

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 949

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING FOR A RAPID RESPONSE INTERVENTION PROGRAM PILOT
PROJECT FOR CERTAIN SCHOOLS IN NEED OF IMPROVEMENT; REQUIRING
A STUDY OF IMPACT AID AND THE STATE EQUALIZATION GUARANTEE
FUNDING FORMULA; CONDITIONALLY REDUCING THE RELIANCE OF THE
STATE EQUALIZATION GUARANTEE DISTRIBUTION ON CERTAIN FEDERAL
AND LOCAL REVENUE; DECLARING AN EMERGENCY.

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

Section 1. NEW MATERIAL FINDINGS AND PURPOSE. --

A. The legislature finds that:

(1) a state district court has found that the
ability of school districts to raise money for capital
projects differs among school districts because of the
nontaxable nature of certain lands within school districts and

1 the differing taxable values of lands within school districts;

2 (2) the court concluded that the current
3 system of funding capital improvements for New Mexico's public
4 school districts violates the constitutional provision of
5 uniformity;

6 (3) a disproportionate number of the public
7 schools that have been found to be in need of improvement are
8 in the same school districts found by the court to have an
9 inadequate property base for properly funding their public
10 school; and

11 (4) in order to fulfill the constitutional
12 requirement for a system of education that uniformly educates
13 all of New Mexico's school children, the state may need to
14 focus and concentrate some of its resources to assist local
15 school districts in selected schools.

16 B. The purpose of this act is to address that
17 urgent need for improving the quality of education by
18 initiating a pilot project in selected schools in New Mexico
19 that are in need of improvement whereby a rapid response
20 intervention program is used to concentrate state
21 instructional, administrative and managerial resources.

22 Section 2. [NEW MATERIAL] RAPID RESPONSE INTERVENTION
23 PROGRAM PILOT PROJECT-- STATE DEPARTMENT OF PUBLIC EDUCATION--
24 POWERS AND DUTIES. --

25 A. The state department of public education shall

1 design and implement a three-year "rapid response intervention
2 program" pilot project for certain public schools in need of
3 improvement. The pilot project shall be designed to test the
4 efficacy of providing extraordinary assistance to schools
5 through the deployment of rapid response teams that augment
6 and assist the instructional, administrative and managerial
7 programs of schools in need of improvement. The rapid
8 response intervention program shall include summer programs of
9 professional development for teachers, administrators and
10 other school personnel and intensive summer extended learning
11 opportunities for students as well as activities during the
12 regular school year. The department shall begin implementing
13 the pilot project by July 1, 2001.

14 B. The pilot project shall be conducted in public
15 schools that as of January 2001 have been ranked as schools in
16 need of improvement. Schools selected shall be those with a
17 student population consisting of five percent or more Native
18 American students.

19 C. Prior to the end of the 2000-2001 school year,
20 the department shall provide reading and writing assessments
21 of all students and a professional development needs
22 assessment for certified school personnel in all public
23 schools selected for the pilot project. Based on the
24 assessments and other accountability information about each
25 school, the department and the individual school shall

. 138011. 3

1 formulate a rapid response intervention plan. The department
2 shall involve school personnel, students, parents, business
3 and community leaders, the school district and tribal
4 authorities in the formulation of the plan.

5 D. The plan shall:

6 (1) identify the areas in which the school
7 needs to improve and the resources needed for improvement;

8 (2) identify the strengths of the school and
9 ensure those strengths are maintained and enhanced;

10 (3) include intensive literacy and language
11 immersion programs for students who are not proficient in
12 English or who cannot read at grade level;

13 (4) provide professional development for
14 staff both on-site and off-site; and

15 (5) provide, as a primary component,
16 classroom observation, intervention and monitoring of
17 instructional methods and modeling successful instructional
18 strategies.

19 E. Each participating school is eligible for
20 direct grant aid to implement the provisions of the school's
21 rapid response intervention plan. Grants from fifty thousand
22 dollars (\$50,000) to one hundred five thousand dollars
23 (\$105,000) shall be graduated based on the size and grade
24 level of the school.

