

AN ACT

RELATING TO EDUCATION; PROVIDING FOR ESTABLISHMENT OF LEARNING CENTER DISTRICTS; AUTHORIZING CONTRACTS WITH ACCREDITED POST-SECONDARY EDUCATIONAL INSTITUTIONS TO PROVIDE EDUCATIONAL PROGRAMS AND SERVICES AT LEARNING CENTERS; AUTHORIZING IMPOSITION OF A PROPERTY TAX LEVY AND SUBMISSION OF THE TAX TO THE VOTERS OF THE DISTRICT; PROVIDING POWERS AND DUTIES.

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

Section 1. SHORT TITLE.--This act may be cited as the "Learning Center Act".

Section 2. FINDINGS--PURPOSE.--

A. The legislature finds that there are significant populations in New Mexico whose post-secondary education and workforce development needs are unserved or underserved and new and more effective means of delivering educational services must be explored.

B. It is the purpose of the Learning Center Act to:

(1) provide quality educational services to residents of the state based upon need and without regard to place of residence by enabling communities to establish learning centers to make necessary and appropriate educational programs available;

(2) avoid construction of new campuses and buildings; and

(3) encourage the use of technology by

promoting innovation, collaboration and cooperation among existing institutions, public schools, government agencies, communities and the private sector through sharing of resources for educational purposes.

Section 3. DEFINITIONS.--As used in the Learning Center Act:

- A. "board" means a learning center district board;
- B. "commission" means the commission on higher education;
- C. "community college board" means the governing body of a community college district;
- D. "district" means a learning center district;
- E. "extended learning services" means academic and vocational educational programs offered by an institution away from a campus of the institution without the facility of a learning center and as defined by commission rule consistent with the Learning Center Act;
- F. "institution" means a regionally accredited public or private post-secondary educational institution;
- G. "local school board" means the governing body of a school district; and
- H. "taxable value of property" means the sum of the following:
 - (1) the "net taxable value", as that term is defined in the Property Tax Code, of property subject to taxation under the Property Tax Code;
 - (2) the "assessed value" of "products" as

those terms are defined in the Oil and Gas Ad Valorem Production Tax Act;

(3) the "assessed value" of "equipment" as those terms are defined in the Oil and Gas Production Equipment Ad Valorem Tax Act; and

(4) the "taxable value" of "copper mineral property" as those terms are defined in the Copper Production Ad Valorem Tax Act.

Section 4. ESTABLISHMENT OF LEARNING CENTER DISTRICTS--
--DETERMINATION OF NEED--APPROVAL--ADVISORY COMMITTEE.--

A. A learning center district may be established in a school district or community college district upon adoption of a resolution by the local school board or community college board calling for establishment of a district and a showing of need for such a district. A district may also be established to include more than one school district and, in that case, the two or more local school boards shall jointly adopt a resolution and determine the need for a learning center. The boundaries of the district shall be coterminous with the boundaries of the school district, community college district or combined school districts constituting the district. No district shall be established without the written approval of the commission.

B. Upon a determination of need and receipt of written approval from the commission, the district shall be established and the local school board, community college board or combined local school boards authorizing the

district shall serve as the board. The board shall act as a representative of the communities in the district for the purpose of assessing local educational needs and contracting with one or more institutions to offer educational programs or services at one or more learning centers.

C. The board may appoint an advisory committee consisting of business representatives and citizens from the area being served by a learning center to advise and assist the board in determining the most appropriate educational and training programs and services to be offered at the learning center.

D. A learning center shall not be deemed to be an institution, but the students enrolled at the center shall be students of the respective institutions providing educational programs and services.

E. The commission shall develop criteria for determining the need for a district and the process and procedures for establishing and operating a learning center.

