

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 136

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

AN ACT

RELATING TO PUBLIC SCHOOLS; CREATING THE CHILDHOOD POVERTY  
AWARENESS TRAINING ACT; REQUIRING ALL 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 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.

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

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

4 "22-8-6.1. CHARTER SCHOOL BUDGETS.--

5 A. Each state-chartered charter school shall submit  
6 to the charter schools division of the department a school-  
7 based budget. For the first year of operation, the budget of  
8 every state-chartered charter school shall be based on the  
9 projected number of program units generated by that charter  
10 school and its students, using the at-risk index and the  
11 instructional staff training and experience index of the school  
12 district in which it is geographically located. For second and  
13 subsequent fiscal years of operation, the budgets of state-  
14 chartered charter schools shall be based on the number of  
15 program units generated using the average of the MEM on the  
16 second and third reporting dates of the prior year and its own  
17 instructional staff training and experience index and the at-  
18 risk index of the school district in which the state-chartered  
19 charter school is geographically located. The budget shall be  
20 submitted to the division for approval or amendment pursuant to  
21 the Public School Finance Act and the Charter Schools Act.  
22 Thereafter, the budget shall be submitted to the public  
23 education commission for review.

24 B. Each locally chartered charter school shall  
25 submit to the local school board a school-based budget. For

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1 the first year of operation, the budget of every locally  
2 chartered charter school shall be based on the projected number  
3 of program units generated by the charter school and its  
4 students, using the at-risk index and the instructional staff  
5 training and experience index of the school district in which  
6 it is geographically located. For second and subsequent fiscal  
7 years of operation, the budgets of locally chartered charter  
8 schools shall be based on the number of program units generated  
9 using the average of the MEM on the second and third reporting  
10 dates of the prior year and its own instructional staff  
11 training and experience index and the at-risk index of the  
12 school district in which the locally chartered charter school  
13 is geographically located. The budget shall be submitted to  
14 the local school board for approval or amendment. The approval  
15 or amendment authority of the local school board relative to  
16 the charter school budget is limited to ensuring that sound  
17 fiscal practices are followed in the development of the budget  
18 and that the charter school budget is within the allotted  
19 resources. The local school board shall have no veto authority  
20 over individual line items within the charter school's proposed  
21 budget, but shall approve or disapprove the budget in its  
22 entirety. Upon final approval of the local budget by the local  
23 school board, the individual charter school budget shall be  
24 included separately in the budget submission to the department  
25 required pursuant to the Public School Finance Act and the

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1 Charter Schools Act.

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

14 D. A charter school is eligible for at-risk program  
15 units using the at-risk index of the school district in which  
16 the school is located if it establishes in it department-  
17 approved educational plan specific services to assist students  
18 to reach their full academic potential. A charter school  
19 receiving at-risk program units shall develop and submit an  
20 action plan to the department with its annual budget submission  
21 that outlines the specified services the charter school will  
22 implement to improve the academic success of at-risk students  
23 and shall also include a report of specified services  
24 implemented during the prior school year to improve the  
25 academic success of at-risk students and the impact of those

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1 specified services. The report shall identify the ways in  
 2 which the charter school and individual schools use funding  
 3 generated through the at-risk index and the intended outcomes.  
 4 Beginning with the 2020-2021 school year, a charter school that  
 5 receives at-risk program units shall ensure that all school  
 6 employees who have regular contact with students or who work in  
 7 a school receive initial and annual childhood poverty awareness  
 8 training that details the effects of poverty on student  
 9 academic achievement and social development as provided in the  
 10 Childhood Poverty Awareness Training Act."

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

13 "22-8-23.3. AT-RISK PROGRAM UNITS.--

14 A. A school district is eligible for additional  
 15 program units if it establishes within its department-approved  
 16 educational plan identified services to assist students to  
 17 reach their full academic potential. A school district  
 18 receiving additional at-risk program units shall develop and  
 19 submit an action plan to the department with its annual budget  
 20 submission that outlines the specified services the school  
 21 district will implement to improve the academic success of at-  
 22 risk students and shall also include a report of specified  
 23 services implemented during the prior school year to improve  
 24 the academic success of at-risk students and the impact of  
 25 those specified services. The report shall identify the ways

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1 in which the school district and individual schools use funding  
2 generated through the at-risk index and the intended outcomes.  
3 Beginning with the 2020-2021 school year, a school district  
4 that receives at-risk program units shall ensure that all  
5 school employees who have regular contact with students or who  
6 work in a school receive initial and annual childhood poverty  
7 awareness training that details the effects of poverty on  
8 student academic achievement and social development as provided  
9 in the Childhood Poverty Awareness Training Act.

10 B. For purposes of this section, "at-risk student"  
11 means a student who meets the criteria to be included in the  
12 calculation of the three-year average total rate in Subsection  
13 ~~[B]~~ C of this section. The number of additional units to which  
14 a school district is entitled under this section is computed in  
15 the following manner:

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

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

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

22 ~~[B.]~~ C. To calculate the three-year average total  
23 rate, the department shall compute a three-year average of the  
24 school district's percentage of membership used to determine  
25 its Title I allocation, a three-year average of the percentage

1 of membership classified as English language learners using  
 2 criteria established by the federal office [øf] for civil  
 3 rights and a three-year average of the percentage of student  
 4 mobility. The department shall then add the three-year average  
 5 rates. The number obtained from this calculation is the three-  
 6 year average total rate.

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

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

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

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

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

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

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

25 A. The goals of the childhood poverty awareness

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1 training program are to:

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

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

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

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

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

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

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

7                   B. Beginning with the 2020-2021 school year, each  
8 school district and charter school that receives at-risk  
9 program units through the state equalization guarantee  
10 distribution shall require their school employees to be trained  
11 annually on the effects of adverse childhood experiences and  
12 childhood trauma, including childhood poverty, on student  
13 achievement and social development. Training courses shall be  
14 intensive, job-embedded, collaborative, data-driven, classroom-  
15 focused and sustainable. The initial course shall be at least  
16 six and one-half hours in duration, and subsequent annual  
17 courses shall be at least three hours in duration.

18                   C. Each school district and charter school shall  
19 develop an action plan to train every school employee in  
20 childhood poverty awareness in fiscal years 2020 and 2021. The  
21 action plan shall prioritize training for licensed school  
22 employees in year one and for unlicensed school employees in  
23 year two. The initial training course shall be conducted no  
24 later than the end of the first six weeks of the start of the  
25 school year. The school district or charter school shall

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1 provide a second initial training course within the first six  
2 weeks of the first day of the spring semester for school  
3 employees who missed the first training course or who were  
4 hired after the first initial training. After initial  
5 training, each school employee shall attend an annual training  
6 course.

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

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

20 F. The department shall:

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

25 (2) certify qualified childhood poverty

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1 awareness trainers."

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