25 F. The state department of public education shall

1 provide full-time monitoring staff to work with the pilot
2 schools. The monitoring staff shall have the authority from
3 the department to ensure that the rapid response intervention
4 plan is carried out and that the schools improve. The
5 monitoring staff shall be located within the geographical
6 regions of the pilot schools.

7 G. The provisions of the Educational Retirement
8 Act or rules promulgated in accordance with that act
9 notwithstanding, the state department of public education may
10 employ or contract with retired certified school personnel to
11 assist with the rapid response intervention program, and those
12 retired members shall not be required to suspend their
13 retirement benefits; provided, however, that a retired member
14 so employed shall not acquire service credit or be eligible to
15 purchase service credit in the future for the period of this
16 employment. The department may employ or contract with
17 currently employed teachers, administrators or other certified
18 school personnel on a full- or part-time basis, provided that
19 the person has the permission of the school principal and
20 school superintendent for whom he works if the pilot project
21 work will occur during the person's regular school day. The
22 department may employ or contract with certified school
23 personnel from other states who have the expertise needed by
24 the school. The department and the school shall evaluate the
25 credentials and references of people the department proposes

. 138011. 3

1 to employ or contract with.

2 H. In the conduct of the pilot project, the
3 legislature expressly grants the state department of public
4 education the power to exercise full administrative,
5 managerial and instructional authority over a public school
6 that is part of the pilot project. The department may:

7 (1) employ, discipline, reassign, terminate
8 and discharge school personnel;

9 (2) suspend a school's budget and decide how
10 school funds shall be expended, including purchasing
11 instructional materials and contracting for professional
12 development;

13 (3) make changes to classroom instruction
14 times, length of day and school year; curricula; and
15 extracurricular activities, including athletic eligibility and
16 schedules; and

17 (4) do anything else necessary and proper to
18 intervene and improve the school.

19 Section 3. [NEW MATERIAL] IMPACT AID AND FUNDING FORMULA
20 STUDY. --The New Mexico legislative council shall contract for
21 a study of impact aid funding and the state equalization
22 guarantee funding formula. The New Mexico legislative council
23 may name a committee to oversee the study. The contractor
24 shall report to the New Mexico legislative council by December
25 1, 2002.

. 138011. 3

1 Section 4. Section 22-8-25 NMSA 1978 (being Laws 1981,
2 Chapter 176, Section 5, as amended) is amended to read:

3 "22-8-25. STATE EQUALIZATION GUARANTEE DISTRIBUTION--
4 DEFINITIONS-- DETERMINATION OF AMOUNT.--

5 A. The state equalization guarantee distribution
6 is that amount of money distributed to each school district to
7 ensure that the school district's operating revenue, including
8 its local and federal revenues as defined in this section, is
9 at least equal to the school district's program cost.

10 B. Except as provided in Subsection G of this
11 section, "local revenue", as used in this section, means
12 seventy-five percent of receipts to the school district
13 derived from that amount produced by a school district
14 property tax applied at the rate of fifty cents (\$.50) to each
15 one thousand dollars (\$1,000) of net taxable value of property
16 allocated to the school district and to the assessed value of
17 products severed and sold in the school district as determined
18 under the Oil and Gas Ad Valorem Production Tax Act and upon
19 the assessed value of equipment in the school district as
20 determined under the Oil and Gas Production Equipment Ad
21 Valorem Tax Act. The school district shall budget and expend
22 twenty percent of the total revenue receipts for capital
23 outlay [~~as defined in the manual of accounting and budgeting~~
24 ~~provided in Section 22-8-5 NMSA 1978~~].

