

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 82

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO PUBLIC SCHOOLS; CREATING FUNDS; CHANGING PURPOSES OF FUNDS; ESTABLISHING A CONSORTIUM; ENACTING THE EDUCATION REFORM APPROPRIATION ACT; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Section 1. Section 22-2-6.12 NMSA 1978 (being Laws 2000 (2nd S.S.), Chapter 14, Section 2) is amended to read:

**"22-2-6.12. PUBLIC SCHOOL READING PROFICIENCY FUND--
CREATED. --**

A. The "public school reading proficiency fund" is created in the state treasury. The fund shall consist of appropriations, gifts, grants and donations. The fund shall be administered by the [state] department [of public education], and money in the fund is appropriated to the

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 department to distribute awards to ~~[to eat]~~ public schools that
2 implement innovative, research-based reading programs and to
3 provide staff development programs to train teachers to teach
4 reading. Money from the fund shall not be used by the
5 department or school districts for administration.

6 B. Prior to the 2001-2002 school year, the [state]
7 department [of public education] shall develop procedures and
8 rules for [the application] applications to and [award of
9 money] expenditures from the public school reading proficiency
10 fund, including criteria upon which to evaluate innovative,
11 research-based reading programs and related staff development
12 programs.

13 C. The department shall identify appropriate
14 teaching models to train teachers to teach reading and
15 writing, particularly to those students who cannot read at
16 grade level. The models shall have demonstrated success in
17 providing teachers with the knowledge and skills needed to
18 increase student achievement in reading and writing. The
19 department shall provide technical assistance to school
20 districts, including providing trainers to teach the
21 appropriate models.

22 D. Disbursements of the public school reading
23 proficiency fund shall be made by warrant of the department of
24 finance and administration pursuant to vouchers signed by the
25 state superintendent [of public instruction]. Any unexpended

underscored material = new
[bracketed material] = delete

1 or unencumbered balance remaining in the fund at the end of
2 any fiscal year shall not revert to any other fund but shall
3 remain to the credit of the fund. "

4 Section 2. A new section of the Public School Code,
5 Section 22-2C-6 NMSA 1978 is enacted to read:

6 "22-2C-6. [NEW MATERIAL] ENTERPRISE ACTIVITIES--
7 ACCOUNTS. --

8 A. A center may develop and offer an enterprise
9 activity to any school district in the state and may charge
10 participating school districts for the activity. A school
11 district is not required to purchase an enterprise activity
12 from any center.

13 B. A "regional service center enterprise fund" is
14 established in the state treasury for each center. Money
15 received from enterprise activities shall be accounted for
16 separately and shall be deposited in the center's regional
17 service center enterprise fund. The income from investment of
18 the fund shall be credited to the fund, and money in the fund
19 shall not revert to the general fund at the end of any fiscal
20 year. Money in the fund is appropriated to the center and
21 shall be distributed on warrants issued by the department of
22 finance and administration pursuant to vouchers signed by the
23 director or his authorized representative. "

24 Section 3. A new section of the Public School Code,
25 Section 22-13C-5 NMSA 1978, is enacted to read:

. 134522. 2

underscored material = new
[bracketed material] = delete

1 "22- 13C- 5. [NEW MATERIAL] SCHOOL INTERVENTION FUND
2 CREATED. --

3 A. The "probationary school intervention fund" is
4 created in the state treasury. The fund shall consist of
5 money appropriated to the fund, earnings from investment of
6 the fund, federal funds available for the purposes of the fund
7 and other gifts, grants and donations. The money in the fund
8 shall not revert to any other fund at the end of a fiscal
9 year. The department shall administer the fund, and money in
10 the fund is appropriated to the department to carry out the
11 purposes of the Probationary School Intervention Act. No more
12 than three percent of the fund may be used by the department
13 to cover administrative costs. Money in the fund shall be
14 expended upon warrant of the secretary of finance and
15 administration pursuant to vouchers signed by the state
16 superintendent or his authorized representative.

17 B. The department may provide grants from the fund
18 based on approved applications from probationary schools.
19 Grants shall be provided directly to the probationary school,
20 and the money shall be used solely for expenditures approved
21 in the application. "

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

24 "[NEW MATERIAL] HIGH SCHOOL CORE CURRICULA TESTS--
25 DEVELOPMENT. --

. 134522. 2

underscored material = new
[bracketed material] = delete

1 A. The colleges of education at New Mexico's
2 universities shall form a consortium to develop criterion-
3 referenced end-of-course tests for a designated core of high
4 school subject areas that are required for graduation,
5 including algebra 1, geometry, English 10, United States
6 history and biology. The tests shall be completed and ready
7 to administer before the end of the 2002-2003 school year.

8 B. The consortium shall work closely with:

9 (1) the department to determine the subject
10 areas to be tested and the order of tests to be developed; and

11 (2) the department, public school personnel
12 and other interested persons in the development of the
13 criterion-referenced tests.

14 C. The consortium may charge a reasonable fee to
15 administer and score the tests. Money collected from the fee
16 may be used by the consortium to continue to improve and
17 update the tests. "

18 Section 5. SHORT TITLE. -- Sections 5 through 11 of this
19 act may be cited as the "Education Reform Appropriation Act".

