



1           A. "alternative educational institution" means a  
2 nonprofit corporation or for-profit corporation that provides  
3 alternative educational opportunities for students;

4           B. "certificate" means a note issued to a  
5 qualifying student or his parent or legal guardian through the  
6 department of education that is used to educate the student at  
7 a public school, eligible private school, alternative  
8 educational institution or community college;

9           C. "community college" means a public educational  
10 institution that provides not to exceed two years of training  
11 in the arts, sciences and humanities beyond the twelfth grade  
12 of the public high school curriculum or, in lieu of that  
13 training or in addition to it, not to exceed two years of a  
14 vocational and technical curriculum and appropriate courses of  
15 study for persons who may or may not have completed the  
16 twelfth grade of public high school;

17           D. "family income" means the income of a student's  
18 parent or legal guardian who resides with the student at the  
19 student's principal residence or the income of the student if  
20 the student is living independently of his parent or legal  
21 guardian;

22           E. "federal poverty guidelines" means the level of  
23 income defining poverty by family size as published annually  
24 in the federal register by the United States department of  
25 health and human services;

1 F. "local school district" means the school  
2 district where a student resides;

3 G. "program" means the student options program;  
4 and

5 H. "student" means:

6 (1) a person who is currently attending a  
7 public school;

8 (2) a person who is between the ages of  
9 fourteen and nineteen and has been disenrolled from a public  
10 school for any reason; or

11 (3) a person whose attendance or conduct  
12 indicates that he may not meet the graduation requirements  
13 provided in Section 22-2-8.4 NMSA 1978. "

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

16 "[NEW MATERIAL] ADMINISTRATION OF THE PROGRAM -  
17 PARTICIPATION. --

18 A. The department of education shall establish and  
19 bear the cost of administering the program.

20 B. The state board shall establish guidelines for  
21 the implementation and operation of the program.

22 C. A private school shall not be required to  
23 participate in the program.

24 D. No more than ten percent of the public school  
25 population in a municipality with a population greater than

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1 four hundred thousand people according to the 2000 federal  
2 decennial census shall receive certificates.

3 E. The department of education, in cooperation  
4 with the school districts, shall embark on a public awareness  
5 campaign to inform the public about the program by using the  
6 schools, other government agencies and the media. "

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

9 "[NEW MATERIAL] ELIGIBLE STUDENTS. --

10 A. A student who is a resident of a municipality  
11 in New Mexico with a population greater than four hundred  
12 thousand people according to the 2000 federal decennial census  
13 and who is at least five years of age prior to 12:01 a.m.  
14 September 1 of the school year or is a developmentally  
15 disabled three- or four-year-old child is eligible to  
16 participate in the program if his family income is at or below  
17 one hundred eighty-five percent of the federal poverty  
18 guidelines.

19 B. A student who receives a certificate pursuant  
20 to the provisions of the Student Options Act shall participate  
21 in the testing required by Subsection B of Section 22-1-6 NMSA  
22 1978. The testing shall be administered by the school  
23 district. "

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

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1 "[NEW MATERIAL] ELIGIBLE PRIVATE SCHOOLS, ALTERNATIVE  
2 EDUCATIONAL INSTITUTIONS AND COMMUNITY COLLEGES. --

3 A. To be eligible to participate in the program, a  
4 private school, alternative educational institution or  
5 community college shall:

6 (1) register with the superintendent of a  
7 school district as an eligible private school, alternative  
8 educational institution or community college;

9 (2) maintain or develop anti-discrimination  
10 policies to prevent discrimination on the basis of race,  
11 color, national origin or ancestry; and

12 (3) develop policies that do not discriminate  
13 against students who are recipients of certificates.

14 B. A private school, alternative educational  
15 institution or community college that accepts students who are  
16 participants in the program shall not be required to comply  
17 with rules that apply to public schools promulgated by either  
18 the state board or the local school board. "

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

21 "[NEW MATERIAL] PROCEDURES FOR USING CERTIFICATES. --

22 A. A student or a student's parent or legal  
23 guardian may use a certificate to enroll the student in a  
24 public school outside of the school district in which the  
25 student resides or in an eligible private school, alternative

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underscored material = new  
[bracketed material] = delete

1 educational institution or community college.

2 B. A school district shall adopt specific, written  
3 standards for acceptance and rejection of certificates  
4 provided for in the Student Options Act based on the capacity  
5 of class size, grade level or school buildings.

