

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 136

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO PUBLIC SCHOOLS; CREATING THE CHILDHOOD POVERTY
AWARENESS TRAINING ACT; REQUIRING Hf1→~~ALL~~ **CERTAIN** ←Hf1 SCHOOL
DISTRICTS AND CHARTER SCHOOLS THAT RECEIVE AT-RISK PROGRAM
UNITS TO PROVIDE SUCH TRAINING TO SCHOOL EMPLOYEES WHO WORK IN
A PUBLIC SCHOOL WITH AT-RISK STUDENTS OR WHO HAVE REGULAR
CONTACT WITH AT-RISK STUDENTS TO CREATE AN AWARENESS OF THE
EFFECTS OF CHILDHOOD POVERTY ON THE ACADEMIC ACHIEVEMENT AND
SOCIAL DEVELOPMENT OF STUDENTS; PROVIDING POWERS AND DUTIES;
REQUIRING SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT RECEIVE AT-
RISK PROGRAM UNITS TO INCLUDE INFORMATION WITH THEIR OPERATING

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BUDGETS THAT DETAILS SPECIFIC SERVICES, INCLUDING CHILDHOOD POVERTY AWARENESS TRAINING, THAT WERE PROVIDED IN THE PRIOR SCHOOL YEAR AND ARE PROVIDED IN THE CURRENT SCHOOL YEAR TO IMPROVE THE ACADEMIC SUCCESS OF AT-RISK STUDENTS.

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

SECTION 1. Section 22-8-6.1 NMSA 1978 (being Laws 1993, Chapter 227, Section 8, as amended) is amended to read:

"22-8-6.1. CHARTER SCHOOL BUDGETS.--

A. Each state-chartered charter school shall submit to the charter schools division of the department a school-based budget. For the first year of operation, the budget of every state-chartered charter school shall be based on the projected number of program units generated by that charter school and its students, using the at-risk index and the instructional staff training and experience index of the school district in which it is geographically located. For second and subsequent fiscal years of operation, the budgets of state-chartered charter schools shall be based on the number of program units generated using the average of the MEM on the second and third reporting dates of the prior year and its own instructional staff training and experience index and the at-risk index of the school district in which the state-chartered charter school is geographically located. The budget shall be submitted to the division for approval or amendment pursuant to

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the Public School Finance Act and the Charter Schools Act.

Thereafter, the budget shall be submitted to the public education commission for review.

B. Each locally chartered charter school shall submit to the local school board a school-based budget. For the first year of operation, the budget of every locally chartered charter school shall be based on the projected number of program units generated by the charter school and its students, using the at-risk index and the instructional staff training and experience index of the school district in which it is geographically located. For second and subsequent fiscal years of operation, the budgets of locally chartered charter schools shall be based on the number of program units generated using the average of the MEM on the second and third reporting dates of the prior year and its own instructional staff training and experience index and the at-risk index of the school district in which the locally chartered charter school is geographically located. The budget shall be submitted to the local school board for approval or amendment. The approval or amendment authority of the local school board relative to the charter school budget is limited to ensuring that sound fiscal practices are followed in the development of the budget and that the charter school budget is within the allotted resources. The local school board shall have no veto authority over individual line items within the charter school's proposed budget, but shall approve or disapprove the budget in its entirety. Upon final approval of the local budget by the local school board, the individual charter school budget shall be

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included separately in the budget submission to the department required pursuant to the Public School Finance Act and the Charter Schools Act.

C. For the first year of operation after a locally chartered charter school converts to a state-chartered charter school or a state-chartered charter school converts to a locally chartered charter school, the charter school's budget shall be based on the number of program units generated using the average of the MEM on the second and third reporting dates of the prior year and the instructional staff training and experience index and the at-risk index of the school district in which it is geographically located. For second and subsequent fiscal years of operation, the charter school shall follow the provisions of Subsection A or B of this section, as applicable.

D. A charter school is eligible for at-risk program units using the at-risk index of the school district in which the school is located if it establishes in Hfl→it its←Hfl department- approved educational plan specific services to assist students to reach their full academic potential. A charter school receiving at-risk program units shall develop and submit an action plan to the department with its annual budget submission that outlines the specified services the charter school will implement to improve the academic success of at-risk students and shall also include a report of

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specified services implemented during the prior school year to improve the academic success of at-risk students and the impact of those specified services. The report shall identify the ways in which the charter school and individual schools use funding generated through the at-risk index and the intended outcomes. Beginning with the 2020-2021 school year, a charter school Hf1→with a membership of 200 or more and located in a school district with a three-year average total rate, as calculated under Section 22-8-23.3 NMSA 1978, of 0.7 or higher ←Hf1 that receives at-risk program units shall ensure that all school employees who have regular contact with students or who work in a school receive initial and annual childhood poverty awareness training that details the effects of poverty on student academic achievement and social development as provided in the Childhood Poverty Awareness Training Act."