20 Section 6. TEACHER IMPROVEMENT APPROPRIATIONS. --

21 A. One hundred twenty thousand dollars (\$120,000)
22 is appropriated from the general fund to the legislative
23 education study committee for expenditure in fiscal years 2001
24 and 2002 to work in collaboration with the state department of
25 public education to contract for an independent study of the

. 134522. 2

underscored material = new
[bracketed material] = delete

1 impact on the instructional staff training and experience
2 index on the new professional educator licensing and salary
3 system and the state equalization guarantee distribution. Any
4 unexpended or unencumbered balance remaining at the end of
5 fiscal year 2002 shall revert to the general fund.

6 B. The following amounts are appropriated from the
7 general fund to the state department of public education for
8 expenditure in fiscal year 2002 unless otherwise specified for
9 the purposes stated, and any unexpended or unencumbered
10 balance remaining at the end of fiscal year 2002 shall revert
11 to the general fund:

12 (1) three million six hundred thousand
13 dollars (\$3,600,000) for the statewide teacher mentorship
14 program for beginning teachers. The department shall
15 distribute funds to local school districts based on the number
16 of first-, second- and third-year participants in the teacher
17 mentorship program in each school district;

18 (2) thirty-five million eight hundred twenty-
19 five thousand seven hundred dollars (\$35,825,700) to provide
20 an equivalent of eight additional days for professional
21 development for teachers;

22 (3) fifty-seven million five hundred seventy
23 thousand four hundred dollars (\$57,570,400) to extend the
24 contract day by one-half hour to be used by teachers for
25 student curriculum and instructional preparation time; and

. 134522. 2

underscored material = new
[bracketed material] = delete

1 (4) five hundred thousand dollars (\$500,000)
2 for expenditure in fiscal years 2001 and 2002 to conduct a
3 public information campaign on the value of teaching.

4 C. The following amounts are appropriated from the
5 general fund to the commission on higher education for
6 expenditure in fiscal year 2002 for the following purposes,
7 and any unexpended or unencumbered balance remaining at the
8 end of fiscal year 2002 shall revert to the general fund:

9 (1) seven hundred sixty-seven thousand five
10 hundred dollars (\$767,500) for public post-secondary
11 educational institutions to provide distance education courses
12 in reading instruction to certified school personnel of
13 kindergarten through third grade, including faculty expenses
14 and the acquiring of course supplies and computer equipment;
15 and

16 (2) one million eight hundred fifty-three
17 thousand dollars (\$1,853,000) for public post-secondary
18 educational institutions to provide distance education courses
19 in multilingual instruction to elementary and secondary
20 certified school personnel, including faculty expenses and the
21 acquiring of course supplies and computer equipment.

22 Section 7. STUDENT IMPROVEMENT APPROPRIATIONS. -- The
23 following amounts are appropriated from the general fund to
24 the state department of public education for expenditure in
25 fiscal year 2002 unless otherwise specified for the purposes

. 134522. 2

underscored material = new
[bracketed material] = delete

1 stated, and any unexpended or unencumbered balance remaining
2 at the end of fiscal year 2002 shall revert to the general
3 fund:

4 A. four million sixty-three thousand three hundred
5 dollars (\$4,063,300) to pay teachers to teach intensive summer
6 education programs for students in need of assistance;

7 B. seven million four hundred four thousand eight
8 hundred dollars (\$7,404,800) for school districts to provide
9 instruction in languages other than English at elementary and
10 middle school grade levels;

11 C. five million three hundred forty-eight thousand
12 dollars (\$5,348,000) for school districts to provide art and
13 music programs at elementary and middle school grade levels;

14 D. seventeen million five hundred thousand dollars
15 (\$17,500,000) to implement full instructional days in sixty
16 percent of kindergarten classes;

17 E. twenty thousand dollars (\$20,000) for
18 expenditure in fiscal years 2001 and 2002 to conduct a public
19 information campaign on the value of multilingualism; and

20 F. twenty thousand dollars (\$20,000) for
21 expenditure in fiscal years 2001 and 2002 to conduct a public
22 information campaign to promote literacy.

23 Section 8. ACCOUNTABILITY APPROPRIATIONS. --

24 A. The following amounts are appropriated from the
25 general fund to the state department of public education for

. 134522. 2

underscored material = new
[bracketed material] = delete

1 expenditure in fiscal year 2002 unless otherwise specified for
2 the purposes stated, and any unexpended or unencumbered
3 balance remaining at the end of fiscal year 2002 shall revert
4 to the general fund unless otherwise specified:

5 (1) thirty thousand dollars (\$30,000) to
6 align curricula and teaching and student assessment
7 instruments to state content standards, benchmarks and
8 performance indicators;

9 (2) eight million dollars (\$8,000,000) for
10 expenditure in fiscal years 2001 through 2003 to develop
11 criterion-referenced testing in four content areas, and any
12 unexpended or unencumbered balance remaining at the end of
13 fiscal year 2003 shall revert to the general fund;