6 C. Not earlier than March 1 and not later than  
7 July 1 prior to the beginning of a school year, a student or a  
8 student's parent or legal guardian may apply to the school  
9 district superintendent to participate in the program. The  
10 school district superintendent may waive the application  
11 deadline. The application shall contain the following  
12 information:

- 13 (1) the student's name and address;
- 14 (2) the student's date of birth;
- 15 (3) the student's social security number;
- 16 (4) the student's school attendance zone;
- 17 (5) the student's grade level;
- 18 (6) the name and address of the student's  
19 parent or legal guardian who is residing with the child, if  
20 applicable;

21 (7) proof of income eligibility by providing  
22 copies of:

- 23 (a) the student's or the student's  
24 parent's or legal guardian's three most recent paycheck  
25 receipts for all employment;

1 (b) a signed statement by the student  
2 or the student's parent's or legal guardian's employer  
3 indicating weekly, biweekly or annual net earnings; or

4 (c) a signed statement by the student  
5 or the student's parent or legal guardian indicating that he  
6 is self-employed and that includes his annual net earnings,  
7 with a copy of the most recent income tax return attached;

8 (8) whether the student was enrolled in a  
9 class A, B, C or D special education program in the prior  
10 school year or, for a child entering school for the first  
11 time, whether the child has a diagnosed developmental  
12 disability or learning disorder;

13 (9) whether the student speaks a language  
14 other than English as his principal language; and

15 (10) the name and address of the public  
16 school, private school, alternative educational institution or  
17 community college to which the student intends to apply and  
18 the amount of tuition and fees charged by the school,  
19 alternative educational institution or community college.

20 D. No later than forty-five days after the  
21 application is received, the school district superintendent  
22 shall act on the application, notify the student's parent or  
23 legal guardian of the value of the certificate and issue the  
24 certificate if the application is approved.

25 E. The certificate shall be issued to the student

1 or in care of the student to his parent or legal guardian.  
2 The certificate shall not be issued to the private school,  
3 alternative educational institution, community college or  
4 school district for the public school that the student chooses  
5 to attend.

6 F. The student and his parent or legal guardian  
7 shall solely select the public school, private school,  
8 alternative educational institution or community college the  
9 student chooses to attend. The state shall not decide which  
10 school a student may attend. The state shall not advise or  
11 influence the student's selection of a school.

12 G. Not later than August 15 of each year, the  
13 school district superintendent shall report to the department  
14 of education the ages, schools, school attendance zones and  
15 certificate values of students participating in the program "

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

18 "NEW MATERIAL CERTIFICATES--REDEMPTION.--

19 A. The value of a certificate shall be equal to  
20 the amount of money generated by the student through the state  
21 equalization guarantee distribution provided in the Public  
22 School Finance Act and a proportionate per-student amount for  
23 transportation expenses if the student had attended a public  
24 school in his school attendance zone. The value of the  
25 certificate shall also include a proportionate allocation for



1 the school district's at-risk funding. The department of  
2 education shall calculate the value of a student's certificate  
3 by using the state equalization guarantee distribution  
4 formula.

5 B. Subject to the value of the certificate set  
6 forth in Subsection A of this section, the certificate  
7 redemption value shall not exceed the tuition and fees charged  
8 by a private school, alternative educational institution or  
9 community college for students not participating in the  
10 program, unless the cost of educating the student presenting  
11 the certificate is greater than the tuition and fees charged,  
12 in which case the value of the certificates shall not exceed  
13 those costs.

14 C. Within fifteen days after receiving a  
15 certificate, a private school, alternative educational  
16 institution or community college shall certify in writing the  
17 enrollment of the student named on the certificate and shall  
18 certify in writing the amount of tuition and fees charged by  
19 the private school, alternative educational institution or  
20 community college to the department of education.

21 D. A private school, alternative educational  
22 institution, community college or a school district located  
23 outside of the student's attendance zone shall redeem the  
24 value of the certificate from the school district in the  
25 following installments: twenty-five percent of the value

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1 determined in Subsection A of this section in September,  
2 twenty-five percent of the value determined in Subsection A of  
3 this section in November, twenty-five percent of the value  
4 determined in Subsection A of this section in February and  
5 twenty-five percent of the value determined in Subsection A of  
6 this section in May. The installments shall be paid on the  
7 first day of the applicable month.

8 E. If a private school, alternative educational  
9 institution or community college disenrolls a student during  
10 the school year or if the student is absent for ten  
11 consecutive days without explanation, the private school,  
12 alternative educational institution or community college shall  
13 notify the school district in writing and the certificate  
14 redemption shall cease.

