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**HOUSE BILL 188**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Rick Miera

**FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE**

**AN ACT**

**RELATING TO PUBLIC SCHOOLS; ENACTING THE STUDENT ENHANCEMENT  
ACT; CREATING A PROGRAM TO PROVIDE TUTORING AND OTHER ENHANCED  
LEARNING OPPORTUNITIES; CREATING A FUND; PROVIDING FOR A  
COMPETITIVE AWARD PROCESS; PROVIDING POWERS AND DUTIES; MAKING  
AN APPROPRIATION.**

**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 Enhancement Act". "**

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

**"[NEW MATERIAL] PURPOSE. -- The purpose of the Student  
Enhancement Act is to provide academic and social enrichment**

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1 activities through tutoring and enhanced learning opportunities  
2 for students in grades six, seven and eight so that students  
3 will be motivated to remain in school and learn skills that  
4 will assist them to succeed in and graduate from high school. "

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

7 "[NEW MATERIAL] DEFINITIONS. --As used in the Student  
8 Enhancement Act:

9 A. "eligible school" means a public elementary  
10 school that enrolls students in grade six or a public middle or  
11 junior high school;

12 B. "enhanced learning opportunities" means:

13 (1) activities that support academic, social  
14 or leadership skills;

15 (2) before- and after-school tutoring  
16 activities and extended learning;

17 (3) mentorship and apprenticeship  
18 opportunities;

19 (4) activities designed to provide students  
20 with creative alternative learning experiences, including  
21 academic decathlon;

22 (5) academic or topical clubs such as science,  
23 homework, art, drama, literature, computer science,  
24 cheerleading, drill team, chess, journalism, mock trial, music,  
25 speech and student council; and

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1 (6) other extracurricular activities approved  
2 by the department of education; and

3 C. "fund" means the student enhancement fund."

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

6 "[NEW MATERIAL] STUDENT ENHANCEMENT PROGRAM - APPLICATIONS  
7 FOR FUNDING. --

8 A. A school district with more than one eligible  
9 school may create "student enhancement programs" to improve  
10 student performance. The programs shall provide enhanced  
11 learning opportunities that are over and above the regularly  
12 offered curriculum, and they may be conducted before, during or  
13 after regular school hours and on weekends and during  
14 vacations.

15 B. A school district may submit an application for  
16 funding to the department of education for each eligible school  
17 for its student enhancement program. The application shall be  
18 in a form approved by the department. The application shall  
19 describe the proposed enhanced learning opportunities, the  
20 number of students to be served, the amount of money to be  
21 expended for materials and other costs associated with the  
22 proposed program, as well as an evaluation plan that measures  
23 annual student progress.

24 C. The department of education shall establish  
25 criteria for awarding money to eligible schools through a

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1 competitive application process. The department shall give  
2 priority to those eligible schools that serve the greatest  
3 proportions of students in poverty as indicated by the number  
4 of students who are receiving free or reduced-fee lunch and  
5 that have a significant number of students who are performing  
6 below the proficiency level as indicated by the eligible  
7 school's designation as a school in need of improvement or a  
8 probationary school.

9 D. The department of education shall monitor the  
10 student enhancement programs and the enhanced learning  
11 opportunities provided by the programs and verify through  
12 budget and program review that each eligible school is  
13 complying with the provisions of the Student Enhancement Act  
14 and rules promulgated in accordance with that act. If the  
15 department determines that a program is not in compliance and  
16 is not meeting standards necessary to ensure the progress of  
17 students in the program, the department shall notify the school  
18 district that failure of the program to comply and meet  
19 standards will result in the cessation of funding for the  
20 program for the next school year. The department shall compile  
21 program results submitted by the school districts and make an  
22 annual report to the legislative education study committee.

23 E. The department of education shall promulgate  
24 rules to implement the provisions of the Student Enhancement  
25 Act. "

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

3 "[NEW MATERIAL] **FUND CREATED.** --

4 A. The "student enhancement fund" is created in the  
5 state treasury. The fund consists of money appropriated to the  
6 fund, earnings from investment of the fund, federal funds  
7 available for the purposes of the fund and gifts, grants and  
8 donations. The money in the fund shall not revert to any other  
9 fund at the end of a fiscal year. The department of education  
10 shall administer the fund, and money in the fund is  
11 appropriated to the department to carry out the purposes of the  
12 Student Enhancement Act. Money in the fund shall be expended  
13 upon warrant of the secretary of finance and administration  
14 pursuant to vouchers signed by the state superintendent or his  
15 authorized representative.

16 B. The department of education may provide awards  
17 from the fund based on competitive applications for eligible  
18 schools. Awards shall be provided directly to the eligible  
19 schools, and the money shall be used solely for expenditures  
20 approved in the application. "

21 Section 6. **APPROPRIATION.** -- One million dollars  
22 (\$1,000,000) is appropriated from the general fund to the  
23 student enhancement fund for expenditure in fiscal year 2004  
24 and subsequent fiscal years to carry out the purposes of the  
25 Student Enhancement Act. Any unexpended or unencumbered

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

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