

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2017 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply: Date 3/11/17  
**Original**        **Amendment**        **Bill No:** HB451/aHEC  
**Correction**        **Substitute**   

**Sponsor:** Rep. Elizabeth "Liz" Thomson    **Agency Code:** 924  
**Short Title:** COMMUNITY SCHOOLS & PRE-K DEFINITIONS    **Person Writing:** Aguilar/Ornelas  
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**SECTION II: FISCAL IMPACT**

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NA	See fiscal implications	See fiscal implications	See fiscal implications	Recurring	General Fund and School District Budgets

(Parenthesis ( ) Indicate Expenditure Decreases)

**Duplicates:** HB45/aHEC may now conflict with Senate Bill 445

**SECTION III: NARRATIVE**

**BILL SUMMARY**

**Synopsis of HB451 Amendment:** The House Education Committee amendment to House Bill 451 (HB45/aHEC) clarifies that the definition of an elementary school may include pre-kindergarten and early childhood services only as used in the Community Schools Act. The amendment strikes language related to the definition of a school age person, the general definition of an elementary school, and strikes language that included 3 year-olds in voluntary pre-kindergarten programs in the definition of a qualified student in the Public School Finance

Act.

The amendment also strikes language requiring PED to use at least four percent of the Title I set-aside to invest in community schools and replaces it with language allowing school districts and PED to use Title I funds to support community schools initiatives. HB45/aHEC also removes the requirement to include pre-kindergarten programs in a community school and changes it to an essential component.

**Fiscal Implications of HB451 Amendment:** As HB45/aHEC removes the requirement to use Title I funds for community schools initiatives, the fiscal implications noted in the original analysis no longer apply.

**Synopsis of Original HB451:** House Bill 451 (HB451) changes the public school code, Section 22-1-2 NMSA 1978, for the purposes of community schools. The bill changes the definitions of school-age person, pre-kindergarten, and elementary school specific to community school settings. HB451 also adds various essential components to the community schools program application and model and requires the Public Education Department (PED) to use at least four percent of the Title I grant to invest in community schools statewide. HB451 duplicates Senate Bill 445.

## **FISCAL IMPLICATIONS**

**Fiscal Implications of Original HB451:** The use of federal Title I funds to address requirements in state statute raises a presumption of supplanting. Federal grants received by the PED must be used as described under the authorizing federal statute.

HB451 makes a number of changes to the community schools program application and model however there is no accompanying state appropriation. Instead, HB451 requires the PED to use at least four percent of the Title I grant to invest in community schools statewide. Under the federal Every Student Succeeds Act (ESSA), Title I funds available to the PED must be awarded as follows:

- Approximately seven percent to be used to support schools identified as in need of comprehensive or targeted support under the state's accountability system. Of this amount, 95% must be provided in grants to districts. The specific use of funding under this category is prescribed by ESSA and is to be described in the ESSA state plan to be submitted to the US Department of Education. The content of the state plan is based on public input which was gathered through a series of public forums.
- Approximately one percent for grant administration.
- The remainder of the state's Title I award is required to be made available as grants to school districts and state charters.

## **SIGNIFICANT ISSUES**

During the 2013 legislative session, House Bill 542 enacted a new section of the Public School Code that provided a strategy to organize the resources of a community to ensure student success while addressing the needs of the whole student. This bill was signed into law.

The purpose of the Community Schools Act is to partner with federal, state and local entities and private community-based organizations to provide educational service programs that improve the

coordination and delivery of services provided to children and families in NM schools.

Services would include the following:

- Extended learning opportunities;
- School-based or school-linked health care; and
- Family engagement and support services.

HB451 adds to the definition of ‘school-aged person’ students at least three years of age if a public school offers a voluntary pre-kindergarten as part of a community schools initiative. It also requires that a community schools initiative include early childhood programs funded by the Children, Youth and Families Department and voluntary pre-kindergarten funded through the Pre-Kindergarten Act and Title I. The application for, and receipt of, an award under each of these grant programs would be a pre-requisite to receiving an award under the community schools program.

HB451 adds various requirements to the community schools application including family health services, life skill acquisition, parent engagement, conflict resolution, and improvement of attendance. It would also require the collection of various types of information including data on attendance and program participation, collaboration with stakeholders, assessment of needs, student demographics, suspension and expulsion, and the need for wraparound services.

HB451 also modifies the definition of pre-kindergarten to include three year-olds if they are attending pre-kindergarten in a public school with a community schools initiative.

## **ADMINISTRATIVE IMPLICATIONS**

**Administrative Implications of Original HB451: The use of federal Title I funds to address requirements in state statute raises a presumption of supplanting. Federal grants received by the PED must be used as described under the authorizing federal statute. The PED is not able to set aside or prescribe the use of Title I funds for this purpose.**

## **TECHNICAL ISSUES**

**Technical Issues of Original HB451: On page 11, lines 13-17, references to ‘and’ should be changed to ‘or’ as pre-kindergarten programs in districts are not likely to be supported by all funding sources listed.**