Section 5. LEARNING CENTER BOARD--POWERS AND DUTIES.--

A. To carry out the provisions of the Learning Center Act, the board shall:

(1) manage the operation of one or more learning centers in the district and the contracts with the institutions providing educational programs and services at the learning centers;

(2) select and contract with one or more institutions to:

(a) offer accredited educational

programs and services at the learning center that meet local needs or provide degrees and certificates for students completing program requirements at an institution without the requirement that students relocate or commute to existing campuses of the institution;

(b) provide for transfer of credits for course work obtained by students from institutions other than the institution contracting to provide an educational program at the learning center; and

(c) set tuition and fees for educational programs and services provided by the institution at the learning center;

(3) monitor and evaluate how well the educational and training needs of the local communities are being served by the learning center and the participating institutions; and

(4) assess in an ongoing way the educational and training needs of the region to assure delivery and coordination of educational programs and services to the communities located within the district.

B. The board may:

(1) employ staff and enter into contracts and agreements as necessary to carry out its duties pursuant to the Learning Center Act;

(2) authorize the imposition of a property tax levy for the purpose of funding the operations of a learning center and provide for an election to submit the proposal to the voters of the district; and

(3) seek grants, gifts and other sources of funds for the operation of a learning center.

Section 6. LEARNING CENTER TAX LEVY AUTHORIZED--
ELECTION.--

A. A board may adopt a resolution authorizing, for learning center operational purposes, the imposition of a property tax upon the taxable value of property in the district. The total tax imposition that may be authorized under the Learning Center Act shall not exceed a rate of five dollars (\$5.00) on each one thousand dollars (\$1,000) of taxable value of property in each district. A tax authorized pursuant to this section may not be imposed for a period of more than six years.

B. The tax authorized in Subsection A of this section shall not be imposed in a district unless the question of authorizing the imposition of the tax is submitted to the voters of the district at a regular school district election or a special election called for that purpose.

C. A resolution adopted pursuant to Subsection A of this section shall specify:

- (1) the rate of the proposed tax;
- (2) the date of the election at which the question of imposition of the tax will be submitted to the voters of the district;
- (3) the period of time the tax is authorized to be imposed; and
- (4) the proposed use of the revenues from

the proposed tax.

D. The election required by this section shall be called, conducted and canvassed as provided in the School Election Law.

E. If a majority of the voters voting on the question votes for a learning center tax levy pursuant to a resolution adopted under the Learning Center Act, the tax shall be imposed. The tax rate shall be certified by the department of finance and administration and imposed, administered and collected in accordance with the provisions of the Oil and Gas Ad Valorem Production Tax Act, the Oil and Gas Production Equipment Ad Valorem Tax Act, the Copper Production Ad Valorem Tax Act and the Property Tax Code.

F. If a majority of the voters voting on the question votes against a learning center tax levy pursuant to a resolution adopted under the Learning Center Act, the tax shall not be imposed. The board shall not again adopt a resolution authorizing the imposition of a tax levy pursuant to the Learning Center Act for at least two years after the date of the resolution that the voters rejected.

G. The board may discontinue by resolution the imposition of any tax authorized pursuant to the Learning Center Act. The discontinuance resolution shall be mailed to the department of finance and administration no later than June 15 of the year in which a tax rate pursuant to that act is not to be certified.

Section 7. AVAILABILITY OF SCHOOL FACILITIES.--Public school facilities in a district shall be available to a

learning center, if needed, but in a manner that will not interfere with the regular program of instruction and provided no public school funds shall be expended for the learning center. The learning center may arrange for the use of any other available facilities as needed and appropriate.

Section 8. LEARNING CENTERS SUBJECT TO APPROVAL AND PROVISIONS OF LEARNING CENTER ACT.--No person, institution or other entity shall undertake to operate a learning center except with the written approval of the commission and in accordance with the provisions of the Learning Center Act; provided that nothing in the Learning Center Act shall prohibit the provision of extended learning services or the provision of educational services by any organization or business for its own members or employees directly or by contracting with a provider of educational programs.=====