25 C. Except as provided in Subsection G of this

. 138011. 3

underscored material = new
 [bracketed material] = delete

1 section, "federal revenue", as used in this section, means
2 receipts to the school district, excluding amounts [~~which~~
3 that, if taken into account in the computation of the state
4 equalization guarantee distribution, result, under federal law
5 or regulations, in a reduction in or elimination of federal
6 school funding otherwise receivable by the school district,
7 derived from the following:

8 (1) seventy-five percent of the school
9 district's share of forest reserve funds distributed in
10 accordance with Section 22-8-33 NMSA 1978. The school
11 district shall budget and expend twenty percent of the total
12 forest reserve receipts for capital outlay [~~as defined in the~~
13 ~~manual of accounting and budgeting provided in Section 22-8-5~~
14 ~~NMSA 1978~~]; and

15 (2) seventy-five percent of grants from the
16 federal government as assistance to those areas affected by
17 federal activity authorized in accordance with Title 20 of the
18 United States Code, commonly known as "PL 874 funds" or
19 "impact aid". The school district shall budget and expend
20 twenty percent of the grant receipts for capital outlay [~~as~~
21 ~~defined in the manual of accounting and budgeting provided in~~
22 ~~Section 22-8-5 NMSA 1978~~].

23 D. To determine the amount of the state
24 equalization guarantee distribution, the state superintendent
25 shall:

1 (1) effective July 1, 1999 calculate the
2 number of program units to which each school district is
3 entitled using the basic program membership of the fortieth
4 day of the prior year for all programs; provided that special
5 education program units shall be calculated using the
6 membership in special education programs on December 1 of the
7 prior year; effective July 1, 2000, calculate the number of
8 program units to which each school district is entitled using
9 an average of the membership on the fortieth, eightieth and
10 one hundred twentieth days of the prior year; or

11 (2) calculate the number of program units to
12 which a school district operating under an approved year-round
13 school calendar is entitled using the basic program membership
14 on an appropriate date established by the state board; or

15 (3) calculate the number of program units to
16 which a school district with a basic program MEM of two
17 hundred or less is entitled by using the basic program
18 membership on the fortieth day of either the prior or the
19 current year, whichever is greater; provided that special
20 education program units shall be calculated using the
21 membership in special education programs on December 1 of
22 either the prior or the current year; and

23 (4) using the results of the calculations in
24 Paragraph (1), (2) or (3) of this subsection and the
25 instructional staff training and experience index from the

. 138011. 3

1 October report of the prior school year, establish a total
2 program cost of the school district;

3 (5) calculate the local and federal revenues
4 as defined in this section;

5 (6) deduct the sum of the calculations made
6 in Paragraph (5) of this subsection from the program cost
7 established in Paragraph (4) of this subsection; and

8 (7) deduct the total amount of guaranteed
9 energy savings contract payments that the state superintendent
10 determines will be made to the school district from the public
11 school utility conservation fund during the fiscal year for
12 which the state equalization guarantee distribution is being
13 computed.

14 E. The amount of the state equalization guarantee
15 distribution to which a school district is entitled is the
16 balance remaining after the deductions made in Paragraphs (6)
17 and (7) of Subsection D of this section.

18 F. The state equalization guarantee distribution
19 shall be distributed prior to June 30 of each fiscal year.
20 The calculation shall be based on the local and federal
21 revenues specified in this section received from June 1 of the
22 previous fiscal year through May 31 of the fiscal year for
23 which the state equalization guarantee distribution is being
24 computed. In the event that a district has received more
25 state equalization guarantee funds than its entitlement, a

1 refund shall be made by the district to the state general
2 fund.

3 G. If the state superintendent certifies that the
4 federal government has allowed the state to calculate
5 disparity on the unit value, then:

6 (1) in lieu of the percentage of receipts
7 specified in Subsection B of this section, local revenue shall
8 be calculated as seventy percent of the receipts;

9 (2) in lieu of the percentage of the share of
10 forest reserve funds specified in Paragraph (1) of Subsection
11 C of this section, the calculation shall be based upon seventy
12 percent of the district's share;

13 (3) in lieu of the percentage of impact aid
14 grants specified in Paragraph (2) of Subsection C of this
15 section, the calculation shall be based on seventy percent of
16 the grants; and

17 (4) in lieu of the requirement in Subsection
18 B and Paragraphs (1) and (2) of Subsection C of this section,
19 twenty-five percent of the revenue receipts, the forest
20 reserve receipts and the grant receipts shall be used for
21 capital outlay. "

22 Section 5. EMERGENCY.--It is necessary for the public
23 peace, health and safety that this act take effect
24 immediately.

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