

1 SENATE BILL 445

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Cisco McSorley

5
6
7
8
9
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; CHANGING THE DEFINITIONS OF
12 "SCHOOL-AGE PERSON" AND "PRE-KINDERGARTEN" FOR THE PURPOSES OF
13 COMMUNITY SCHOOLS; TRACKING THE COMMUNITY SCHOOLS ACT WITH THE
14 FEDERAL EVERY STUDENT SUCCEEDS ACT; ADDING EARLY CHILDHOOD
15 EDUCATION AND VOLUNTARY PRE-KINDERGARTEN AS ESSENTIAL
16 COMPONENTS; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO USE
17 TITLE 1 FUNDING TO INVEST IN COMMUNITY SCHOOLS STATEWIDE.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. Section 22-1-2 NMSA 1978 (being Laws 2003,
21 Chapter 153, Section 3, as amended by Laws 2015, Chapter 58,
22 Section 2 and by Laws 2015, Chapter 108, Section 1) is amended
23 to read:

24 "22-1-2. DEFINITIONS.--As used in the Public School Code:

25 A. "academic proficiency" means mastery of the

.207333.1

underscoring material = new
[bracketed material] = delete

1 subject-matter knowledge and skills specified in state academic
2 content and performance standards for a student's grade level;

3 B. "charter school" means a school authorized by a
4 chartering authority to operate as a public school;

5 C. "commission" means the public education
6 commission;

7 D. "department" means the public education
8 department;

9 E. "home school" means the operation by the parent
10 of a school-age person of a home study program of instruction
11 that provides a basic academic educational program, including
12 reading, language arts, mathematics, social studies and
13 science;

14 F. "instructional support provider" means a person
15 who is employed to support the instructional program of a
16 school district, including educational assistant, school
17 counselor, social worker, school nurse, speech-language
18 pathologist, psychologist, physical therapist, occupational
19 therapist, recreational therapist, marriage and family
20 therapist, interpreter for the deaf and diagnostician;

21 G. "licensed school employee" means teachers,
22 school administrators and instructional support providers;

23 H. "local school board" means the policy-setting
24 body of a school district;

25 I. "local superintendent" means the chief executive

underscored material = new
[bracketed material] = delete

1 officer of a school district;

2 J. "parent" includes a guardian or other person
3 having custody and control of a school-age person;

4 K. "private school" means a school, other than a
5 home school, that offers on-site programs of instruction and
6 that is not under the control, supervision or management of a
7 local school board;

8 L. "public school" means that part of a school
9 district that is a single attendance center in which
10 instruction is offered by one or more teachers and is
11 discernible as a building or group of buildings generally
12 recognized as either an elementary, middle, junior high or high
13 school or any combination of those and includes a charter
14 school;

15 M. "school" means a supervised program of
16 instruction designed to educate a student in a particular
17 place, manner and subject area;

18 N. "school administrator" means a person licensed
19 to administer in a school district and includes school
20 principals, central district administrators and charter school
21 head administrators;

22 O. "school-age person" means a person who is at
23 least five years of age prior to 12:01 a.m. on September 1 of
24 the school year and who has not received a high school diploma
25 or its equivalent. "School-age person" means a person who is

.207333.1

underscored material = new
[bracketed material] = delete

1 at least three years of age prior to 12:01 a.m. on September 1
2 of the school year if a public school offers voluntary pre-
3 kindergarten as part of a community schools initiative. A
4 maximum age of twenty-one shall be used for a person who is
5 classified as special education membership as defined in
6 Section 22-8-21 NMSA 1978 or as a resident of a state
7 institution;

8 P. "school building" means a public school, an
9 administration building and related school structures or
10 facilities, including teacher housing, that is owned, acquired
11 or constructed by the school district as necessary to carry out
12 the functions of the school district;

13 Q. "school bus private owner" means a person, other
14 than a school district, the department, the state or any other
15 political subdivision of the state, that owns a school bus;

16 R. "school district" means an area of land
17 established as a political subdivision of the state for the
18 administration of public schools and segregated geographically
19 for taxation and bonding purposes;

