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SENATE BILL 418

44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 200

INTRODUCED BY

Ramsay Gorham

AN ACT

RELATING TO EDUCATION; PROVIDING STUDENTS BROADER EDUCATIONAL OPPORTUNITIES IN ELEMENTARY AND SECONDARY SCHOOLS; ENACTING THE EDUCATION OPPORTUNITY ACT; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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.--Sections 1 through 11 of this act may be cited as the "Education Opportunity Act"."

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

"[NEW MATERIAL] EDUCATION OPPORTUNITY ACT--LEGISLATIVE FINDINGS AND PURPOSE.--

A. The legislature finds that:

(1) all New Mexico children should have the opportunity to attend schools that can meet their educational

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1 needs and provide them the knowledge and skills required to
2 graduate from high school and be prepared for post-secondary
3 education and the world of work;

4 (2) although Article 12, Section 1 of the
5 constitution of New Mexico mandates that the state provide a
6 uniform system of free public schools sufficient for the
7 education of, and open to, all the children of school age,
8 some public schools in the current system do not provide a
9 sufficient education; and

10 (3) currently, parents of a school-age child
11 that are dissatisfied with the public education the child is
12 receiving in the system may choose a private school education
13 for the child, but that choice is severely limited because
14 many parents lack the financial resources to provide their
15 children with this alternative opportunity.

16 B. Based upon the foregoing legislative findings,
17 the legislature states that the express purposes of the
18 Education Opportunity Act are:

19 (1) to provide parents more flexibility in
20 choosing a public school education appropriate to their
21 child's needs; and

22 (2) under specific conditions, to provide
23 parents with the opportunity to choose a private school
24 education for their child."

25 Section 3. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] EDUCATION OPPORTUNITY ACT--DEFINITIONS.-

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1 -As used in the Education Opportunity Act:

2 A. "dependent child" means a school-age person for
3 whom a parent has the legal authority to make decisions;

4 B. "parent" means the natural parent, adoptive
5 parent, guardian or legal custodian of a dependent child;

6 C. "program" means the education opportunity
7 program authorized pursuant to the Education Opportunity Act;

8 D. "student" includes both a dependent child and a
9 school-age person who is not a dependent child; and

10 E. "voucher" means a written instrument issued by
11 the department of education that may be used to pay education
12 expenses of a student enrolled in a private school."

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

15 "[NEW MATERIAL] EDUCATION OPPORTUNITY ACT--STUDENT
16 ELIGIBILITY.--A student is eligible to participate in the
17 program if in the previous school year the student:

18 A. was regularly enrolled as a public school
19 student and was enrolled for one-half or more of the minimum
20 course requirements approved by the state board for public
21 school students; and

22 B. was enrolled in a public school that has
23 received, for two consecutive years, a performance
24 measurement in the grade category of "F" pursuant to Section
25 22-1-6 NMSA 1978; or

C. was attending a private school pursuant to the
program established in the Education Opportunity Act."

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1 Section 5. A new section of the Public School Code is
2 enacted to read:

3 "[NEW MATERIAL] EDUCATION OPPORTUNITY ACT--REQUIREMENTS
4 FOR PARTICIPATION IN PROGRAM BY PRIVATE SCHOOL--LIMITATION ON
5 NUMBER OF PARTICIPATING STUDENTS.--To participate in the
6 program a private school shall:

7 A. before October 15 of the prior school year,
8 notify the state superintendent and local school board of the
9 school district in which the private school is located of its
10 intent to participate in the program and of the anticipated
11 number of students participating in the program for which it
12 has space;

13 B. comply with the provisions of 42 USCA 2000d;

14 C. meet all health and safety laws and codes that
15 apply to public schools;

16 D. agree to accept a voucher as full payment of
17 tuition and fees of an eligible student who is participating
18 in the program, has been accepted by the private school and
19 whose family's total income does not exceed an amount equal
20 to two hundred percent of the poverty level determined in
21 accordance with criteria established by the director of the
22 federal office of management and budget;

