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SENATE BILL 79

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

INTRODUCED BY  
Rod Adair

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE MIDDLE SCHOOL  
INITIATIVE ACT; PRESCRIBING DUTIES; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Public School Code is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as  
the "Middle School Initiative Act"."

Section 2. A new section of the Public School Code is  
enacted to read:

"[NEW MATERIAL] PURPOSE.--The purpose of the Middle  
School Initiative Act is to provide statewide before- and  
after-school programs that include extracurricular activities  
for students in grades six through nine to teach and develop  
physical fitness, school pride and a sense of community."

Section 3. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] DEFINITIONS.--As used in the Middle  
3 School Initiative Act:

4 A. "eligible school" means a public middle school  
5 or junior high school, a public elementary school that  
6 enrolls students in grade six or a public high school that  
7 enrolls students in grade nine; and

8 B. "extracurricular activity" means a competitive  
9 sport or other activity that supports academic, social,  
10 leadership or other skills and that provides opportunities  
11 for youth, including academic decathlon, cheerleading, drill  
12 team, chess, journalism, mock trial, music, art, drama,  
13 science fair, speech, student council, homework club or other  
14 activity approved by the department of education."

15 Section 4. A new section of the Public School Code is  
16 enacted to read:

17 "[NEW MATERIAL] EXTRACURRICULAR ACTIVITIES--  
18 REQUIREMENTS--DISTRIBUTION.--

19 A. Students at each eligible school shall be  
20 offered up to three extracurricular activities, including one  
21 sport and two other activities, during the school year.  
22 Students enrolled in grade six of an elementary school shall  
23 be offered at least two extracurricular activities, including  
24 one sport, during the school year. Students enrolled in  
25 grade nine of a high school shall be offered at least two  
extracurricular activities, including one sport, during the  
school year.

B. Extracurricular activities shall be conducted

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1 before or after regular school hours.

2 C. A school district may employ teachers or other  
3 persons to teach and supervise extracurricular activities;  
4 provided that persons employed to teach sports shall be  
5 qualified as provided by rules of the department of  
6 education.

7 D. The department of education shall distribute  
8 money to local school districts on an equal basis for each  
9 middle school and junior high school. Elementary schools  
10 with grade six and high schools with grade nine shall receive  
11 one-half of the amount distributed to middle schools and  
12 junior high schools.

13 E. Money distributed for extracurricular  
14 activities may be expended for materials and other costs  
15 associated with an activity; provided, however, that no more  
16 than the maximum rate set by the local school board per  
17 activity per semester may be used to employ teachers and  
18 other supervisory personnel.

19 F. The department of education shall monitor  
20 extracurricular activity programs and verify through the  
21 budget and program review process that each eligible school  
22 is complying with the provisions of the Middle School  
23 Initiative Act and rules adopted pursuant to that act. If an  
24 eligible school is not in compliance with the provisions of  
25 that act or rules adopted pursuant to that act, the school  
shall not be eligible for money for the following semester.

G. The department of education shall adopt and  
promulgate rules to carry out the provisions of the Middle

1 School Initiative Act."

2 Section 5. APPROPRIATION.--Three million dollars  
3 (\$3,000,000) is appropriated from the general fund to the  
4 state department of public education for expenditure in  
5 fiscal year 2001 to carry out the purpose of the Middle  
6 School Initiative Act. Any unexpended or unencumbered  
7 balance remaining at the end of fiscal year 2001 shall revert  
8 to the general fund.

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