20 S. "school employee" includes licensed and
21 nonlicensed employees of a school district;

22 T. "school principal" means the chief instructional
23 leader and administrative head of a public school;

24 U. "school year" means the total number of contract
25 days offered by public schools in a school district during a

.207333.1

underscoring material = new
~~[bracketed material] = delete~~

1 period of twelve consecutive months;

2 V. "secretary" means the secretary of public
3 education;

4 W. "state agency" or "state institution" means the
5 New Mexico military institute, New Mexico school for the blind
6 and visually impaired, New Mexico school for the deaf, New
7 Mexico boys' school, girls' welfare home, New Mexico youth
8 diagnostic and development center, Sequoyah adolescent
9 treatment center, Carrie Tingley crippled children's hospital,
10 New Mexico behavioral health institute at Las Vegas and any
11 other state agency responsible for educating resident children;

12 X. "state educational institution" means an
13 institution enumerated in Article 12, Section 11 of the
14 constitution of New Mexico;

15 Y. "substitute teacher" means a person who holds a
16 certificate to substitute for a teacher in the classroom;

17 Z. "teacher" means a person who holds a level one,
18 two or three-A license and whose primary duty is classroom
19 instruction or the supervision, below the school principal
20 level, of an instructional program or whose duties include
21 curriculum development, peer intervention, peer coaching or
22 mentoring or serving as a resource teacher for other teachers;

23 AA. "certified school instructor" means a teacher
24 or instructional support provider; and

25 BB. "certified school employee" or "certified

.207333.1

underscored material = new
[bracketed material] = delete

1 school personnel" means a licensed school employee."

2 SECTION 2. Section 22-1-3 NMSA 1978 (being Laws 1967,
3 Chapter 16, Section 3, as amended) is amended to read:

4 "22-1-3. DEFINITIONS--PUBLIC SCHOOLS--CLASSIFICATIONS.--
5 As used in the Public School Code:

6 A. "elementary school" means a public school
7 providing instruction for grades kindergarten through eight,
8 unless there is a junior high school program approved by the
9 [~~state board~~] department, in which case it means a public
10 school providing instruction for grades kindergarten through
11 six; provided that "elementary school" also includes a public
12 school providing voluntary pre-kindergarten as part of a
13 community schools initiative;

14 B. "secondary school" means a public school
15 providing instruction for grades nine through twelve, unless
16 there is a junior high school program approved by the [~~state~~
17 ~~board~~] department, in which case it means a public school
18 providing instruction for grades seven through twelve;

19 C. "junior high school" means a public school
20 providing a junior high school program approved by the [~~state~~
21 ~~board~~] department for grades seven through nine or for grades
22 seven and eight; and

23 D. "high school" means a public school providing
24 instruction for any of [~~the~~] grades nine through twelve, unless
25 there is a junior high school program approved by the [~~state~~

underscored material = new
[bracketed material] = delete

1 ~~board]~~ department for grades seven through nine, in which case
2 it means a public school providing instruction for any of [~~the~~]
3 grades ten through twelve."

4 SECTION 3. Section 22-8-2 NMSA 1978 (being Laws 1978,
5 Chapter 128, Section 3, as amended) is amended to read:

6 "22-8-2. DEFINITIONS.--As used in the Public School
7 Finance Act:

8 A. "ADM" or "MEM" means membership;

9 B. "membership" means the total enrollment of
10 qualified students on the current roll of a class or school on
11 a specified day. The current roll is established by the
12 addition of original entries and reentries minus withdrawals.
13 Withdrawals of students, in addition to students formally
14 withdrawn from the public school, include students absent from
15 the public school for as many as ten consecutive school days;
16 provided that withdrawals do not include students in need of
17 early intervention and habitual truants the school district is
18 required to intervene with and keep in an educational setting
19 as provided in Section 22-12-9 NMSA 1978;

20 C. "basic program ADM" or "basic program MEM" means
21 the MEM of qualified students but excludes the full-time-
22 equivalent MEM in early childhood education and three- and
23 four-year-old students receiving special education services;

24 D. "cost differential factor" is the numerical
25 expression of the ratio of the cost of a particular segment of

.207333.1

underscoring material = new
~~[bracketed material] = delete~~

1 the school program to the cost of the basic program in grades
2 four through six;