SECTION 2. Section 22-8-23.3 NMSA 1978 (being Laws 1997, Chapter 40, Section 7, as amended) is amended to read:

"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 develop and submit an action plan to the department with its annual budget submission that outlines the specified services the school district will implement to improve the academic success of at-risk students and shall also include a report of specified services implemented during the prior school year to improve

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the academic success of at-risk students and the impact of those specified services. The report shall identify the ways in which the school district and individual schools use funding generated through the at-risk index and the intended outcomes. Beginning with the 2020-2021 school year, a school district Hf1→with a membership of 200 or more and with a three-year average total rate of 0.7 or higher←Hf1 that receives at-risk program units shall ensure that all school employees who have regular contact with students or who work in a school receive initial and annual childhood poverty awareness training that details the effects of poverty on student academic achievement and social development as provided in the Childhood Poverty Awareness Training Act.

B. 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] C 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:

$$\text{Three-Year Average Total Rate} \times 0.106 = \text{At-Risk Index.}$$

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[B-] C. 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 I allocation, a three-year average of the percentage of membership classified as English language learners using criteria established by the federal office [øf] for civil rights 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.

[G-] D. The department shall recalculate the at-risk index for each school district every year."

SECTION 3. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 3 through 5 of this act may be cited as the "Childhood Poverty Awareness Training Act"."

SECTION 4. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] DEFINITION.--As used in the Childhood Poverty Awareness Training Act, "school employee" means an employee of a school district or charter school who works in a public school that generates at-risk units or who has regular contact with at-risk students."

SECTION 5. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] TRAINING PROGRAMS--INITIAL AND ANNUAL TRAINING--GOALS.--

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A. The goals of the childhood poverty awareness training program are to:

(1) create an awareness of the types of poverty in New Mexico;

(2) create an understanding of the effects of adverse childhood experiences and childhood trauma, including poverty, on brain development and learning;

(3) create an understanding of the effects of childhood poverty on students' academic achievement, social development and well-being;

(4) create an understanding of the specific demographics of students in a school district and its individual public schools or students in a charter school, including free or reduced-fee lunch status, English language status, student mobility status, family dynamics and cultural mores and folkways;

(5) provide effective research-based strategies to engage students and families in the educational process so that licensed school employees can use the effective research-based strategies to teach and engage students confronted with adverse childhood experiences and childhood trauma, including poverty;

(6) develop strategies to mitigate the academic and social effects of childhood poverty on students and improve the educational experience for students living in

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poverty; and

(7) assist school districts and charter schools in developing an annual action plan that addresses the specific needs of students experiencing childhood poverty and implement ongoing professional development for school employees that is intensive, job-embedded, collaborative, data-driven, classroom-focused and sustainable.

B. Beginning with the 2020-2021 school year, Hfl→~~each~~ a←Hfl school district Hfl→~~and~~ or←Hfl charter school Hfl→with a membership of 200 or more and with a three-year average total rate, as calculated under Section 22-8-23.3 NMSA 1978, of 0.7 or higher ←Hfl that receives at-risk program units through the state equalization guarantee distribution shall require their school employees to be trained annually on the effects of adverse childhood experiences and childhood trauma, including childhood poverty, on student achievement and social development. Training courses shall be intensive, job-embedded, collaborative, data-driven, classroom-focused and sustainable. The initial course shall be at least six and one-half hours in duration, and subsequent annual courses shall be at least three hours in duration.

C. Each school district and charter school Hfl→required by Subsection B of this section to provide training ←Hfl shall develop an action plan to train every school employee in childhood poverty awareness in fiscal years 2020 and 2021. The action plan shall prioritize training for licensed school employees in year one and for unlicensed school employees in year two. The initial training course shall be

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conducted no later than the end of the first six weeks of the start of the school year. The school district or charter school shall provide a second initial training course within the first six weeks of the first day of the spring semester for school employees who missed the first training course or who were hired after the first initial training. After initial training, each school employee shall attend an annual training course.

D. School districts and charter schools, alone or with other school districts or charter schools that are demographically similar, and regional education cooperatives may develop and conduct department-approved childhood poverty awareness training programs using department-certified trainers.

E. Newly hired school employees who were employed by another school district prior to employment with the current school district may provide proof from their prior school employer that they have attended the required amount of training in the immediately preceding year. If a school employee has attended the required initial training, the school employee needs only to attend the required annual training.

F. The department shall:

(1) approve only those childhood poverty awareness training programs that meet the goals provided in Subsection A of this section and programmatic rules of the

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department; and

(2) certify qualified childhood poverty awareness trainers."

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