23 E. agree to accept a voucher as full or partial
24 payment of tuition and fees for a student participating in
25 the program and not described in Subsection D of this
section, but the school shall have a published sliding scale
for supplemental payment based on the ability to pay;

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1 F. not discriminate between students participating
2 in the program and other students; and

3 G. make available to the parent of a student who
4 is eligible for participation in the program, and to the
5 student, information sufficient to enable the parent and the
6 student to evaluate the school's performance, which
7 information shall include as a minimum results of a
8 nationally norm-referenced test or a performance-based
9 instrument that measures proficiency, student readiness for
10 college, school safety, dropout rates, attendance and parent
11 or community involvement."

12 Section 6. A new section of the Public School Code is
13 enacted to read:

14 "[NEW MATERIAL] EDUCATION OPPORTUNITY ACT--APPLICATION
15 FOR PARTICIPATION IN THE PROGRAM.--

16 A. Either a parent with whom a student who is a
17 dependent child resides or a student who is not a dependent
18 child may submit an application for participation in the
19 program on a form provided by the state superintendent. The
20 application shall be submitted to a participating private
21 school chosen by the applicant, and a copy shall be sent to
22 the department of education. The application shall be
23 submitted by delivery or mail and shall be considered
24 received when delivered or three days after mailing. An
25 application must be received no earlier than March 1 and no
later than May 1 prior to the beginning of a school year.
The application shall contain at least the following

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information:

- (1) the student's name and address;
- (2) the applicant's name and address if the applicant is a parent;
- (3) the student's social security number;
- (4) the school district in which the student resides, the school attended in the previous school year and the student's public school attendance zone;
- (5) the name and address of the school and the grade in which the student was enrolled the previous year and whether the student was a participant in the program in that year; and
- (6) other information required by the state board to be included in the application.

B. Within sixty days after receiving the application, the private school shall notify the applicant, in writing, that the application has been accepted or rejected and in the latter event shall state the reasons for rejection. The state board shall require by rule a selection process to ensure that participating private schools determine which students to accept on a random basis, except that a private school may give preference in accepting applications to siblings of students accepted on a random basis. Any procedures for giving preference or priority to applicants must be in writing and must be approved by the state superintendent in writing before becoming effective.

C. If the private school rejects an application

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1 because it has too few available spaces, the applicant may
2 transfer the application to a participating private school
3 that has available space by submitting the application to
4 that school and notifying the department of education in
5 writing of the transfer no later than five days after its
6 submission. The school to which the transferred application
7 is submitted shall notify the applicant of acceptance or
8 rejection within thirty days of receipt of the application.

9 D. Within five days after receipt of notification
10 of acceptance of a student from the private school, the
11 applicant shall notify the state superintendent in writing of
12 the fact of acceptance."

13 Section 7. A new section of the Public School Code is
14 enacted to read:

15 "[NEW MATERIAL] EDUCATION OPPORTUNITY ACT--ISSUANCE OF
16 VOUCHER.--No later than five days after receipt of
17 notification of acceptance from an applicant, the state
18 superintendent shall issue a voucher to the applicant. The
19 voucher shall be presented to the private school within ten
20 days after receipt by the applicant."

21 Section 8. A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] EDUCATION OPPORTUNITY ACT--REDEMPTION
24 VALUE OF VOUCHER--REDEMPTION OF VOUCHER BY SCHOOL.--

25 A. Except as otherwise provided in Subsection C of
this section, the redemption value of a voucher is the sum
of:

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1 (1) the amount of money that would be
2 generated by the student through the state equalization
3 guarantee distribution pursuant to the Public School Finance
4 Act if the student attended a public school in the previous
5 year, excluding any size or training and experience
6 adjustment for the school district or the public school;

7 (2) a proportionate allocation for the local
8 school district's at-risk funding; and

9 (3) a proportionate per student amount for
10 transportation expenses that would be generated by the
11 student if he attended a public school within his attendance
12 zone.

