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SENATE BILL 38

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 1999

INTRODUCED BY

Cynthia Nava

AN ACT

**RELATING TO EDUCATION; AMENDING THE INCENTIVES FOR SCHOOL
IMPROVEMENT ACT TO INCLUDE INTERVENTION; CHANGING THE
DISTRIBUTION OF MONEY IN THE INCENTIVES FOR SCHOOL IMPROVEMENT
FUND; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.**

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

**Section 1. A new section of the Incentives for School
Improvement Act is enacted to read:**

" NEW MATERIAL INTERVENTIONS FOR SCHOOL IMPROVEMENT. --

**A. The department shall develop an interventions
for school improvement formula and process by which to
identify schools most in need of improvement, to establish
time lines for plan development and implementation and to
provide the necessary corrective actions and interventions.**

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1 The state board shall identify the schools most in need of
2 improvement and shall authorize monetary allocations from the
3 fund to implement a plan for school improvement approved by
4 the department.

5 B. The superintendent of public instruction or his
6 designee, the school district superintendent and the president
7 of the local school board or his designee shall hold a public
8 meeting to inform the school district and community that a
9 school in the school district has been identified as most in
10 need of improvement and requires intervention.

11 C. Schools most in need of improvement shall
12 involve the community in developing an intervention and
13 improvement plan that contains:

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

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

19 (3) benchmarks to indicate annual progress in
20 implementing the plan for school improvement; and

21 (4) an estimate of the length of time and
22 other resources necessary to achieve each objective in the
23 plan.

24 D. The department-approved intervention and
25 improvement plan shall be signed by the superintendent of

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1 public instruction, the superintendent of the school district
2 and the president of the local school board, and they shall
3 agree on the implementation and measurement of the
4 intervention and improvement plan.

5 E. Before the end of the first school year of the
6 implementation of the intervention and improvement plan, the
7 school shall submit to the department a progress report
8 addressing the components in Subsection C of this section. If
9 the department review of the progress report submitted by the
10 school determines that the school has not met the objectives
11 as measured by the benchmarks, the state board shall assign a
12 diagnostic team to intervene during the second school year to
13 assist in the implementation of the intervention and
14 improvement plan.

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

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

23 "22-13A-2. PURPOSE. -- The purpose of the Incentives for
24 School Improvement Act is to provide financial incentives to
25 individual schools that exceed expected academic performance

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1 and to provide financial and other assistance to schools
2 identified as most in need of improvement. "

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

5 "22-13A-3. DEFINITIONS. -- As used in the Incentives for
6 School Improvement Act:

7 A. "department" means the state department of
8 public education;

9 B. "fund" means the incentives for school
10 improvement fund;

11 C. "program" means the incentives and
12 interventions for school improvement program; and

13 D. "state board" means the state board of
14 education. "

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

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

25 Section 5. Section 22-13A-5 NMSA 1978 (being Laws 1989,

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1 Chapter 137, Section 5, as amended) is amended to read:

2 "22- 13A- 5. [~~PROGRAM IMPLEMENTATION~~] INCENTIVES FOR
3 SCHOOL IMPROVEMENT - - MEASUREMENT CRITERIA. - -

4 A. The department shall develop [a] an incentives
5 for school improvement formula by which to measure school
6 achievement in the areas of academic performance with
7 consideration of socioeconomic variables. The product of this
8 formula shall take the form of a composite rating assigned to
9 each school in every school district.

10 B. Academic performance shall be measured by:
11 (1) [~~nationally~~] standardized test scores;
12 (2) graduation competency scores; and
13 (3) other factors deemed relevant by the
14 department.

15 C. The socioeconomic variables shall be measured
16 by:
17 (1) [~~the percentage of~~] student mobility
18 rates;
19 (2) the percentage of limited English-
20 proficient students, using criteria established by the federal
21 office of civil rights;
22 (3) the percentage of students eligible for
23 free and reduced-fee lunches; and
24 (4) other factors deemed relevant by the
25 department.

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1 D. Annually, the department shall assign a new
2 composite rating to each school. The department shall compare
3 the new rating to the previous annual rating. Schools
4 increasing their composite rating shall be ranked in order.
5 The schools evidencing the greatest increase in rating shall
6 receive monetary disbursements from the fund. "

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

9 "22-13A-6. FUND CREATED. --

10 A. There is created in the state treasury the
11 "incentives for school improvement fund". The fund shall
12 consist of any state money appropriated to the fund, [any]
13 federal money allocated to the state for the purposes of the
14 Incentives for School Improvement Act, undistributed annual
15 balances and earnings of the fund and [any] gifts or bequests
16 made to the fund. The state treasurer shall invest the fund
17 as other state funds are invested. The balance remaining in
18 the fund at the end of the fiscal year shall not revert to the
19 general fund.

20 B. The fund is appropriated to the department for
21 the purpose of implementing and administering the Incentives
22 for School Improvement Act. No more than three percent of the
23 fund may be retained by the department for administrative
24 purposes.

25 C. Sixty percent of the money in the fund other

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1 than that used for administrative purposes shall be
2 distributed directly to schools evidencing the greatest
3 improvement as determined by the department. Disbursements
4 shall be made only to that number of schools constituting
5 not more than ten percent of the student membership in the
6 state. Distributions shall be made proportionately to
7 schools that qualify. Money received by a school from the
8 fund shall not be used for salaries, salary increases or
9 bonuses. Money shall be used as determined by the school
10 principal and teachers in cooperation with other school
11 employees and the community.

12 D. Forty percent of the money in the fund other
13 than that used for administrative purposes shall be
14 distributed directly to schools identified as most in need
15 of improvement. Disbursements for schools identified as
16 most in need of improvement shall be made only to those
17 schools identified by the state board; provided that no
18 school shall receive funds for more than three years. Money
19 received by a school from the fund shall be used only for
20 the purpose of implementing the department-approved
21 intervention and improvement plan. "

22 Section 7. APPROPRIATION. -- Three million nine hundred
23 thousand dollars (\$3,900,000) is appropriated from the
24 general fund to the state department of public education for
25 expenditure in fiscal year 2000 for distribution directly to

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1 schools identified as most in need of improvement pursuant
2 to the provisions of the Incentives for School Improvement
3 Act, to be used for purposes identified in Section 1 of this
4 act. Any unexpended or unencumbered balance remaining at
5 the end of fiscal year 2000 shall revert to the general
6 fund.

7 Section 8. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 1999.

9 Section 9. EMERGENCY.--It is necessary for the public
10 peace, health and safety that this act take effect
11 immediately.