3 E. "department" or "division" means the public
4 education department;

5 F. "early childhood education ADM" or "early
6 childhood education MEM" means the full-time-equivalent MEM of
7 students attending approved early childhood education programs;

8 G. "full-time-equivalent ADM" or "full-time-
9 equivalent MEM" is that membership calculated by applying to
10 the MEM in an approved public school program the ratio of the
11 number of hours per school day devoted to the program to six
12 hours or the number of hours per school week devoted to the
13 program to thirty hours;

14 H. "operating budget" means the annual financial
15 plan required to be submitted by a local school board or
16 governing body of a state-chartered charter school;

17 I. "program cost" is the product of the total
18 number of program units to which a school district is entitled
19 multiplied by the dollar value per program unit established by
20 the legislature;

21 J. "program element" is that component of a public
22 school system to which a cost differential factor is applied to
23 determine the number of program units to which a school
24 district is entitled, including ~~[but not limited to]~~ MEM,
25 full-time-equivalent MEM, teacher, classroom or public school;

.207333.1

underscored material = new
[bracketed material] = delete

1 K. "program unit" is the product of the program
2 element multiplied by the applicable cost differential factor;

3 L. "public money" or "public funds" means all money
4 from public or private sources received by a school district or
5 state-chartered charter school or officer or employee of a
6 school district or state-chartered charter school for public
7 use;

8 M. "qualified student" means a public school
9 student who:

10 (1) has not graduated from high school;

11 (2) is regularly enrolled in one-half or more
12 of the minimum course requirements approved by the department
13 for public school students; and

14 (3) in terms of age:

15 (a) is at least five years of age prior
16 to 12:01 a.m. on September 1 of the school year;

17 (b) is at least three years of age at
18 any time during the school year and is receiving special
19 education services pursuant to rules of the department; ~~[or]~~

20 (c) has not reached the student's
21 twenty-second birthday on the first day of the school year and
22 is receiving special education services pursuant to rules of
23 the department; ~~[and]~~ or

24 (d) is at least three years of age prior
25 to 12:01 a.m. on September 1 of the school year and is

.207333.1

underscored material = new
[bracketed material] = delete

1 attending voluntary public pre-kindergarten in a public school
2 with a community schools initiative; and

3 N. "state superintendent" means the secretary of
4 public education or the secretary's designee."

5 SECTION 4. Section 22-32-1 NMSA 1978 (being Laws 2013,
6 Chapter 16, Section 1) is amended to read:

7 "22-32-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article 32
8 NMSA 1978 may be cited as the "Community Schools Act"."

9 SECTION 5. Section 22-32-2 NMSA 1978 (being Laws 2013,
10 Chapter 16, Section 2) is amended to read:

11 "22-32-2. PURPOSE.--The Community Schools Act is enacted
12 to provide a strategy to organize the resources of a community
13 to ensure student success while addressing the needs of the
14 whole student from early childhood programs and voluntary pre-
15 kindergarten through high school graduation; to partner with
16 federal, state and local entities ~~[with]~~ and private community-
17 based organizations to improve the coordination, delivery,
18 effectiveness and efficiency of services provided to children
19 and families; and to coordinate resources in order to align and
20 leverage community resources and integrate funding streams."

21 SECTION 6. Section 22-32-3 NMSA 1978 (being Laws 2013,
22 Chapter 16, Section 3) is amended to read:

23 "22-32-3. COMMUNITY SCHOOLS INITIATIVES--SCHOOL
24 IMPROVEMENT FUNCTIONS--REQUIREMENTS.--

25 A. A community schools initiative may be created in

underscored material = new
[bracketed material] = delete

1 any public school in the state. For struggling schools, a
2 community schools initiative may be used to implement
3 comprehensive or targeted support and improvement activities
4 pursuant to the federal Every Student Succeeds Act.

