

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill No: HB 304**

**48th Legislature, 2nd Session, 2008**

**Short Title: Las Cruces High School At-Risk Project**

**Sponsor(s): Representative Mary Helen García and Others**

**Analyst: Pamela Herman**

**Date: January 27, 2008**

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**Bill Summary:**

HB 304 requires the Public Education Department (PED) and the Las Cruces Public Schools to design a four-year “at-risk activities pilot project” to be instituted at Las Cruces High School and appropriates funds to support the project.

HB 304 would establish the pilot project in statute, as follows:

- the pilot project shall provide funding for extracurricular programs and student clubs that target students who are at risk of dropping out of school;
- the purpose of the pilot project is to determine whether support for extracurricular activities will significantly improve the dropout rate at the high school;
- to receive funding, at least 60 percent of the membership of a student club or other extracurricular program must be identified by the school as being at risk of dropping out of school;
- no more than \$5,000 per year of the funds appropriated for the project may be given to any one student club or extracurricular program or activity;
- the pilot project shall include an annual evaluation phase that tracks Las Cruces high school students and their academic achievement and provides other data sufficient to determine the efficacy of the project;
- data collection and reporting, insofar as practicable, shall be consistent with the requirements of the PED Student Teacher Accountability Reporting System (STARS);
- PED and the school district shall report to the Legislative Education Study Committee (LESC) by July 1 of each year on the past school year’s success in improving the academic standing of Las Cruces high school students; and
- PED and the school district shall provide a written report, including findings and recommendations, to the LESC at the end of the project.

**Fiscal Impact:**

- \$500,000 is appropriated from the General Fund to PED for expenditure in FY 09 through FY 13 for distribution to Las Cruces Public Schools. The bill contains a reversion clause at the end of FY 13.
- For FY 08, the Las Cruces Public Schools generated \$4.6 million in at-risk dollars through the Public School Funding Formula. A school district is eligible to generate at-risk program units if its PED-approved Educational Plan for Student Success (EPSS) includes identified services to assist students to reach their full academic potential. The at-risk index used to generate those units is based on the percentage of district membership used to determine the

district's eligibility for federal Title I funds; the percentage of district membership identified as English language learners according to criteria established by the federal Office of Civil Rights; and on the district's student mobility rate.

- Separate appropriations to specific schools or school districts for operational expenditures circumvent the Public School Funding Formula, which provides operational funds for all school districts, and may compromise the equity of the formula.

### **Issues:**

- HB 304 is one of three related bills that would create four-year pilot projects to address issues of retention and academic success at Las Cruces High School.
  - HB 304 would focus on supporting out-of-school time activities, such as extracurricular programs and student clubs that have a membership certified by the school to be at least 60 percent at-risk students.
  - HB 301 creates a dropout prevention pilot project, and
  - HB 302 creates a summer intensive instructional pilot project.
- Students at risk are currently factored into the Public School Funding Formula, which provides that a school is eligible for additional program units if it establishes services within its state-approved plan to assist students to reach their full academic potential.
  - For FY 08, Las Cruces Public Schools received an additional \$4.63 million in operational dollars through at-risk program units.
  - The district is able to use whatever portion of its total operational dollars it so chooses to support programs that address the needs of at-risk students.
- PED makes the following points in its analysis of HB 304:
  - with the limitation of \$5000 per year per activity, the funds appropriated in HB 304 would support a minimum of 25 activities per year for four years; and
  - many students at risk of dropping out of school would not meet New Mexico Activities Association academic eligibility for extracurricular activities, which require a 2.0 grade point average with no more than one F or its equivalent.
- The requirement that at least 60 percent of students in activities supported by the funds appropriated in HB 304 must be identified as at-risk could have unintended consequences.
  - the requirement could lead to segregation rather than integration of at-risk students in extracurricular activities and clubs, or
  - it could place a club in jeopardy of losing its financial support if it becomes popular with students not deemed to be at-risk.

### **Technical Issue:**

The *Public School Code* does not contain a definition for the term "at risk." The sponsor may wish to amend the bill to clarify how the term should be defined for the purposes of the Las Cruces High School At-Risk Pilot Project.

### **Related Bills:**

HB 301 *Las Cruces High School Drop-Out Prevention*

HB 302 *Las Cruces High School Summer Pilot Project*