13 B. The department of education shall calculate the
14 redemption value of a student's voucher. The amount
15 calculated pursuant to Paragraph (3) of Subsection A of this
16 section shall be paid to the applicant by the private school
17 at the time the voucher is redeemed by the private school.

18 C. The redemption value of a voucher, exclusive of
19 any amount paid to the applicant pursuant to Subsection B of
20 this section, shall not exceed the tuition and fees charged
21 by the participating private school for students not
22 participating in the program unless the cost of educating the
23 student presenting the voucher is greater than the tuition
24 and fees charged, in which case the value of the voucher
25 shall not exceed those costs. The state board shall
establish a method of determining costs of educating
participating students and that method shall be used in

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1 determining the redemption value of a voucher.

2 D. Within fifteen days after receiving a voucher,
3 a private school shall certify enrollment of the student
4 named on the voucher and shall certify the amount of tuition
5 and fees charged by the private school to the department of
6 education.

7 E. A private school or school district shall
8 redeem the value of the voucher from the department of
9 education in the following installments: twenty-five percent
10 of the value in September, twenty-five percent of the value
11 in November, twenty-five percent of the value in February and
12 twenty-five percent of the value in May. The installments
13 shall be paid on the first day of the applicable month.
14 Redemption of a voucher installment constitutes full payment
15 of all tuition and fees incurred by the student for the
16 period covered by the voucher.

17 F. If a private school expels a student during the
18 school year or if the student is absent for ten consecutive
19 days without explanation from his parent if the student is a
20 dependent child or, if not a dependent child, from the
21 student, the private school shall notify the department of
22 education, and the voucher redemption shall cease.

23 G. If a participating student voluntarily
24 withdraws from a private school and is enrolled in another
25 participating private school or in a public school during the
school year, the parent, if the student is a dependent child,
and if not a dependent child, the student, shall notify the

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1 department of education. Upon receipt of proof of enrollment
2 in another private school and certification of tuition and
3 fees charged by the new private school, the unredeemed
4 voucher installments shall be made to the new private school.
5 Upon proof of enrollment in a public school, the remaining
6 redemption installments shall be made to the school district
7 in which the public school is located."

8 Section 9. A new section of the Public School Code is
9 enacted to read:

10 "[NEW MATERIAL] EDUCATION OPPORTUNITY ACT--DUTIES OF
11 STATE SUPERINTENDENT.--The state superintendent shall:

12 A. recommend to the state board those procedures
13 and rules that are necessary to fully implement the Education
14 Opportunity Act;

15 B. be responsible for administering the program;
16 and

17 C. ensure that students and parents are informed
18 annually of the private schools participating in the program
19 under this section."

20 Section 10. A new section of the Public School Code is
21 enacted to read:

22 "[NEW MATERIAL] EDUCATION OPPORTUNITY ACT--
23 TRANSPORTATION.--The parent of a participating student or the
24 student, if the student is not a dependent child, shall be
25 responsible for transportation of the student to and from the
private school."

Section 11. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] EDUCATION OPPORTUNITY ACT--STANDARDS FOR
3 PARTICIPATING PRIVATE SCHOOLS.--

4 A. A private school participating in the program
5 shall submit annually to the department of education a
6 performance audit of the private school prepared by an
7 independent qualified performance auditor that demonstrates
8 that the school meets at least one of the following
9 standards:

10 (1) at least seventy percent of the students
11 in the program advance one grade level each year;

12 (2) the private school's average attendance
13 rate for the students in the program is at least ninety
14 percent;

15 (3) at least eighty percent of the students
16 in the program demonstrate significant academic progress; or

17 (4) at least seventy percent of the families
18 of students in the program meet parental involvement criteria
19 established by the private school.

