

LFC Requester:	Liu
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**AGENCY BILL ANALYSIS
2022 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{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:

Original **Amendment**
Correction **Substitute**

Date February 8, 2022

Bill No: SB243

Sponsor: Sen. Stewart
Family Income Index
Short Title: Distribution Uses

Agency Name and Code Number: PED - 924
Person Writing John Sena
Phone 505-570-7816 **Email:** John.sena@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY22	FY23		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY22	FY23	FY24		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 243 (SB243) amends Section 22-8F-5 NMSA 1978 of the Family Income Index (FII) Act to allow schools unrestricted distribution of FII funds among existing spending categories. The bill also adds a new category for allocation of FII funds, “services to expand or improve career technical education or work-based learning.”

FISCAL IMPLICATIONS

SB243 does not contain an appropriation. During the 2021 regular session, the Legislature appropriated \$30 million for expenditure in fiscal years 2022 and 2023. PED allocated \$15 million for FII awards in FY22 and reserved the remaining \$15 million for FII awards in FY23. See **Attachment 1, FY22 FII Planning Awards.**

SIGNIFICANT ISSUES

Uses of FII funding. Currently, schools receiving more than \$40 thousand through the FII are required to spend funds in the following ways:

- At least one-third on evidenced-based, structured literacy interventions,
- At least one-third on evidenced-based, math instruction and intervention, and
- No more than one-third on the following interventions:
 - (a) case management, tutoring and after- school and summer enrichment programs that are delivered by social workers, counselors, teachers or other professional staff;
 - (b) culturally relevant professional and curriculum development, including those necessary to support language acquisition and bilingual and multicultural education;
 - (c) whole school interventions, including social and emotional learning programs, multilayered systems of support, student nutrition programs, school-based health centers and community schools;
 - (d) instructional resources and materials;
 - (e) services to engage and support parents and families in the education of students; and
 - (f) services to engage and support tribal communities in the education of Native American students.

SB243 eliminates the requirement for proportional spending and allows schools to spend any amount of FII funds on any of the listed uses. The bill also adds a provision allowing expenditures on services to expand or improve career technical education or work-based learning. The inclusion of this category may help strengthen existing workforce training and economic development efforts in New Mexico communities.

At-risk funding. Traditionally, the public school funding formula has used three student metrics – mobility, English learner status, and poverty as measured by federal Title I designation – to designate students as at-risk and award additional funds to school districts serving larger proportions of at-risk students. The factor, however, is based on school-district level data, and does not explicitly direct funds to individual school sites that serve a disproportionate number of at-risk students.

The Family Income Index uses household income and tax data to more accurately determine the level of concentrated poverty at all schools across the state. Starting in FY22, the Public Education Department used the FII to identify the schools serving the largest concentrations of low-income students and families and direct additional resources to more than 100 of those schools. (See Attachment)

PERFORMANCE IMPLICATIONS

Eliminating proportional spending requirements from the FII Act may allow schools to better leverage the funding they receive. Currently, any school receiving more than \$40 thousand is subject to the requirements. If a school received \$90 thousand, as an example, they may not have enough to hire additional behavioral support personnel if limited to spending only \$30 thousand because of the proportionality requirements in current law. Additionally, schools serving large percentages of low-income students often receive Title I funds, which are also limited in their allowable uses. Loosened FII requirements may mean schools can use funds to support services not allowed by Title I or other funding sources.

ADMINISTRATIVE IMPLICATIONS

The FII Act requires schools to submit plans for spending FII funds as part of the Educational Plan submission to the PED. Department staff are currently responsible for ensuring those plans meet the required proportions. Loosening those requirements would ease administrative burdens on department staff who would only have to ensure FII funds are budgeted on the allowed list of expenses.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Failing to loosen FII spending requirements will perpetuate a system where schools with concentrated poverty would receive funding but would not have the discretion to direct funds to meet their local needs.

AMENDMENTS

N/A

Family Income Index Planning Awards (6/10/21)

