

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 40

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING THE INCENTIVES FOR SCHOOL
IMPROVEMENT ACT TO INCLUDE INTERVENTIONS FOR SCHOOL
IMPROVEMENT; CHANGING THE DISTRIBUTION OF THE INCENTIVES FOR
SCHOOL IMPROVEMENT FUND; MAKING AN APPROPRIATION.

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

Section 1. Section 22-13A-2 NMSA 1978 (being Laws 1989,
Chapter 137, Section 2, as amended) is amended to read:

"22-13A-2. PURPOSE.--The purpose of the Incentives for
School Improvement Act is to provide financial incentives to
individual public schools that exceed expected academic
performance and to provide financial and other assistance to
public schools identified as most in need of improvement."

Section 2. Section 22-13A-3 NMSA 1978 (being Laws 1989,
Chapter 137, Section 3) is amended to read:

"22-13A-3. DEFINITIONS.--As used in the Incentives for

underscored material = new
[bracketed material] = delete

1 School Improvement Act:

2 A. "department" means the state department of
3 public education;

4 B. "fund" means the incentives for school
5 improvement fund;

6 C. "program" means the incentives and
7 interventions for school improvement program; and

8 D. "state board" means the state board of
9 education."

10 Section 3. Section 22-13A-4 NMSA 1978 (being Laws 1989,
11 Chapter 137, Section 4, as amended) is amended to read:

12 "22-13A-4. PROGRAM CREATED--ADMINISTRATION--PROGRAM
13 APPROVAL.--The "incentives and interventions for school
14 improvement program" is created. The program shall be
15 administered by the department. The department shall develop
16 a standardized method to measure the progress of students
17 enrolled in public schools in school districts throughout the
18 state. The standardized method developed shall be reviewed
19 and approved by the state board."

20 Section 4. Section 22-13A-5 NMSA 1978 (being Laws 1989,
21 Chapter 137, Section 5, as amended) is amended to read:

22 "22-13A-5. [~~PROGRAM IMPLEMENTATION~~] INCENTIVES FOR
23 SCHOOL IMPROVEMENT--MEASUREMENT CRITERIA.--

24 A. The department shall develop [~~a~~] an incentive
25 for school improvement formula by which to measure school
achievement in the areas of academic performance with
consideration of socioeconomic variables. The product of

underscored material = new
[bracketed material] = delete

1 this formula shall take the form of a composite rating
2 assigned to each school in every school district.

3 B. Academic performance shall be measured by:

- 4 (1) nationally standardized test scores;
- 5 (2) graduation competency scores; and
- 6 (3) other factors deemed relevant by the
7 department.

8 C. The socioeconomic variables shall be measured
9 by:

- 10 (1) ~~[the percentage of]~~ student mobility
11 rates;
- 12 (2) the percentage of limited English-
13 proficient students, using criteria established by the
14 federal office of civil rights;
- 15 (3) the percentage of students eligible for
16 free and reduced-fee lunches; and
- 17 (4) other factors deemed relevant by the
18 department.

19 D. Annually, the department shall assign a new
20 composite rating to each public school. The department shall
21 compare the new rating to the previous annual rating. Public
22 schools increasing their composite rating shall be ranked in
23 order. The public schools evidencing the greatest increase
24 in rating shall receive monetary disbursements from the
25 fund."

Section 5. A new section of the Incentives for School
Improvement Act is enacted to read:

1 "[NEW MATERIAL] INTERVENTIONS FOR SCHOOL IMPROVEMENT.--

2 A. The department shall develop an interventions
3 for school improvement formula and process to identify public
4 schools most in need of improvement, to establish time lines
5 for plan development and implementation and to provide the
6 necessary corrective actions and interventions. The state
7 board shall identify the public schools most in need of
8 improvement, shall authorize monetary allocations from the
9 fund to implement a plan for school improvement approved by
10 the department and shall assign an assistance team to help
11 implement the plan.

12 B. The state superintendent or his designee, the
13 school district superintendent and the president of the local
14 school board or his designee shall hold a public meeting to
15 inform the school district and community that a public school
16 in the school district has been identified as most in need of
17 improvement and requires intervention.

18 C. Public schools most in need of improvement
19 shall involve their communities in developing intervention
20 and improvement plans that contain:

21 (1) documentation of academic performance
22 measures and other criteria as described in Sections 22-1-6
23 and 22-13A-5 NMSA 1978;

24 (2) measurable objectives to indicate the
25 action that will be taken to address the identified concerns;

 (3) benchmarks to indicate adequate yearly
progress in implementing the plan for school improvement; and

underscored material = new
~~[bracketed material] = delete~~

1 (4) an estimate of the length of time and
2 other resources necessary to achieve each objective in the
3 plan.

4 D. The department-approved intervention and
5 improvement plan shall be signed by the state superintendent,
6 the superintendent of the school district and the president
7 of the local school board, and they shall agree on the
8 implementation and measurement of the intervention and
9 improvement plan.

10 E. Before the end of the first school year of the
11 implementation of the intervention and improvement plan, the
12 public school shall submit to the department a progress
13 report addressing the components provided for in Subsection C
14 of this section. If the department review of the progress
15 report submitted by the public school determines that the
16 public school has not met the objectives as measured by the
17 benchmarks, the department may assign an assistance team to
18 intervene during the second school year to assist in the
19 implementation of the intervention and improvement plan.

20 F. If the state superintendent determines that a
21 public school identified as most in need of improvement has
22 not met the objectives as measured by the benchmarks for two
23 consecutive years, then he shall take direct control of the
24 public school pursuant to Section 22-2-14 NMSA 1978."

25 Section 6. Section 22-13A-6 NMSA 1978 (being Laws 1989,
Chapter 137, Section 6, as amended) is amended to read:

"22-13A-6. FUND CREATED.--

underscored material = new
~~[bracketed material] = delete~~

1 A. ~~[There is created in the state treasury]~~ The
2 "incentives for school improvement fund" is created in the
3 state treasury. The fund shall consist of ~~[any]~~ state money
4 appropriated to the fund, ~~[any]~~ federal money allocated to
5 the state for the purposes of the Incentives for School
6 Improvement Act, undistributed annual balances and earnings
7 of the fund and ~~[any]~~ gifts or bequests made to the fund.
8 The state treasurer shall invest the fund as other state
9 funds are invested. The balance remaining in the fund at the
10 end of the fiscal year shall not revert to the general fund.

11 B. The fund is appropriated to the department for
12 the purpose of implementing and administering the Incentives
13 for School Improvement Act. No more than three percent of
14 the fund may be retained by the department for administrative
15 purposes.

16 C. Sixty percent of the money in the fund other
17 than that used for administrative purposes shall be
18 distributed directly to public schools evidencing the
19 greatest improvement as determined by the department.
20 Disbursements shall be made only to that number of public
21 schools constituting not more than ten percent of the
22 student membership in the state. Distributions shall be
23 made proportionately to public schools that qualify. Money
24 received by a public school from the fund shall not be used
25 for salaries, salary increases or bonuses. Money shall be
used as determined by the public school principal and
teachers in cooperation with other school employees and the

.130469.1

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

community.

D. Forty percent of the money in the fund other than that used for administrative purposes shall be distributed directly to public schools identified as most in need of improvement. Disbursements for public schools identified as most in need of improvement shall be made only to those public schools identified by the state board; provided that no public school shall receive money for more than three consecutive years. Money received by a public school from the fund shall be used only to implement the department-approved intervention and improvement plan."