20 B. The state superintendent shall monitor the
21 performance of the students participating in the program. If
22 the state superintendent determines in any school year that
23 the private school is not meeting at least one of the
24 standards set forth in Subsection A of this section, that
25 private school may not participate in the program in the
following school year.

C. A private school may not require a student

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1 attending the school pursuant to the Education Opportunity
2 Act to participate in any religious activity if the parent or
3 the student, if the student is not a dependent child, submits
4 to the school's principal a written request that the student
5 be exempt from those activities."

6 Section 12. Section 22-1-4 NMSA 1978 (being Laws 1975,
7 Chapter 338, Section 1, as amended) is amended to read:

8 "22-1-4. FREE PUBLIC SCHOOLS--EXCEPTIONS--WITHDRAWING
9 AND ENROLLING--OPEN ENROLLMENT.--

10 A. Except as provided by Section 24-5-2 NMSA 1978,
11 a free public school education shall be available to any
12 school-age person who is a resident of this state and has not
13 received a high school diploma or its equivalent.

14 B. A free public school education in those courses
15 already offered to persons pursuant to provisions of
16 Subsection A of this section shall be available to any person
17 who is a resident of this state and has received a high
18 school diploma or its equivalent if there is available space
19 in such courses.

20 C. Any person entitled to a free public school
21 education pursuant to the provisions of this section may
22 enroll or re-enroll in a public school at any time and,
23 unless required to attend school pursuant to the Compulsory
24 School Attendance Law, may withdraw from a public school at
25 any time.

D. In adopting and promulgating [~~regulations~~]
rules concerning the enrollment of students transferring from

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1 a home school or private school to the public schools, the
2 local school board shall provide that the grade level at
3 which the transferring student is placed is appropriate to
4 the age of the student or to the student's score on a student
5 achievement test administered according to the statewide and
6 local school district testing programs as determined by the
7 state superintendent or both.

8 E. A local school board shall adopt and promulgate
9 ~~[regulations]~~ rules governing enrollment and re-enrollment at
10 schools within the school district. These ~~[regulations]~~
11 rules shall include:

12 (1) definition of the school district
13 boundary and the boundaries of attendance areas for each
14 school;

15 ~~[(2) for each school, definition of the~~
16 ~~boundaries of areas outside the district boundary or within~~
17 ~~the district but outside the school's attendance area, and~~
18 ~~within a distance of the school that would not be served by a~~
19 ~~school bus route as determined pursuant to Section 22-16-4~~
20 ~~NMSA 1978 if enrolled, which areas shall be designated as~~
21 ~~"walk zones";~~

22 ~~(3)]~~ (2) priorities for enrollment of
23 students as follows:

24 (a) first, persons residing within the
25 school district and within the attendance area of a school;

(b) second, persons who previously
attended the school; and

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(c) third, all other applicants; and
[+4+] (3) establishment of maximum allowable
class size if smaller than that permitted by law and
ratification and description of the maximum class size in the
charter of all charter schools within the school district.

F. As long as the maximum allowable class size
established by law, by [~~regulation~~] rule of a local school
board or in the charter of a charter school, whichever is
lower, is not met or exceeded in a school by enrollment of
first-priority persons, the school shall enroll other persons
applying in the priorities stated in the school district
[~~regulations~~] rules adopted pursuant to Subsection E of this
section. If the maximum would be exceeded by enrollment of
an applicant in the second or third priority, the school
shall establish a waiting list. As classroom space becomes
available, persons highest on the waiting list within the
highest priority on the list shall be notified and given the
opportunity to enroll."

