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SENATE BILL 171

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

INTRODUCED BY

Clemente Sanchez

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; INCREASING THE AT-RISK PROGRAM UNIT; PROVIDING DIFFERENTIAL PROGRAM UNITS FOR SPECIAL EDUCATION TEACHERS, BILINGUAL MULTICULTURAL EDUCATION TEACHERS AND CERTIFIED NATIVE AMERICAN AND CULTURE TEACHERS AND FOR LEVEL TWO AND LEVEL THREE TEACHERS WHO MENTOR BEGINNING TEACHERS; MAKING APPROPRIATIONS.

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

**SECTION 1.** Section 22-8-18 NMSA 1978 (being Laws 1974, Chapter 8, Section 8, as amended by Laws 2019, Chapter 206, Section 13 and by Laws 2019, Chapter 207, Section 13) is amended to read:

"22-8-18. PROGRAM COST CALCULATION--LOCAL RESPONSIBILITY.--

A. The total program units for the purpose of

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1 computing the program cost shall be calculated by multiplying  
2 the sum of the program units itemized as Paragraphs (1) and (2)  
3 in this subsection by the staffing cost multiplier and adding  
4 the program units itemized as Paragraphs (3) through [~~(16)~~]  
5 (19) in this subsection. The itemized program units are as  
6 follows:

- 7 (1) early childhood education;
- 8 (2) basic education;
- 9 (3) special education, adjusted by subtracting  
10 the units derived from membership in class D special education  
11 programs in private, nonsectarian, nonprofit training centers;
- 12 (4) bilingual multicultural education;
- 13 (5) fine arts education;
- 14 (6) elementary physical education;
- 15 (7) size adjustment;
- 16 (8) at-risk;
- 17 (9) enrollment growth or new district  
18 adjustment;
- 19 (10) special education units derived from  
20 membership in class D special education programs in private,  
21 nonsectarian, nonprofit training centers;
- 22 (11) national board for professional teaching  
23 standards certification;
- 24 (12) home school student;
- 25 (13) home school student activities;

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- 1 (14) charter school student activities;
- 2 (15) K-5 plus; [~~and~~]
- 3 (16) extended learning time;
- 4 (17) special education license endorsement;
- 5 (18) bilingual multicultural license
- 6 endorsement; and
- 7 (19) beginning teacher mentors.

8 B. The total program cost calculated as prescribed  
9 in Subsection A of this section includes the cost of early  
10 childhood, special, bilingual multicultural, fine arts and  
11 vocational education and other remedial or enrichment programs.  
12 It is the responsibility of the local school board or governing  
13 body of a charter school to determine its priorities in terms  
14 of the needs of the community served by that board. Except as  
15 otherwise provided in this section, funds generated under the  
16 Public School Finance Act are discretionary to local school  
17 boards and governing bodies of charter schools; provided that  
18 the special program needs as enumerated in this section are  
19 met; and provided further that the department shall ensure that  
20 the local school board or governing body of a charter school is  
21 prioritizing resources for the public school toward proven  
22 programs and methods linked to improved student achievement."

23 **SECTION 2.** Section 22-8-23.3 NMSA 1978 (being Laws 1997,  
24 Chapter 40, Section 7, as amended by Laws 2019, Chapter 206,  
25 Section 15 and by Laws 2019, Chapter 207, Section 15) is

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1 amended to read:

2 "22-8-23.3. AT-RISK PROGRAM UNITS.--

3 A. A school district is eligible for additional  
4 program units if it establishes within its department-approved  
5 educational plan identified services to assist students to  
6 reach their full academic potential. A school district  
7 receiving additional at-risk program units shall include a  
8 report of specified services implemented to improve the  
9 academic success of at-risk students. The report shall  
10 identify the ways in which the school district and individual  
11 public schools use funding generated through the at-risk index  
12 and the intended outcomes. For purposes of this section, "at-  
13 risk student" means a student who meets the criteria to be  
14 included in the calculation of the three-year average total  
15 rate in Subsection B of this section. The number of additional  
16 units to which a school district is entitled under this section  
17 is computed in the following manner:

$$18 \quad \text{At-Risk Index} \times \text{MEM} = \text{Units}$$

19 where MEM is equal to the total district membership, including  
20 early childhood education, full-time-equivalent membership and  
21 special education membership and where the at-risk index is  
22 calculated in the following manner:

$$23 \quad \text{Three-Year Average Total Rate} \times [\text{0.25}] \text{ 0.27} = \text{At-Risk}$$
$$24 \quad \text{Index.}$$

25 B. To calculate the three-year average total rate,

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1 the department shall compute a three-year average of the school  
2 district's percentage of membership used to determine its Title  
3 1 allocation, a three-year average of the percentage of  
4 membership classified as English language learners using  
5 criteria established by the office for civil rights of the  
6 United States department of education and a three-year average  
7 of the percentage of student mobility. The department shall  
8 then add the three-year average rates. The number obtained  
9 from this calculation is the three-year average total rate.

