




B i t e s i z e

 The Public Education Department distributed an additional \$19.6 million to school districts and charter schools through a \$31.34 increase in the FY18 unit value, the amount distributed to school districts for each enrollment-based funding formula unit. The Legislature authorized the department to distribute up to \$10 million more through an update of the unit value, although not the \$19.6 million allocated. The final FY18 unit value with the increase was \$4,115.60.

 The Regulation and Licensing Department is considering a rule that would require school security guards to be at least 24 years old, be a retired law enforcement officer or an honorably discharged veteran, receive school-specific training, and meet the psychological testing and other requirements of level-three state security guard licensure. Currently, any school employee can act as an armed security guard.

 More than \$90,000 remains in the kindergarten-plus fund five years after state law required the Public Education Department to transfer the money to the fund for K-3 Plus, which replaced the kindergarten-only program. In addition, the Legislature in 2017 repealed the kindergarten plus fund. The K-3 Plus program is an extended school-year program for low-income or low-performing schools.



i n f o r m E D

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Senator Mimi Stewart, Chair / Representative G. Andrés Romero, Vice Chair / Rachel S. Gudgel, Director / July 2018

From the Chairwoman

The Right Tools

School shootings have been in the public's consciousness at least since the 1999 mass shooting at Columbine High School in Colorado, but it was arguably the deaths of 20 6- and 7-year-olds at Sandy Hook Elementary in Connecticut – or perhaps the lack of action in its aftermath – that motivated many schools to start limiting access and conducting active shooter drills. Still, that particular brand of gun violence seemed very removed from New Mexico until December, when a former high school student killed two students at Aztec High. That incident, and the refusal of survivors of a Florida high school mass shooting to passively accept “thoughts and prayers,” served as prelude to New Mexico legislative action on school safety this year.

In addition to directing LES C to study school violence, the Legislature made tens of millions of dollars available to schools for physical security improvements. But what school administrators have told us so far is that, while money for capital improvements is appreciated, they are just as concerned about operational funding for social workers, counselors, and school resource (aka security) officers. In addition, schools want more and better training, not only on reacting to a shooter but on preventing a shooting and intervening with troubled students. To be clear, few are clamoring for arming teachers, a logistically improbable approach that fails to address how teachers will access the guns quickly during a shooting or the appropriateness of adding one more duty to teachers' already full plates.

All this is not to say physical improvements won't make schools safer, but turning schools into scary fortresses is not conducive to learning or the emotional well-being of children. A school should be warm and welcoming, a place inviting to students and the community.

Finally, school officials, like most Americans, want reasonable gun laws, such as universal, effective background checks and gun violence restraining orders that temporarily restrict gun ownership for those who are a threat to themselves or others. The evidence is overwhelming that laws like these would save lives, not just many of those lost in mass shooting but many of the thousand who die each year to gun violence and suicide.

New Mexico gun control advocates are already working with legislators on passage of common-sense gun laws. We must also provide schools with the resources they need to ensure the safety of their young charges. In a society that leads the world in gun ownership and the incidence of mass shooting, the lives of our children depend on it.

Senator Mimi Stewart

School Threats Pose Justice Challenges

Inadequacies in current law mean a teen who threatens a school shooting can end up arrested on the same charge that would be used for a student who talks back to a teacher, a juvenile justice official says.

Testifying to the committee during a June hearing on juvenile delinquency and school threats, Nick Costales, field services deputy director for state Juvenile Justice Services, said school resource officers have used a petty misdemeanor charge of interfering with the educational process as a “catchall” for arresting disruptive students.

Because it's a low-level charge, an arrest is rare but school security staff use the charge if an arrest is necessary, he said. They are now reluctantly using it for threat-related incidents because threats are not covered in state law.

Costales said the Attorney General, as well as a task force in Albuquerque made up mostly of law enforcement officials, is looking at changing state law to address the issue, although policymakers should be wary of any unintended consequences resulting from a new law.

Mike Heal, chief of the Aztec

Police Department, which responded to a fatal school shooting in December, told the committee a new law could treat a shooting threat the same as a bomb threat, a fourth-degree felony.

Rachel Gudgel, LES C director, said a review of criminal offenses associated with recent school lockdown or shelter-in-place incidents found charges for assault, assault with intent to commit a violent felony, and – most often – interference with the educational process.

Children under 18 charged with an offense are generally handled under the Delinquency Act, which is focused on rehabilitation and emphasizes community-based alternatives and family and child supports, she said.

Costales said, under the act, police generally refer juveniles to Juvenile Justice Services under the Children, Youth and Families Department, not the district attorney.