Section 13. Section 22-1-6 NMSA 1978 (being Laws 1989,
Chapter 308, Section 1, as amended) is amended to read:

"22-1-6. ANNUAL SCHOOL DISTRICT ACCOUNTABILITY REPORT
REQUIRED.--

A. School districts [~~shall be~~] are required to
publish an annual school district accountability report to
provide district-wide data for the previous school year. The
state board shall establish the format for the accountability
reports and ensure that the relevant data is provided

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1 annually to parents, students, educators, policymakers,
2 legislators, the governor and business and economic
3 development organizations. The department of education shall
4 establish the following five indices through which public
5 school performance shall be measured and reported to school
6 districts:

- 7 (1) student achievement as measured by a
8 nationally norm-referenced test approved by the department of
9 education or through a performance-based instrument to
10 measure proficiency;
- 11 (2) school safety;
- 12 (3) the dropout rate;
- 13 (4) attendance; and
- 14 (5) parent and community involvement.

15 The department of education shall establish the
16 methodology for measuring each of the five indices.

17 B. Effective July 1, 1999, school districts shall
18 annually administer a nationally norm-referenced test or a
19 standards-based assessment to all students enrolled in a
20 public school in grades three through nine. Only students
21 with disabilities deemed incapable of taking the test as
22 determined on their individual educational ~~[program]~~ programs
23 shall be exempted from this requirement. ~~[Additionally]~~
24 Students who have been assessed as non-English or limited
25 English proficient using state approved language assessments
and meeting required thresholds shall be exempted from this
test and provided an alternative norm-referenced or

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1 standards-based assessment in their primary language. School
2 districts shall report the following to the department of
3 education:

4 (1) the results of the norm-referenced test
5 or standards-based assessment;

6 (2) the number of enrolled students who did
7 not take the test, the school in which they are enrolled and
8 the reason for the exemption from the test; and

9 (3) separately and as part of the aggregate
10 report, the results of assessments of students enrolled in
11 special education class A, B, C and D programs who took the
12 test and the school in which they are enrolled, except in
13 cases where the number of students being reported is less
14 than ten.

15 C. School districts shall set two-, four- and six-
16 year benchmarks in each of the five indices for each public
17 school. Local school boards may establish additional
18 indices, if reviewed by the department of education, through
19 which to measure the school district's performance in other
20 areas.

21 D. The annual accountability report shall also
22 include the results of a survey of parents' views of the
23 quality of their children's school. The survey shall be
24 conducted each year in time to include the results in the
25 annual accountability report. The survey shall compile the
results of a written questionnaire that shall be sent home
with the students to be given to their parents. The survey

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1 may be completed anonymously. The survey shall be no more
2 than one page, shall be clearly and concisely written and
3 shall include not more than twenty questions that shall be
4 answered with options of a simple sliding scale ranging from
5 "strongly agree" to "strongly disagree" and shall include the
6 optional response "don't know". The survey shall also
7 include a request for optional written comments, which may be
8 written on the back of the questionnaire form. The
9 questionnaire shall include questions in the following areas:

- 10 (1) parent-teacher-school relationship and
11 communication;
- 12 (2) quality of educational and
13 extracurricular programs;
- 14 (3) instructional practices and techniques;
- 15 (4) resources;
- 16 (5) school personnel, including the school
17 principal; and
- 18 (6) parents' view of teaching staff
19 expectations for the students.

20 The state board shall develop no more than ten of the
21 questions, which shall be reviewed by the legislative
22 education study committee prior to implementation. No more
23 than five questions shall be developed by the local school
24 board and no more than five questions shall be developed by
25 the staffs of each individual school site; provided that at
least half of those questions ~~[are]~~ shall be developed by
teachers rather than administrators, in order to gather

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1 information that is specific to the particular community
2 surveyed. The questionnaires shall indicate the public
3 school site and shall be tabulated by the department of
4 education within thirty days of receipt and shall be returned
5 to the respective schools to be disseminated to all parents.

6 E. The annual accountability report for each
7 school district shall be adopted by the local school board,
8 may be published no later than November 15 of each year and
9 may be published at least once each school year in a
10 newspaper of general circulation in the county where the
11 school district is located. In publication, the report shall
12 be titled "The School District Report Card" and disseminated
13 in accordance with guidelines established by the state board
14 to ensure effective communication with parents, students,
15 educators, local policymakers and business and community
16 organizations.