10 C. The department shall recalculate the at-risk  
11 index for each school district every year.

12 D. For purposes of this section, "services" means  
13 research-based or evidence-based social, emotional or academic  
14 interventions, such as:

15 (1) case management, tutoring, reading  
16 interventions and after-school programs that are delivered by  
17 social workers, counselors, teachers or other professional  
18 staff;

19 (2) culturally relevant professional and  
20 curriculum development, including those necessary to support  
21 language acquisition, bilingual and multicultural education;

22 (3) additional compensation strategies for  
23 high-need schools;

24 (4) whole school interventions, including  
25 school-based health centers and community schools;

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1 (5) educational programming intended to  
2 improve career and college readiness of at-risk students,  
3 including dual or concurrent enrollment, career and technical  
4 education, guidance counseling services and coordination with  
5 post-secondary institutions; and

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

8 SECTION 3. A new section of the Public School Finance Act  
9 is enacted to read:

10 "[NEW MATERIAL] SPECIAL EDUCATION LICENSE ENDORSEMENT  
11 PROGRAM UNITS.--For fiscal year 2021, the number of program  
12 units for special-education-endorsed full-time teachers who  
13 teach special education students is determined by multiplying  
14 by 0.75 the number of those special-education-endorsed full-  
15 time teachers employed by the school district or charter school  
16 on or before the first reporting date of the school year and  
17 verified by the department. Department approval of these units  
18 shall be contingent on verification by the school district or  
19 charter school that these teachers are receiving a salary  
20 differential equal to or greater than the amount generated by  
21 the units multiplied by the program unit value during the  
22 fiscal year in which the school district or charter school will  
23 receive these units. For fiscal year 2022 and subsequent  
24 fiscal years, the multiplier shall be 1.1."

25 SECTION 4. A new section of the Public School Finance Act  
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1 is enacted to read:

2 "[NEW MATERIAL] BILINGUAL MULTICULTURAL LICENSE  
3 ENDORSEMENT PROGRAM UNITS.--For fiscal year 2021, the number of  
4 program units for full-time bilingual multicultural education  
5 teachers, including certified Native American language and  
6 culture teachers, who teach English language learners or  
7 students enrolled in a bilingual multicultural education  
8 program or Native American language and culture class is  
9 determined by multiplying by 0.75 the number of those full-time  
10 bilingual-multicultural-education-endorsed or Native-American-  
11 language-and-culture-certified teachers employed by the school  
12 district or charter school on or before the first reporting  
13 date of the school year and verified by the department to be  
14 providing evidence-based instruction that meets the needs of  
15 English language learners. Department approval of these units  
16 shall be contingent on verification by the school district or  
17 charter school that these teachers are receiving a salary  
18 differential equal to or greater than the amount generated by  
19 the units multiplied by the program unit value during the  
20 fiscal year in which the school district or charter school will  
21 receive these units. For fiscal year 2022 and subsequent  
22 fiscal years, the multiplier shall be 1.1."

23 SECTION 5. A new section of the Public School Finance Act  
24 is enacted to read:

25 "[NEW MATERIAL] BEGINNING TEACHER MENTORS PROGRAM UNITS.--  
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1 For fiscal year 2021, the number of program units for level two  
2 or level three teachers who mentor beginning teachers is  
3 determined by multiplying by 0.5 the number of teacher mentors  
4 assigned to mentor one or more beginning teachers employed by  
5 the school district or charter school on or before the first  
6 reporting date of the school year and verified by the  
7 department. While a public school may assign more than one  
8 mentor to an individual beginning teacher, only one mentor  
9 shall generate the program unit for that beginning teacher.  
10 Department approval of these units shall be contingent on  
11 verification by the school district or charter school that  
12 these teachers are receiving a salary differential equal to or  
13 greater than the amount generated by the units multiplied by  
14 the program unit value during the fiscal year in which the  
15 school district or charter school will receive these units.  
16 For fiscal year 2022 and subsequent fiscal years, the  
17 multiplier shall be 0.75."

18 **SECTION 6. APPROPRIATIONS.**--The following amounts are  
19 appropriated from the general fund to the state equalization  
20 guarantee distribution of the public school fund for  
21 expenditure in fiscal year 2021 for the following purposes, and  
22 any unexpended or unencumbered balance of an appropriation in  
23 this section shall revert to the general fund at the end of  
24 fiscal year 2021:

25 A. twenty million two hundred twenty-eight thousand  
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1 nine hundred dollars (\$20,228,900) for the increase in the at-  
2 risk program units;

3 B. sixteen million four hundred twenty-five  
4 thousand two hundred dollars (\$16,425,200) for the special  
5 education license endorsement program units for full-time  
6 teachers who are teaching special education students;

7 C. thirteen million four hundred ninety-eight  
8 thousand dollars (\$13,498,000) for the bilingual multicultural  
9 license endorsement program units for full-time endorsed  
10 teachers or teachers who hold a Native American language and  
11 culture certificate who are teaching bilingual multicultural  
12 programs or Native American language and culture; and

13 D. six million eight hundred forty-eight thousand  
14 one hundred dollars (\$6,848,100) for the beginning teacher  
15 mentors program units for level two or level three teachers who  
16 mentor one or more beginning teachers.

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