After an initial review, juvenile authorities have a number of options, including sending a case to a district attorney, but many cases are handled informally. In turn, the district attorney has a number of options, which include asking the court to find a child delinquent

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Charter School Overseers Might Need Oversight

Creating a body to oversee the state and local agencies that authorize charter schools would be bureaucratically complicated but should be examined further because it could potentially improve charter schools, suggests two national charter school organizations.

Holding charter school authorizers accountable for the performance of charter schools they govern would improve charter school oversight and could improve charter school performance or allow for underperforming schools to be shut down more quickly.

A committee hearing on model standards for charter school authorizers, promoted by both the National Association of Charter School Authorizers and the National Alliance of Public Charter Schools, is scheduled for 1:15

p.m. on July 18.

The two organizations have adopted model standards for charter school authorizers, and NACSA reports New Mexico and 17 other states have adopted standards that meet or exceed its model.

In New Mexico, charter schools can seek authorization from either local school districts or the state-level Public Education Commission.

The organizations say states should start with requiring any body wanting to be an authorizer to submit to a rigorous application process. Legislatively or constitutionally created bodies like the PEC would be exempt, and local school districts could be allowed to simply register as authorizers.

A state-level oversight body, with the ability to sanction or terminate an

authorizer, should regularly review the performance of each authorizer and of the schools it oversees.

In addition, all authorizers should be required to submit an annual report, the organizations say, that includes information on the performance of the schools they oversee and, in New Mexico, a detailed accounting of how the authorizer uses the 2 percent in charter school funds withheld to support charter schools.

Creating statewide standards would discourage “authorizer shopping,” where a charter school looks for the authorizer with the friendliest rules and weakest oversight. More than 30 New Mexico charter schools have changed authorizers at least once.

Criticized by NACSA in 2016 for setting the bar too low for charter school applicants, the PEC, the state’s largest authorizer, has since adopted more rigorous academic and organizational criteria for charter schools and is working on those for finances. Since 2016, the commission has renewed fewer unconditional charters and denied or added conditions more often.

System Unequipped for School Threats

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or seeking adult sanctions in limited cases. A child found to be delinquent is determined to be guilty of an offense that would have been a crime if it had been committed by an adult.

While most cases are handled informally, a juvenile might agree to meet certain conditions and waive a right to a disposition hearing within 180 days, with the understanding the charges will be dropped if the child meets the conditions. Juveniles can also be placed on probation with conditions under a consent decree. Juveniles can also face short- and long-term commitments in a facility up to the age of 21.

Gudgel said generally juvenile records are automatically sealed once a juvenile offender reaches the age of 18, possibly making it difficult to establish patterns of behavior that indicate an offender is a continued risk.

Responding to committee questions, Costales said juvenile records can be used in adult criminal proceedings, but he pointed out that referrals to Juvenile Justice Services are poor predictors of future behavior.

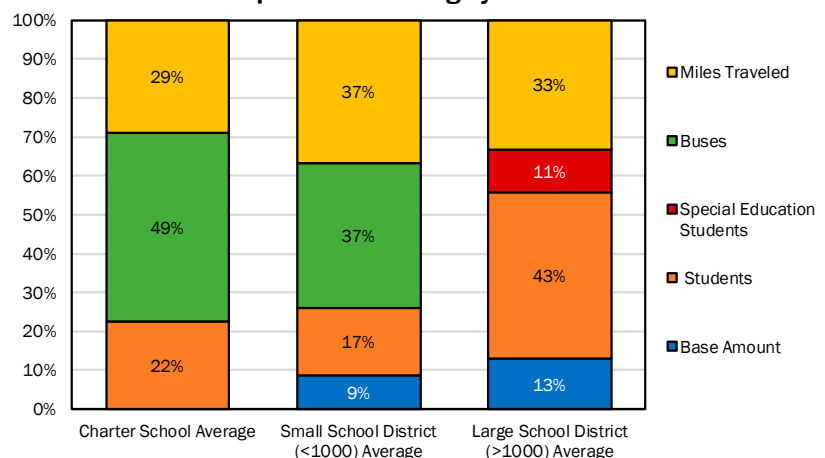
Results Vary with Transportation Formulas

The Public Education Department uses two different formulas for calculating transportation funding for “small” and “large” school districts and charter schools, excluding factors for some schools that seem like they should apply.

While districts and state-chartered charter schools all generate funds for the number of students transported and the number of miles driven by buses, a base allocation in the formulas is not applied to charter schools. Charter schools and small school districts generate funding for the number of buses but do not generate funding for special education students. Large school districts receive funds for special education students but not school buses.

While the formulas result in small and large school districts receiving similar allocations per mile traveled, charter schools receive more per mile traveled than either small or large districts. Small districts receive a higher total allocation per student than both charter schools and big districts.

FY16 Transportation Funding by Formula Factors



informed

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