17 F. The department of education shall create an
18 accountability data system through which data from each
19 public school and each school district may be compiled and
20 reviewed. The department of education shall provide the
21 resources to train school district personnel in the use of
22 the accountability data system.

23 G. The department of education shall verify data
24 submitted by the school districts.

25 H. The state board shall measure the performance
of every public school in New Mexico.

I. Beginning with the 1999-2000 school year's

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1 student and school performance data, the state board shall
2 identify each school as being in one of the following grade
3 categories and publish each school's grades in the school
4 district's annual school district accountability report
5 pursuant to Subsection A of this section:

- 6 (1) "A" for schools making excellent
7 progress;
- 8 (2) "B" for schools making above average
9 progress;
- 10 (3) "C" for schools making satisfactory
11 progress;
- 12 (4) "D" for schools making less than
13 satisfactory progress; or
- 14 (5) "F" for schools failing to make adequate
15 progress.

16 J. School performance grade categories shall be
17 based upon a formula established by the state board that
18 includes measurements of student achievement by a nationally
19 norm-referenced test approved by the department of education
20 or through a performance-based instrument to measure
21 proficiency, student readiness for college, school safety,
22 dropout rates, attendance and parent or community
23 involvement.

24 K. Public schools achieving the highest level of
25 performance shall be eligible for supplemental incentive
funding. Subject to the provisions of the Education
Opportunity Act, the state board shall establish the

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1 corrective actions and interventions necessary for public
2 schools whose performance level is low.

3 ~~[F. Appropriation is contingent upon inclusion of~~
4 ~~one million four hundred thirty three thousand dollars~~
5 ~~(\$1,433,000) in the general appropriation act to meet the~~
6 ~~provisions of this act.]"~~

7 Section 14. Section 22-2-2 NMSA 1978 (being Laws 1967,
8 Chapter 16, Section 5, as amended) is amended to read:

9 "22-2-2. STATE BOARD--DUTIES.--Without limiting those
10 powers granted to the state board pursuant to Section 22-2-1
11 NMSA 1978, the state board shall perform the following
12 duties:

13 A. properly and uniformly enforce the provisions
14 of the Public School Code;

15 B. determine policy for the operation of all
16 public schools and vocational education programs in the
17 state;

18 C. appoint a state superintendent;

19 D. purchase and loan instructional material to
20 students pursuant to the Instructional Material Law and adopt
21 rules relating to the use and operation of instructional
22 material depositories in the instructional material
23 distribution process;

24 E. designate courses of instruction to be taught
25 in all public schools in the state;

F. assess and evaluate all state institutions and
those private schools that desire state accreditation;

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1 G. determine the qualifications for and issue a
2 certificate to any person teaching, assisting teachers,
3 supervising an instructional program, counseling, providing
4 special instructional services or administering in public
5 schools, according to law and according to a system of
6 classification adopted and published by the state board;

7 H. suspend or revoke a certificate held by a
8 certified school instructor or certified school
9 administrator, according to law, for incompetency, immorality
10 or ~~[for]~~ any other good and just cause;

11 I. make full and complete reports on consolidation
12 of school districts to the legislature;

13 J. prescribe courses of instruction, requirements
14 for graduation and standards for all public schools, for
15 private schools seeking state accreditation and for the
16 educational programs conducted in state institutions other
17 than the New Mexico military institute;

18 K. adopt rules for the administration of all
19 public schools and bylaws for its own administration;

20 L. require periodic reports on forms prescribed by
21 it from all public schools and attendance reports from
22 private schools;

23 M. authorize adult educational programs to be
24 conducted in schools under its jurisdiction and adopt and
25 promulgate rules governing all such adult educational
programs;

 N. require any school under its jurisdiction that

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1 sponsors athletic programs involving sports to mandate that
2 the participating student obtain catastrophic health and
3 accident insurance coverage, such coverage to be offered
4 through the school and issued by an insurance company duly
5 licensed pursuant to the laws of New Mexico;