5 B. A community schools initiative shall include
6 [~~but not be limited to~~] the following core set of strategies:

7 (1) extended learning programs, including
8 before- and after-school programs as well as summer programs;
9 (2) school-based or school-linked health care;
10 [~~and~~]

11 (3) family engagement and support services;
12 and

13 (4) the provision of early childhood programs
14 funded by the children, youth and families department and
15 voluntary pre-kindergarten funded through the Pre-Kindergarten
16 Act and the Title 1 set-aside as essential components of a
17 community schools initiative.

18 C. A community schools initiative shall include the
19 following:

20 (1) a lead partner agency, including [~~but not~~
21 ~~limited to~~] a public or private agency or community-based
22 organization, to help coordinate programs and services;

23 (2) an assessment of community resources
24 informed by students, families and community and school leaders
25 that relates to the effective delivery of core services on

.207333.1

underscored material = new
[bracketed material] = delete

1 site; and

2 (3) the establishment of an evaluation process
3 that measures both the quality and quantity of outcomes."

4 SECTION 7. Section 22-32-4 NMSA 1978 (being Laws 2013,
5 Chapter 16, Section 4) is amended to read:

6 "22-32-4. COMMUNITY SCHOOLS INITIATIVES--ADMINISTRATIVE
7 COSTS--GRANTS--SCHOOL DISTRICT, GROUP OF PUBLIC SCHOOLS OR
8 PUBLIC SCHOOL DUTIES--REQUIREMENTS.--

9 A. A school district shall bear any administrative
10 costs associated with the establishment and implementation of a
11 community school within the school district.

12 B. Subject to the availability of funding, grants
13 for community schools initiatives are available to a school
14 district, a group of public schools or a public school that has
15 demonstrated partnerships with ~~[any]~~ a lead partner agency and
16 local, private and public agencies ~~[for the purpose of~~
17 ~~establishing, operating and sustaining]~~ to establish, operate
18 and sustain community schools and that meets department
19 eligibility requirements.

20 C. An applicant for grants for community schools
21 initiatives shall propose to provide at least three of the
22 following types of community school programming at each covered
23 school site during the grant period:

24 (1) full-day, high-quality pre-kindergarten;

25 (2) physical and mental health services for

.207333.1

underscored material = new
[bracketed material] = delete

1 students and their families that are provided by trained health
2 care professionals;

3 (3) programming that promotes academic
4 excellence aligned with state standards and benchmarks;

5 (4) programming that promotes the acquisition
6 of life skills;

7 (5) programming that promotes parental support
8 of and community engagement in the community school;

9 (6) programming that promotes nonviolent
10 behavior and nonviolent conflict resolution;

11 (7) programming designed to improve school
12 attendance and prevent students from dropping out of school;

13 (8) high-quality after-school programming;

14 (9) high-quality summer programming designed
15 to prevent summer learning loss; and

16 (10) other programming designed to meet school
17 and community needs identified through the public school and
18 its community partners.

19 [G-] D. Applications for grants for community
20 schools initiatives shall be in the form prescribed by the
21 department and shall include the following information:

22 (1) a statement of need, including demographic
23 and socioeconomic information about the area to be served by
24 the community schools initiative;

25 (2) goals and expected outcomes of the

.207333.1

underscored material = new
[bracketed material] = delete

1 initiative;

2 (3) services and activities to be provided by
3 the initiative;

4 (4) written agreements for the provision of
5 services by public and private agencies, community groups and
6 other parties;

7 (5) a work plan and budget for the initiative,
8 including staffing requirements and the expected availability
9 of staff;

10 (6) days and hours of operation;

11 (7) strategies for dissemination of
12 information about the initiative to potential users;

13 (8) training and professional development
14 plans;

15 (9) letters of endorsement and commitment from
16 community agencies and organizations and local governments; and

17 (10) any other information the department
18 requires.