LEA	School	Enrollment*	Family Income Index	FY22 Planning Allocation
ALBUQUERQUE	ALAMOSA ELEMENTARY	443	0.6614	\$278,976
ALBUQUERQUE	ARMIJO ELEMENTARY	284	0.6866	\$185,666
ALBUQUERQUE	ATRISCO ELEMENTARY	285	0.6281	\$170,432
ALBUQUERQUE	EMERSON ELEMENTARY	439	0.6788	\$283,736
ALBUQUERQUE	HAWTHORNE ELEMENTARY	367	0.6131	\$214,230
ALBUQUERQUE	HAYES MIDDLE	414	0.6667	\$262,789
ALBUQUERQUE	HODGIN ELEMENTARY	502	0.6394	\$305,635
ALBUQUERQUE	LA MESA ELEMENTARY	440	0.7727	\$323,726
ALBUQUERQUE	LAVALAND ELEMENTARY	488	0.6660	\$309,444
ALBUQUERQUE	LOWELL ELEMENTARY	234	0.7906	\$176,145
ALBUQUERQUE	MOUNTAIN VIEW ELEMENTARY	303	0.6007	\$173,289
ALBUQUERQUE	REGINALD CHAVEZ ELEMENTARY	250	0.6000	\$142,820
ALBUQUERQUE	TOMASITA ELEMENTARY	307	0.6319	\$184,714
ALBUQUERQUE	VAN BUREN MIDDLE	511	0.6360	\$309,444
ALBUQUERQUE	WHERRY ELEMENTARY	364	0.7308	\$253,268
ALBUQUERQUE	WHITTIER ELEMENTARY	295	0.6915	\$194,236
ALBUQUERQUE	WILSON MIDDLE	478	0.5962	\$271,358
RESERVE	RESERVE HIGH	57	0.4561	\$24,756
QUEMADO	DATIL ELEMENTARY	18	0.5556	\$20,000
ROSWELL	MISSOURI AVE ELEMENTARY	352	0.6136	\$205,661
ROSWELL	SUNSET ELEMENTARY	311	0.6077	\$179,953
RATON	RATON INTERMEDIATE	292	0.4932	\$137,107
SPRINGER	FORRESTER ELEMENTARY	30	0.5000	\$20,000
MAXWELL	MAXWELL MIDDLE	23	0.4783	\$20,000
CLOVIS	ARTS ACADEMY AT BELLA VISTA	363	0.7383	\$255,172
CLOVIS	JAMES BICKLEY ELEMENTARY	361	0.6953	\$238,986
FT SUMNER	FORT SUMNER ELEMENTARY	146	0.5411	\$75,219
LAS CRUCES	BOOKER T. WASHINGTON	346	0.6387	\$210,422
LAS CRUCES	CONLEE ELEMENTARY	433	0.7229	\$298,018
LAS CRUCES	HERMOSA HEIGHTS ELEMENTARY	404	0.6510	\$250,411
LAS CRUCES	VALLEY VIEW ELEMENTARY	391	0.7110	\$264,693

HATCH	RIO GRANDE ELEMENTARY	277	0.5812	\$153,294
GADSDEN	CHAPARRAL MIDDLE	597	0.7621	\$433,221
GADSDEN	DESERT VIEW ELEMENTARY	445	0.7663	\$324,678
ARTESIA	PEÑASCO ELEMENTARY	19	0.5789	\$20,000
SILVER CITY	SIXTH STREET ELEMENTARY	150	0.5333	\$76,171
COBRE CONS.	BAYARD ELEMENTARY	231	0.4589	\$100,926
SANTA ROSA	ANTON CHICO MIDDLE	34	0.7059	\$22,851
VAUGHN	VAUGHN ELEMENTARY	31	0.7419	\$21,899
ROY	ROY ELEMENTARY	40	0.5500	\$20,947
MOSQUERO	MOSQUERO ELEMENTARY	47	0.4468	\$20,000
LORDSBURG	DUGAN-TARANGO MIDDLE	64	0.5000	\$30,468
ANIMAS	ANIMAS MIDDLE	22	0.5455	\$20,000
HOBBS	EDISON ELEMENTARY	295	0.4441	\$124,730
RUIDOSO	SIERRA VISTA PRIMARY	524	0.4504	\$224,704
CARRIZOZO	CARRIZOZO MIDDLE	34	0.5294	\$20,000
HONDO	HONDO HIGH	74	0.5000	\$35,229
DEMING	RUBEN S. TORRES ELEMENTARY	437	0.7117	\$296,114
GALLUP	NAVAJO ELEMENTARY	287	0.8084	\$220,895
GALLUP	NAVAJO MIDDLE SCHOOL	121	0.6777	\$78,075
GALLUP	THOREAU ELEMENTARY	309	0.7023	\$206,613
MORA	HOLMAN ELEMENTARY	33	0.4848	\$20,000
WAGON MOUND	WAGON MOUND ELEMENTARY	51	0.6078	\$29,516
ALAMOGORDO	NORTH ELEMENTARY	394	0.5305	\$198,996
TULAROSA	TULAROSA ELEMENTARY	228	0.5921	\$128,538
CLOUDCROFT	CLOUDCROFT ELEMENTARY	178	0.4326	\$73,314
TUCUMCARI	TUCUMCARI ELEMENTARY	476	0.6261	\$283,736
HOUSE	HOUSE HIGH	22	0.5000	\$20,000
LOGAN	UTE LAKE ONLINE LEARNING CENTER	83	0.4940	\$39,038
SAN JON	SAN JON ELEMENTARY	71	0.5634	\$38,085
CHAMA	CHAMA ELEMENTARY	94	0.5426	\$48,559
DULCE	DULCE MIDDLE	114	0.5702	\$61,889
ESPAÑOLA	TONY QUINTANA ELEMENTARY	235	0.6170	\$138,060
JEMEZ MOUNTAIN	LYBROOK ELEMENTARY	81	0.6790	\$52,367
PORTALES	JAMES ELEMENTARY	416	0.5096	\$201,853

