreadsheet Application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principles of Accounting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advanced Accounting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Governmental Accounting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District's Accounting Information System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School Finance (laws, regulations, procedures, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Budget Preparation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Budget Maintenance (Budget Adjustments)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quarterly/Monthly Financial Report preparation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: Please Identify _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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15. Do you prefer training be made available:

- On-Site
- Regionally
- Statewide
- In Conjunction With Other Conferences and Workshops

16. Does the district receive Title VIII, Impact Aid, Indian Set-Aside funds? Yes ____ No ____
(If the answer is “no,” please skip to question 15. If the answer is “yes,” please answer the following questions *(Add additional pages if necessary)*):

a. Regarding federal Indian Policies/Procedures (IPP) requirements, how did your district verify IPP consultation with parents and tribes?

b. Regarding IPP requirements, what documents are disseminated to parents and tribal offices? (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Application | <input type="checkbox"/> Program Overview | <input type="checkbox"/> Program Evaluation |
| <input type="checkbox"/> IPP | <input type="checkbox"/> Program Budget/Funding Support | <input type="checkbox"/> Announcements |
| <input type="checkbox"/> Minutes of Meetings | <input type="checkbox"/> Public Hearings | <input type="checkbox"/> Joint Bylaws of Parent Committee |

17. Does the district/charter school engage in collective bargaining? Yes ____ No ____

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a. If your answer is “yes,” have negotiations been completed for 2019-2020? Yes ____ No ____

b. If negotiations have not been completed, provide a date negotiations are anticipated to be concluded. _____

18. The district/charter school plans to budget the following salary increases in 2019-2020:

- | | | |
|--|-----------------|------------|
| a. Teachers | _____ % average | _____ None |
| b. Superintendent | _____ % average | _____ None |
| c. Other professional staff included in computation of T&E Index | _____ % average | _____ None |
| d. Other Staff | _____ % average | _____ None |

19. If your district/charter school employs School Counselors/Social Workers, please provide the following data:

- (a) Full-time equivalency (FTE) budgeted for 2019-2020: _____
- (b) Total amount budgeted for 2019-2020 School Counselors/Social Worker salaries: \$ _____

20. If your district/charter school employs School Resource/Safety Officer, please provide the following data:

- (a) Full-time equivalency (FTE) budgeted for 2019-2020: _____
- (b) Total amount budgeted for 2019-2020 School Resource/Safety Officer salaries: \$ _____

21. Does the district/charter school have a facilities master plan?

Yes ____ No ____

If "no", does your district/charter school have plans to develop such a plan?

Yes ____ No ____

22. Does the school district plan to expend Operational funds on capital outlay? (Charter Schools answer N/A) Yes ____ No ____ N/A ____

23. Describe the district's expenditure plan to use any capital outlay funds realized from the provisions of §22-8-25 NMSA 1978. *(Add additional pages if necessary. Note: This is not applicable to charter schools.)*

24. Please provide information on your school district's/charter school's organizational structure by attaching to this document a list that includes the following for the 2019-2020 school year:

- a. The name of each public school and off-site center in your district.
- b. The actual address (physical location) of each public school and off-site center.
- c. The mailing address of each public school and off-site center.
- d. The grades included in each public school and off-site center.

ADDITIONAL COMMENTS
(Attach additional pages if necessary)