14 (3) four hundred thousand dollars (\$400,000)
15 to conduct special education assessments;

16 (4) one million dollars (\$1,000,000) to
17 purchase commercially available criterion-referenced end-of-
18 course tests for designated core high school courses required
19 for graduation;

20 (5) two hundred twenty thousand dollars
21 (\$220,000) to expand the writing assessment program by two
22 grades and to score writing portfolios in accordance with the
23 language arts performance standard rubric or the New Mexico
24 writing portfolio rubric;

25 (6) one hundred thousand dollars (\$100,000)

. 134522. 2

underscored material = new
[bracketed material] = delete

1 to train teachers to score writing portfolios;

2 (7) seven hundred fifty thousand dollars
3 (\$750,000) for expenditure in fiscal years 2001 through 2003
4 to contract with a consortium of colleges of education to
5 develop high school criterion-referenced end-of-course tests,
6 and any unexpended or unencumbered balance remaining at the
7 end of fiscal year 2003 shall revert to the general fund;

8 (8) sixty thousand dollars (\$60,000) for
9 expenditure in fiscal years 2001 and 2002 to create, with
10 parent and student involvement, parent and student charters
11 enumerating parental and student responsibilities for student
12 achievement;

13 (9) thirty thousand dollars (\$30,000) to
14 develop a process whereby parents, businesses and community
15 members regularly review standards and assessment systems for
16 relevance and objectivity; and

17 (10) one hundred thousand dollars (\$100,000)
18 for expenditure in fiscal years 2001 and 2002 to conduct a
19 public information campaign promoting the importance of
20 parental involvement and school attendance.

21 B. Three million dollars (\$3,000,000) is
22 appropriated from the general fund to the probationary school
23 intervention fund for expenditure in fiscal year 2002 and
24 subsequent fiscal years to carry out the purposes of the
25 Probationary School Intervention Act. Any balance remaining

underscored material = new
[bracketed material] = delete

1 at the end of a fiscal year shall not revert to the general
2 fund.

3 Section 9. EARLY INTERVENTION APPROPRIATIONS. -- The
4 following amounts are appropriated from the general fund to
5 the department of health for expenditure in fiscal year 2002
6 for the following purposes, and any unexpended or unencumbered
7 balance remaining at the end of fiscal year 2002 shall revert
8 to the general fund:

9 A. eight thousand one hundred dollars (\$8,100) to
10 provide informational handouts that explain the important role
11 of literacy and a literacy-rich environment in childhood
12 development and academic success to parents at hospitals,
13 clinics and doctors' offices;

14 B. five hundred thousand dollars (\$500,000) for
15 grants to local school districts currently working with their
16 local department of health offices to provide voluntary home
17 visiting programs; and

18 C. eighty thousand dollars (\$80,000) to develop
19 and provide for four training programs for best practice in
20 family development home visiting services in locations
21 accessible to providers statewide in conjunction with the
22 state department of public education, the children, youth and
23 families department and the human services department.

24 Section 10. DEPARTMENT APPROPRIATIONS. -- The following
25 amounts are appropriated from the general fund to the state

. 134522. 2

underscored material = new
[bracketed material] = delete

1 department of public education for expenditure in fiscal year
2 2002 unless otherwise specified for the purposes stated, and
3 any unexpended or unencumbered balance remaining at the end of
4 fiscal year 2002 shall revert to the general fund:

5 A. four hundred seventy-five thousand dollars
6 (\$475,000) to align salaries of licensed school employees in
7 the department to those in the professional educator licensing
8 and salary system; and

9 B. one million two hundred thousand dollars
10 (\$1,200,000) to fund the creation of regional service centers
11 pursuant to the Regional Service Center Act.

12 Section 11. PERMANENT FUND ECONOMIC STUDY
13 APPROPRIATION. --

14 A. One hundred fifty thousand dollars (\$150,000)
15 is appropriated from the general fund to the legislative
16 council service for expenditure in fiscal year 2002 for an
17 economic and fiscal impact study of the state's permanent
18 funds. Any unexpended or unencumbered balance remaining at
19 the end of fiscal year 2002 shall revert to the general fund.

20 B. The legislative council service shall
21 coordinate the study with the state investment council and the
22 state department of public education to conduct a broad-based
23 economic and fiscal impact study of the current state policies
24 underlying the accumulation of public funds into permanent
25 funds and the distribution of amounts from the funds based on

. 134522. 2

underscored material = new
[bracketed material] = delete

1 a policy of ensuring the long-term real value of the
2 distributions from the funds in relation to the state's
3 operating budget. The study shall:

4 (1) include an economic and fiscal analysis
5 of the costs and benefits to the state of increasing the
6 distributions from the state's permanent funds and investing
7 that money in programs that will improve the quality of
8 education in New Mexico;

9 (2) quantify the potential economic gains of
10 investing in human resources of the state through improved
11 education compared to investing the money in financial assets
12 with immediate financial returns to the state; and

13 (3) measure the direct and indirect effect of
14 such investment on the state's revenue base and its
15 expenditure needs.

16 Section 12. EMERGENCY.--It is necessary for the public
17 peace, health and safety that this act take effect
18 immediately.