19 E. In addition to the general requirements for a
20 grant application in Subsection D of this section, each
21 application shall include specific plans for the following:

22 (1) maintenance of attendance records in all
23 programming components and the use of that data to target
24 students in need of intervention;

25 (2) maintenance of measurable data showing

.207333.1

underscored material = new
[bracketed material] = delete

1 annual participation and the effect of programming on the
2 participating students and families;

3 (3) documentation of meaningful and sustained
4 collaboration between the public school and community
5 stakeholders, including local governmental units, civic
6 engagement organizations, businesses, social service providers,
7 cultural organizations, institutions of higher education and
8 health institutions;

9 (4) ensuring compliance with the
10 nondiscrimination policy of the federal Every Student Succeeds
11 Act;

12 (5) a baseline analysis of needs at the
13 community school, including:

14 (a) identification of challenges facing
15 the community school;

16 (b) analysis of the student body,
17 including the: 1) number and percentage of students with
18 disabilities and the needs of those students; 2) number and
19 percentage of students who are English language learners and
20 the needs of those students in addition to English proficiency;
21 and 3) number and percentage of students receiving free or
22 reduced-fee lunch and the needs of those students;

23 (c) analysis of enrollment and retention
24 rates for students with disabilities, English language learners
25 and students receiving free or reduced-fee lunch;

.207333.1

underscored material = new
[bracketed material] = delete

1 (d) analysis of suspension and expulsion
2 data, including justification for such disciplinary actions and
3 the degree to which particular populations, including students
4 of color, students with disabilities, English language learners
5 and students receiving free and reduced-fee lunch, are
6 represented among students subject to such actions;

7 (e) analysis of school achievement data
8 disaggregated by major demographic categories, including race
9 or ethnicity, English language learner status, disability
10 status and free or reduced-fee lunch receipt;

11 (f) analysis of current parent
12 engagement strategies and their success;

13 (g) evaluation of the need for and
14 availability of wraparound services, including: 1) mechanisms
15 for meeting students' social, emotional and physical
16 health needs, which may include coordination of existing
17 services as well as the development of new services based on
18 student needs; and 2) strategies to create safe and secure
19 school environments and improve school climate and discipline,
20 such as implementing a system of positive behavioral supports
21 and taking additional steps to eliminate bullying; and

22 (h) analysis of the breadth and depth of
23 community and school support for the school curriculum and the
24 breadth and depth of support for changes to the school
25 curriculum; and

.207333.1

underscored material = new
[bracketed material] = delete

1 (6) a baseline analysis of needs in the
2 community surrounding the community school, conducted by the
3 school leadership team in collaboration with relevant experts
4 as appropriate, that includes the need for:

5 (a) high-quality, full-day child care
6 and early childhood education programs;

7 (b) physical and mental health care
8 services for children and adults; and

9 (c) job training and other adult
10 education programming.

11 [~~D~~] F. A school district, a group of public
12 schools or a public school that uses funds under this section
13 to transform a public school into a research- and evidence-
14 based community schools initiative shall:

15 (1) use rigorous, transparent and equitable
16 evaluation systems to assess the effectiveness of the
17 implementation of the community schools initiative;

18 (2) provide ongoing, high-quality professional
19 development to staff that:

20 (a) aligns with the public school's
21 instructional program;

22 (b) facilitates effective teaching and
23 learning; and

24 (c) supports the implementation of
25 school reform strategies; [~~and~~]

underscored material = new
[bracketed material] = delete

1 (3) give the public school sufficient
2 operational flexibility in programming, staffing, budgeting and
3 scheduling so that the public school can fully implement a
4 comprehensive strategy designed to focus on improving school
5 climate, student achievement and growth in reading and
6 mathematics, attendance, behavior, parental engagement and, for
7 high schools, graduation rates and readiness for college or a
8 career; and

9 (4) where the grantee has received funding to
10 provide community school programming at multiple covered school
11 sites, select and compensate a program director to oversee and
12 coordinate programming across the multiple covered school sites
13 and, depending on funding, select and compensate a resource
14 coordinator at each school site.

15 G. The department shall use at least four percent
16 of the Title 1 set-aside to invest in community schools
17 statewide."

18 SECTION 8. Section 32A-23-3 NMSA 1978 (being Laws 2005,
19 Chapter 170, Section 3) is amended to read:

20 "32A-23-3. DEFINITIONS.--As used in the Pre-Kindergarten
21 Act:

22 A. "community" means an area defined by school
23 district boundaries, tribal boundaries or joint boundaries of a
24 school district and tribe or any combination of school
25 districts and tribes;

.207333.1