15 F. If a student or a student's parent or legal  
16 guardian disenrolls a student from a private school,  
17 alternative educational institution or community college and  
18 enrolls the student in another private school, alternative  
19 educational institution, community college or in a public  
20 school during the school year, the student or the student's  
21 parent or legal guardian shall notify the school district in  
22 writing. Upon receipt of proof of enrollment in another  
23 private school, alternative educational institution or  
24 community college and certification of tuition and fees  
25 charged by the new private school, alternative educational

1 institution or community college, the remaining scholarship  
 2 redemption installments shall be made to the new private  
 3 school, alternative educational institution or community  
 4 college. Upon proof of enrollment in a public school, the  
 5 remaining redemption installments shall be made to the school  
 6 district in which the public school is located."

7 Section 8. Section 22-1-6 NMSA 1978 (being Laws 1989,  
 8 Chapter 308, Section 1, as amended) is amended to read:

9 "22-1-6. ANNUAL SCHOOL DISTRICT ACCOUNTABILITY REPORT  
 10 REQUIRED. --

11 A. School districts are required to publish an  
 12 annual school district accountability report to provide  
 13 district-wide data for the previous school year. The state  
 14 board shall establish the format for the accountability  
 15 reports and ensure that the relevant data is provided annually  
 16 to parents, students, educators, policymakers, legislators,  
 17 the governor and business and economic development  
 18 organizations. The department of education shall establish  
 19 the following five indices through which public school  
 20 performance shall be measured and reported to school  
 21 districts:

22 (1) student achievement as measured by a  
 23 nationally norm-referenced test approved by the department of  
 24 education or through a performance-based instrument to measure  
 25 proficiency;

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- 1 (2) school safety;
- 2 (3) the dropout rate;
- 3 (4) attendance; and
- 4 (5) parent and community involvement.

5 The department of education shall establish the  
6 methodology for measuring each of the five indices.

7 B. [~~Effective July 1, 1999~~] School districts shall  
8 annually administer a nationally norm-referenced test or a  
9 standards-based assessment to all students [~~enrolled in a~~  
10 ~~public school~~] in grades three through nine enrolled in a  
11 public school or who receive a certificate pursuant to the  
12 provisions of the Student Options Act. Only students with  
13 disabilities deemed incapable of taking the test as determined  
14 on their individual educational programs shall be exempted  
15 from this requirement. Students who have been assessed as  
16 non-English or limited English proficient using state approved  
17 language assessments and meeting required thresholds shall be  
18 exempted from this test and provided an alternative norm-  
19 referenced or standards-based assessment in their primary  
20 language. School districts shall report the following to the  
21 department of education:

- 22 (1) the results of the norm-referenced test  
23 or standards-based assessment;
- 24 (2) the number of enrolled students who did  
25 not take the test, the school in which they are enrolled and

1 the reason for the exemption from the test; and

2 (3) separately and as part of the aggregate  
3 report, the results of assessments of students enrolled in  
4 special education class A, B, C and D programs who took the  
5 test and the school in which they are enrolled, except in  
6 cases where the number of students being reported is less than  
7 ten.

8 C. School districts shall set two-, four- and six-  
9 year benchmarks in each of the five indices for each public  
10 school. Local school boards may establish additional indices,  
11 if reviewed by the department of education, through which to  
12 measure the school district's performance in other areas.

13 D. The annual accountability report shall also  
14 include the results of a survey of parents' views of the  
15 quality of their children's school. The survey shall be  
16 conducted each year in time to include the results in the  
17 annual accountability report. The survey shall compile the  
18 results of a written questionnaire that shall be sent home  
19 with the students to be given to their parents. The survey  
20 may be completed anonymously. The survey shall be no more  
21 than one page, shall be clearly and concisely written and  
22 shall include not more than twenty questions that shall be  
23 answered with options of a simple sliding scale ranging from  
24 "strongly agree" to "strongly disagree" and shall include the  
25 optional response "don't know". The survey shall also include

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1 a request for optional written comments, which may be written  
2 on the back of the questionnaire form. The questionnaire  
3 shall include questions in the following areas:

4 (1) parent-teacher-school relationship and  
5 communication;

6 (2) quality of educational and  
7 extracurricular programs;

8 (3) instructional practices and techniques;

9 (4) resources;

10 (5) school personnel, including the school  
11 principal; and

12 (6) parents' view of teaching staff  
13 expectations for the students.

