

1 HOUSE BILL 361

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Rebecca Dow and Raymundo Lara and Gabriel Ramos and
5 Christine Trujillo and G. Andrés Romero
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10 AN ACT

11 RELATING TO PUBLIC SCHOOL FINANCE; CREATING A NEW CULTURAL AND
12 LINGUISTIC RELEVANCE INDEX AND PROGRAM UNITS IN RESPONSE TO THE
13 CONSOLIDATED *MARTINEZ AND YAZZIE V. STATE OF NEW MEXICO*
14 LAWSUIT; PROVIDING THAT THE CALCULATION OF THE NEW INDEX AND
15 PROGRAM UNITS SHALL BE CALCULATED FOR EACH PUBLIC SCHOOL RATHER
16 THAN SCHOOL DISTRICTS AND BASED ON THE COURT'S FINDINGS OF AT-
17 RISK STUDENTS; PROVIDING THAT THE MONEY GENERATED BY THE
18 PROGRAM UNITS SHALL BE SPENT IN THOSE PUBLIC SCHOOLS THAT
19 GENERATE THE PROGRAM UNITS; CLARIFYING THAT THE CULTURAL AND
20 LINGUISTIC RELEVANCE PROGRAM UNITS ARE IN ADDITION TO SCHOOL
21 DISTRICT AT-RISK PROGRAM UNITS.
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23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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1 "[NEW MATERIAL] CULTURAL AND LINGUISTIC RELEVANCE PROGRAM
2 UNITS--CALCULATED PER PUBLIC SCHOOL.--

3 A. As used in this section:

4 (1) "cultural and linguistic at-risk students"
5 includes students who come from economically disadvantaged
6 homes, students who are English language learners, students who
7 are American Indian or Hispanic and students with a disability
8 who are eligible for class C or D special education services;
9 and

10 (2) "services" means research-based or
11 evidence-based academic, social and emotional interventions,
12 such as:

13 (a) culturally relevant curriculum
14 development, including knowledge necessary to support language
15 acquisition and bilingual and multicultural education;

16 (b) culturally and linguistically
17 appropriate instructional materials;

18 (c) specialized professional development
19 for teachers who teach cultural and linguistic at-risk
20 students;

21 (d) tutoring, reading interventions and
22 after-school programs that are delivered by social workers,
23 counselors, teachers or other professional staff;

24 (e) educational programming intended to
25 improve career and college readiness of cultural and linguistic

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1 at-risk students, including dual or concurrent enrollment,
2 career and technical education, guidance counseling services
3 and coordination with post-secondary institutions;

4 (f) whole-school interventions,
5 including conversion to community schools; and

6 (g) services to engage and support
7 parents and families in the education of students.

8 B. Cultural and linguistic relevance program units
9 shall be calculated for each public school that has cultural
10 and linguistic at-risk students as provided in this section.
11 To qualify for cultural and linguistic relevance program units,
12 a public school is required to have a department-approved
13 educational plan that identifies services to assist cultural
14 and linguistic at-risk students to reach their full academic
15 potential. The public school receiving additional cultural and
16 linguistic relevance program units shall include a report of
17 specified services implemented to improve the academic success
18 of cultural and linguistic at-risk students. The report shall
19 identify the ways in which the public school shall use funding
20 generated through the cultural and linguistic relevance index
21 and the intended outcomes. The number of additional units to
22 which a public school is entitled under this section is
23 computed in the following manner:

24 Cultural and Linguistic Relevance At-Risk Index x MEM = Units
25 where MEM is equal to the total public school membership,

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1 including early childhood education, if offered at the public
2 school and full-time-equivalent membership of cultural and
3 linguistic at-risk students, and where the cultural and
4 linguistic relevance at-risk index is calculated in the
5 following manner:

6 Three-Year Average Total Rate x 0.25 = Cultural and Linguistic
7 Relevance At-Risk Index.

8 C. To calculate the three-year average total rate,
9 the department shall compute a three-year average of the public
10 school's percentage of membership used to determine its Title 1
11 allocation, unless the state develops a better indicator of
12 poverty, a three-year average of the percentage of membership
13 classified as English language learners using criteria
14 established by the office for civil rights of the United States
15 department of education, a three-year average of the percentage
16 of membership classified as American Indian or Hispanic and a
17 three-year average of the percentage of membership classified
18 as class C or D special education. The department shall then
19 add the three-year average rates. The number obtained from
20 this calculation is the three-year average total rate.

21 D. The department shall recalculate the cultural
22 and linguistic relevance at-risk index and program units for
23 each public school every year.

24 E. The money generated by the cultural and
25 linguistic relevance program units shall be used to supplement,

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1 not supplant, the general and at-risk funding for public
2 schools that belong to school districts.

3 F. Each school district that receives cultural and
4 linguistic relevance program units through the state
5 equalization guarantee distribution shall distribute the money
6 to the public schools that generated it, including locally
7 chartered charter schools, and shall not take an administrative
8 fee for that distribution. Each applicable school district
9 shall verify to the department that it has properly distributed
10 the money provided through these program units as provided in
11 this subsection and that it has not used that money to supplant
12 other funding owed the public schools."