6 O. require all accrediting agencies for public
7 schools in the state to act with its approval;

8 P. accept and receive all grants of money from the
9 federal government or any other agency for public school
10 purposes and disburse the money in the manner and for the
11 purpose specified in the grant;

12 Q. require prior approval for any educational
13 program in a public school that is to be conducted,
14 sponsored, carried on or caused to be carried on by a private
15 organization or agency;

16 R. approve or disapprove all rules promulgated by
17 any association or organization attempting to regulate any
18 public school activity and invalidate any rule in conflict
19 with any rule promulgated by the state board. The state
20 board shall require any association or organization
21 attempting to regulate any public school activity to comply
22 with the provisions of the Open Meetings Act and be subject
23 to the inspection of the Public Records Act. The state board
24 may require performance and financial audits of any
25 association or organization attempting to regulate any public
school activity. The state board shall have no power or
control over the rules or the bylaws governing the

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1 administration of the internal organization of the
2 association or organization;

3 S. review decisions made by the governing board or
4 officials of any organization or association regulating any
5 public school activity, and any decision of the state board
6 shall be final in respect thereto;

7 T. accept or reject any charitable gift, grant,
8 devise or bequest. The particular gift, grant, devise or
9 bequest accepted shall be considered an asset of the state;

10 U. establish and maintain regional centers, at its
11 discretion, for conducting cooperative services between
12 public schools and school districts within and among those
13 regions and to facilitate regulation and evaluation of school
14 programs;

15 V. assess and evaluate for accreditation purposes
16 at least one-third of all public schools each year through
17 visits by department of education personnel to investigate
18 the adequacy of ~~[pupil]~~ student gain in standard required
19 subject matter, adequacy of ~~[pupil]~~ student activities,
20 functional feasibility of public school and school district
21 organization, adequacy of staff preparation and other matters
22 bearing upon the education of the students;

23 W. provide for management and other necessary
24 personnel to operate any public school or school district
25 that has failed to meet requirements of law, state board
standards or state board rules; provided that the operation
of the public school or school district shall not include any

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

1 consolidation or reorganization without the approval of the
2 local board of that school district. Until such time as
3 requirements of law, standards or rules have been met and
4 compliance is assured, the powers and duties of the local
5 school board shall be suspended;

6 X. establish and implement a plan that provides
7 for technical assistance to local school boards through
8 workshops and other in-service training methods; provided,
9 however, that no plan shall require mandatory attendance by
10 any member of a local school board;

11 Y. submit a plan applying for funds available
12 under Public Law 94-142 and disburse these funds in the
13 manner and for the purposes specified in the plan;

14 Z. enforce requirements for home schools. Upon
15 finding that a home school is not in compliance with law, the
16 state board has authority to order that a student attend a
17 public school or a private school; ~~[and]~~

18 AA. develop a systemic framework for professional
19 development that provides training to ensure quality teachers
20 and principals and that improves and enhances student
21 achievement. The state board shall work with public school
22 educators, the commission on higher education and
23 institutions of higher education to establish the framework.
24 The framework shall include:

25 (1) the criteria for school districts to
apply for professional development funds, including an
evaluation component that will be used by the department of

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

1 education in approving local school district professional
2 development plans; and
3 (2) guidelines for developing extensive
4 professional development activities for school districts,
5 including teaching strategies, curriculum materials, distance
6 learning networks and web sites to ensure that the state
7 board's rules pertaining to content standards and benchmarks
8 are used by New Mexico teachers; and

9 BB. determine rules and policies for the operation
10 of the Education Opportunity Act."

11 Section 15. EFFECTIVE DATE.--

12 A. The effective date of Sections 1 through 11 of
13 this act is July 1, 2002.

14 B. The effective date of Sections 12 through 15 of
15 this act is July 1, 2000.