14 The state board shall develop no more than ten of the  
15 questions, which shall be reviewed by the legislative  
16 education study committee prior to implementation. No more  
17 than five questions shall be developed by the local school  
18 board and no more than five questions shall be developed by  
19 the staffs of each individual school site; provided that at  
20 least half of those questions shall be developed by teachers  
21 rather than administrators, in order to gather information  
22 that is specific to the particular community surveyed. The  
23 questionnaires shall indicate the public school site and shall  
24 be tabulated by the department of education within thirty days  
25 of receipt and shall be returned to the respective schools to

1 be disseminated to all parents.

2 E. The annual accountability report shall also  
3 include a report of all federal funds distributed directly to  
4 the school district or received by the district from the  
5 department of education. For each distribution, the purpose  
6 for which the money was received shall be stated with a  
7 detailed accounting of the purposes for which the funds were  
8 expended.

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

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

25 H. The department of education shall verify data

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1 submitted by the school districts.

2 I. The state board shall measure the performance  
3 of every public school in New Mexico. Public schools  
4 achieving the highest level of performance shall be eligible  
5 for supplemental incentive funding. The state board shall  
6 establish the corrective actions and interventions necessary  
7 for public schools whose performance level is low.

8 J. The school district shall submit a copy of its  
9 annual accountability report to the legislative finance  
10 committee, the legislative education study committee and the  
11 library of the legislative council service."

12 Section 9. Section 22-8-2 NMSA 1978 (being Laws 1978,  
13 Chapter 128, Section 3, as amended) is amended to read:

14 "22-8-2. DEFINITIONS.--As used in the Public School  
15 Finance Act:

16 A. "ADM" or "MEM" means membership;

17 B. "membership" means the total enrollment of  
18 qualified students and students who receive a certificate  
19 pursuant to the provisions of the Student Options Act on the  
20 current roll of a class or school on a specified day. The  
21 current roll is established by the addition of original  
22 entries and reentries minus withdrawals. Withdrawals of  
23 students, in addition to students formally withdrawn from the  
24 public school, include students absent from the public school  
25 for as many as ten consecutive school days;

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1 C. "basic program ADM" or "basic program MEM"  
2 means the MEM of qualified students but excludes the full-  
3 time-equivalent MEM in early childhood education and three-  
4 and four-year-old students receiving special education  
5 services;

6 D. "cost differential factor" is the numerical  
7 expression of the ratio of the cost of a particular segment of  
8 the school program to the cost of the basic program in grades  
9 four through six;

10 E. "department" or "division" means the state  
11 department of public education;

12 F. "early childhood education ADM" or "early  
13 childhood education MEM" means the full-time-equivalent MEM of  
14 students attending approved early childhood education  
15 programs;

16 G. "full-time-equivalent ADM" or "full-time-  
17 equivalent MEM" is that membership calculated by applying to  
18 the MEM in an approved public school program the ratio of the  
19 number of hours per school day devoted to the program to six  
20 hours or the number of hours per school week devoted to the  
21 program to thirty hours;

22 H. "operating budget" means the annual financial  
23 plan required to be submitted by a local school board;

24 I. "program cost" is the product of the total  
25 number of program units to which a school district is entitled

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1 multiplied by the dollar value per program unit established by  
2 the legislature;

3 J. "program element" is that component of a public  
4 school system to which a cost differential factor is applied  
5 to determine the number of program units to which a school  
6 district is entitled, including but not limited to MEM, full-  
7 time-equivalent MEM, teacher, classroom or public school;

8 K. "program unit" is the product of the program  
9 element multiplied by the applicable cost differential factor;

10 L. "public money" or "public funds" means all  
11 money from public or private sources received by a local  
12 school board or officer or employee of a local school board  
13 for public use;

14 M. "qualified student" means a public school  
15 student who:

16 (1) has not graduated from high school;

17 (2) is regularly enrolled in one-half or more  
18 of the minimum course requirements approved by the state board  
19 for public school students; and

20 (3) is at least five years of age prior to  
21 12:01 a.m. on September 1 of the school year; or

22 (4) is at least three years of age at any  
23 time during the school year and is receiving special education  
24 services pursuant to regulation of the state board; or

25 (5) has not reached his twenty-second

1 birthday on the first day of the school year and is receiving  
2 special education services pursuant to regulation of the state  
3 board; and

4 N. "state superintendent" means the superintendent  
5 of public instruction or his designee."

6 Section 10. EMERGENCY.--It is necessary for the public  
7 peace, health and safety that this act take effect  
8 immediately.

underscored material = new  
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