FLOYD	FLOYD MIDDLE	56	0.4821	\$25,708
BERNALILLO	ALGODONES ELEMENTARY	168	0.6667	\$106,639
CUBA	CUBA ELEMENTARY	222	0.6396	\$135,203
JEMEZ VALLEY	SAN DIEGO RIVERSIDE	88	0.5455	\$45,702
FARMINGTON	ANIMAS ELEMENTARY	411	0.6058	\$237,082
FARMINGTON	MCCORMICK ELEMENTARY	408	0.5784	\$224,704
BLOOMFIELD	NAABA ANI ELEMENTARY	504	0.4643	\$222,800
CENTRAL CONS.	NASCHITTI ELEMENTARY	90	0.6222	\$53,320
CENTRAL CONS.	NIZHONI ELEMENTARY	375	0.6427	\$229,465
WEST LAS VEGAS	WLV FAMILY PARTNERSHIP	29	0.7241	\$20,000
LAS VEGAS CITY	LVCS EARLY CHILDHOOD	107	0.5607	\$57,128
PECOS	PECOS ELEMENTARY	253	0.4704	\$113,304
SANTA FE	CESAR CHAVEZ ELEMENTARY	418	0.5383	\$214,230
SANTA FE	EDWARD ORTIZ MIDDLE	583	0.5214	\$289,449
SANTA FE	EL CAMINO REAL ACADEMY COMMUNITY	840	0.5429	\$434,174
TRUTH OR CONS.	T OR C ELEMENTARY	345	0.6116	\$200,900
SOCORRO	PARKVIEW ELEMENTARY	450	0.6422	\$275,167
MAGDALENA	MAGDALENA MIDDLE	71	0.5775	\$39,038
TAOS	CHRYSALIS ALTERNATIVE	12	0.7500	\$20,000
PENASCO	PENASCO HIGH	104	0.5000	\$49,511
MESA VISTA	OJO CALIENTE ELEMENTARY	46	0.4348	\$20,000
QUESTA	ALTA VISTA ELEMENTARY	93	0.6022	\$53,320
ESTANCIA	ESTANCIA MIDDLE	91	0.5385	\$46,655
MORIARTY-EDGEWOOD	MORIARTY ELEMENTARY	374	0.5294	\$188,523
MOUNTAINAIR	MOUNTAINAIR JR HIGH	51	0.7059	\$34,277
CLAYTON	CLAYTON JUNIOR HIGH	72	0.5000	\$34,277
LOS LUNAS	ANN PARISH ELEMENTARY	469	0.6375	\$284,688
LOS LUNAS	DESERT VIEW ELEMENTARY	399	0.5789	\$219,943
BELEN	LA PROMESA ELEMENTARY	200	0.6250	\$119,017
GRANTS	LAGUNA-ACOMA MIDDLE	49	0.6327	\$29,516
ZUNI	TWIN BUTTES CYBER ACADEMY	62	0.7903	\$46,655
CESAR CHAVEZ COMMUNITY SCHOOL	CESAR CHAVEZ COMMUNITY SCHOOL	194	0.6031	\$111,400

SOUTH VALLEY PREP	SOUTH VALLEY PREP	173	0.4682	\$77,123
ALBUQUERQUE BILINGUAL ACADEMY	ALBUQUERQUE BILINGUAL ACADEMY	416	0.5216	\$206,613
RED RIVER VALLEY CHARTER SCHOOL	RED RIVER VALLEY CHARTER SCHOOL	89	0.5169	\$43,798
MISSION ACHIEVEMENT AND SUCCESS	MISSION ACHIEVEMENT AND SUCCESS 2.0	239	0.5272	\$119,969
TAOS INTERNATIONAL SCHOOL	TAOS INTERNATIONAL SCHOOL	158	0.5443	\$81,884
LA ACADEMIA DOLORES HUERTA	LA ACADEMIA DOLORES HUERTA	82	0.6463	\$50,463
DEAP	DZIT DIT LOOL SCHOOL OF EMPOWERMENT ACTION AND PER	39	0.8205	\$30,468
LAS MONTANAS CHARTER	LAS MONTANAS CHARTER	177	0.6102	\$102,831
SIX DIRECTIONS INDIGENOUS SCHOOL	SIX DIRECTIONS INDIGENOUS SCHOOL	76	0.5000	\$36,181
ROOTS AND WINGS COMMUNITY	ROOTS & WINGS COMMUNITY	50	0.5000	\$23,803
RAICES DEL SABER XINACHTLI COMMUNITY SCHOOL	RAICES DEL SABER XINACHTLI COMMUNITY	30	0.6333	\$20,000
				\$15,000,000

*All student data based on 120D SY2020-2021