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HOUSE BILL 258

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

INTRODUCED BY

Terry T. Marquardt

AN ACT

RELATING TO SCHOOL VOUCHERS FOR ELEMENTARY AND SECONDARY
EDUCATION; AUTHORIZING REDEMPTION OF VOUCHERS AT PUBLIC
SCHOOLS.

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 "Student Choice Voucher Act"."

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

"[NEW MATERIAL] LEGISLATIVE FINDINGS AND PURPOSE.--

A. The legislature finds that:

(1) families in New Mexico should have the
option to take advantage of the best public school
educational opportunities available to their school-age

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1 children;

2 (2) providing families in New Mexico a
3 choice between public schools leads to competition that
4 benefits students and improves the quality of public schools;

5 (3) students should be allowed to improve
6 their learning potential through educational opportunities
7 that are best suited to their individual needs and interests;
8 and

9 (4) families should not be denied
10 educational choices for their school-age children.

11 B. The purpose of the Student Choice Voucher Act
12 is to establish a voucher program that provides New Mexico's
13 students the opportunity to attend their choice of public
14 schools in order to best suit their individual needs and
15 interests."

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

18 "[NEW MATERIAL] DEFINITIONS.--As used in the Student
19 Choice Voucher Act:

20 A. "program" means the student choice voucher
21 program; and

22 B. "voucher" means an instrument issued to a
23 qualifying parent through the department of education that
24 can be used to educate his child at any public school."

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

"[NEW MATERIAL] ADMINISTRATION OF THE PROGRAM--ADOPTING

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1 RULES.--

2 A. The department of education shall establish and
3 bear the cost of administering the program.

4 B. The state board shall establish guidelines for
5 the implementation and operation of the program.

6 C. The department of education, in cooperation
7 with the school districts, shall embark on a public awareness
8 campaign to inform the public about the program using the
9 schools, other government agencies and the media."

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

12 "[NEW MATERIAL] ELIGIBLE STUDENTS.--A student who is a
13 resident of New Mexico, is at least five years of age prior
14 to 12:01 a.m. September 1 of the school year or is a
15 developmentally disabled three- or four-year-old child is
16 eligible to participate in the program if the following
17 criteria are met:

18 A. for the 2000-2001 school year, the student
19 resides in a class A county or a class B county with a
20 population of greater than ninety-five thousand and a net
21 taxable value for property taxation purposes of greater than
22 two billion dollars (\$2,000,000,000);

23 B. for the 2001-2002 school year, the student
24 resides in a class B county not described in Subsection A of
25 this section; and

C. for the 2002-2003 school year and all
subsequent school years, the student resides in any county

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1 not covered by Subsection A or B of this section."

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

4 "[NEW MATERIAL] PROCEDURES FOR USING VOUCHERS.--

5 A. A parent may use a voucher to enroll his child
6 in a public school outside of the school district in which
7 the child resides.

8 B. A school district must accept for enrollment
9 any student with a voucher provided for in the Student Choice
10 Voucher Act.

11 C. Not earlier than February 15 and not later than
12 May 15 prior to the beginning of a school year, a student's
13 parent or legal guardian may apply to the superintendent of
14 the school district in which the student resides to
15 participate in the program. The school district
16 superintendent may waive the application deadline. For a
17 student applying to attend a public school outside of the
18 student's attendance zone, the department of education may
19 require that the application contain the following
20 information:

- 21 (1) the student's name and address;
22 (2) the student's date of birth;
23 (3) the student's social security number;
24 (4) the student's school attendance zone;
25 (5) the student's grade level;
(6) the name and address of the student's
parent or legal guardian who is residing with the child;

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1 (7) for a parent or legal guardian who
2 resides with the student at the student's principal
3 residence, when required by the school district
4 superintendent, proof of income eligibility;

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

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

12 (10) the name of the public school to which
13 the student intends to apply.

14 D. No later than thirty days after the application
15 is received, the school district superintendent receiving an
16 application shall act on it, notify the parent or legal
17 guardian of the value of the voucher and issue the voucher if
18 the application is approved.

19 E. The voucher shall be issued to the student by
20 July 1 in the care of the student's parent or legal guardian.
21 The voucher shall not be issued to the school district
22 containing the public school that the student chooses to
23 attend.

24 F. The student and his parent or legal guardian
25 shall solely select the public school the student chooses to
attend. The state shall not decide which school a student
may attend. The state shall not advise or influence the

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1 student's selection of a school.

2 G. Not later than August 15 of each year, the
3 school district superintendent shall report to the department
4 of education the ages, school attendance zones and voucher
5 values of students participating in the program."

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

8 "[NEW MATERIAL] VOUCHERS--REDEMPTION.--

9 A. The value of the voucher shall be equal to the
10 amount of money generated by the student through the state
11 equalization guarantee distribution provided in the Public
12 School Finance Act and the student's proportionate per
13 student amount for transportation and other related
14 educational expenses as if the student had attended a public
15 school in his school attendance zone, including any size or
16 training and experience adjustment for the school district or
17 the public school. The value of the voucher shall also
18 include a proportionate allocation for the school district's
19 at-risk funding. The department of education shall calculate
20 the value of a student's voucher using the state equalization
21 guarantee distribution formula.

22 B. The school district that issued the voucher
23 shall pay installments of twenty-five percent of the value of
24 the voucher on the first day of September, November, February
25 and May to the public school presenting the voucher.

C. If a parent or legal guardian disenrolls a
student from one public school and enrolls the student in

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1 another public school during the school year, the parent or
2 legal guardian shall, in writing, notify the local school
3 district. Upon proof of enrollment in another public school,
4 the remaining redemption installments shall be made to the
5 school district in which the public school is located."

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