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SENATE BILL 288

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

INTRODUCED BY

Mark L. Boitano

AN ACT

RELATING TO EDUCATION; ENACTING THE NEW MEXICO VIRTUAL SCHOOL
ACT; PROVIDING FOR THE DESIGN AND IMPLEMENTATION OF A VIRTUAL
SCHOOL; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE.--This act may be cited as the
"New Mexico Virtual School Act".

Section 2. FINDINGS AND PURPOSE.--

A. The legislature finds that:

(1) due to high mobility, geographic
isolation, inability to participate fully in formal
educational settings, limited language fluency and personal
circumstances and choice, many students lack access to
advanced and enhanced learning opportunities;

(2) schools face unprecedented challenges
due to teacher shortages in critical content areas, financial

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1 constraints and inadequate professional development
2 resources; and

3 (3) distance learning provides solutions to
4 the needs that students and schools face.

5 B. The purpose of the New Mexico Virtual School
6 Act is to design and implement a virtual school that will:

7 (1) offer a distributed learning model to
8 provide all New Mexico students with an equal opportunity to
9 develop a strong academic foundation;

10 (2) expand educational choice for all New
11 Mexico students; and

12 (3) offer unique and effective learning
13 opportunities not otherwise available.

14 Section 3. DEFINITIONS.--As used in the New Mexico
15 Virtual School Act:

16 A. "department" means the state department of
17 public education;

18 B. "state board" means the state board of
19 education; and

20 C. "superintendent" means the superintendent of
21 public instruction.

22 Section 4. VIRTUAL SCHOOL DESIGN AND IMPLEMENTATION
23 TEAM--MEMBERSHIP--DUTIES--TERMINATION.--

24 A. The "virtual school design and implementation
25 team" is created as an advisory committee within the
department. The team shall consist of fourteen members. One
member shall be appointed by the speaker of the house of

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1 representatives and one member shall be appointed by the
2 president pro tempore of the senate. The remaining twelve
3 members shall be appointed by the state board as follows:

4 (1) one member with expertise in district
5 administration;

6 (2) one member with expertise in high school
7 administration and curriculum;

8 (3) one member with expertise in middle
9 school administration and curriculum;

10 (4) one member with expertise in elementary
11 school administration and curriculum;

12 (5) one member who is a parent of a school-
13 age child;

14 (6) one member with expertise in teaching in
15 a distance-learning environment;

16 (7) one member to represent charter schools;

17 (8) one member to represent the council on
18 technology in education;

19 (9) one member to represent private schools;

20 (10) one member to represent home schools;

21 (11) one member to represent the commission
22 on higher education; and

23 (12) one member to represent the state
24 board.

25 B. The virtual school design and implementation
team shall meet at the call of the chairman and shall meet
not less than monthly. The chairman shall be elected from

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1 among the members of the team. Members of the team who are
2 not public employees shall not be paid but shall receive per
3 diem and mileage as provided in the Per Diem and Mileage Act.

4 C. The department shall provide such
5 administrative assistance, meeting space and other necessary
6 facilities and support services as the virtual school design
7 and implementation team may request.

8 D. The virtual school design and implementation
9 team shall advise the state board on all policies,
10 strategies, organizational structures and other matters
11 necessary to establish a virtual school, including:

- 12 (1) a professional development model for
13 potential instructors;
- 14 (2) the identification of a pool of
15 qualified instructors;
- 16 (3) an implementation framework;
- 17 (4) policies concerning student recruitment,
18 enrollment and credit;
- 19 (5) instructor compensation;
- 20 (6) appropriate courses for a virtual
21 school;
- 22 (7) methods to ensure accountability; and
- 23 (8) future funding options and budget needs.

24 E. The virtual school design and implementation
25 team shall terminate on July 1, 2001 or when the state board
determines that a virtual school has been successfully
implemented and the team has completed its work, whichever is

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1 sooner.

2 Section 5. STATE BOARD OF EDUCATION--SUPERINTENDENT OF
3 PUBLIC INSTRUCTION--COUNCIL ON TECHNOLOGY IN EDUCATION--
4 ADDITIONAL DUTIES.--

5 A. Using the recommendations and advice of the
6 virtual school design and implementation team, the state
7 board shall, by rule, establish policies:

8 (1) to successfully implement a virtual
9 school that will capitalize on the existing and expanding
10 technical infrastructures to:

11 (a) provide curriculum and instruction
12 statewide through a variety of interactive technologies;

13 (b) offer web-based and other forms of
14 interactive distance-learning courses from certified skilled
15 instructors; and

16 (c) allow students to interact with
17 peers and classmates and receive the quality education they
18 need to pursue further study;

19 (2) to enhance and expand learning
20 opportunities based on the New Mexico content standards and
21 benchmarks; and

22 (3) that provide a vehicle for professional
23 development for teachers.

24 B. The superintendent shall:

25 (1) implement the policies of the state
board in establishing the virtual school;

(2) prepare, for the approval of the state

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1 board, progress reports on the status of the virtual school.
2 One report shall be prepared by July 1 of each year and
3 submitted to the legislative education study committee and
4 another report shall be prepared by January 1 of each year
5 and submitted to the legislature; and

6 (3) with the approval of the state board,
7 hire an administrator of the virtual school and such other
8 personnel as are necessary to carry out the provisions of the
9 New Mexico Virtual School Act.

10 C. The council on technology in education shall
11 act as an advisory council to the department, the state board
12 and the legislature on all issues related to the further
13 development of the virtual school.

14 Section 6. APPROPRIATION.--One million dollars
15 (\$1,000,000) is appropriated from the general fund to the
16 state department of public education for expenditure in
17 fiscal years 2000 and 2001 for the purposes of carrying out
18 the provisions of the New Mexico Virtual School Act. Any
19 unexpended or unencumbered balance remaining at the end of
20 fiscal year 2001 shall revert to the general fund.

21 Section 7. EMERGENCY.--It is necessary for the public
22 peace, health and safety that this act take effect
23 immediately.