

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 253

50th Legislature, 2nd Session, 2012

Tracking Number: .187950.3

Short Title: Remove School for Arts Money Restrictions

Sponsor(s): Senator Cynthia Nava

Analyst: David Harrell

Date: January 31, 2012

Bill Summary:

SB 253 amends the *New Mexico School for the Arts Act* to:

- allow the school to use state money, other than money through the State Equalization Guarantee (SEG), for its outreach activities and for room and board expenses of its students; and
- delete the provision that the school's failure to secure adequate funding for outreach and room and board expenses shall be grounds for denial or revocation of the school's charter.

Fiscal Impact:

SB 253 makes no appropriation.

Fiscal Issues:

Other than the restriction on the use of SEG funds, SB 253 does not indicate which public funds the School for the Arts might use for outreach and students' room and board expenses. Presumably, the bill contemplates direct legislative appropriations.

The analysis by the Public Education Department (PED) notes that SB 253 does not provide for a separate accounting of public funds that the bill would allow to be used for outreach and students' room and board; whereas current law, un-amended by SB 253, does require a separate accounting of private funds used for those purposes.

Substantive Issues:

The PED analysis notes that, when its charter was being considered, the School for the Arts "specifically committed to the Legislature that funding for room and board would not come from state resources in the future but would come from private sources."

Technical Issues:

Because the title of the bill does not indicate the second of two major provisions noted under "Bill Summary," above, SB 253 may implicate Article 4, Section 16 of the Constitution of New Mexico, which requires that the subject of every bill "be clearly expressed in its title."

While this second provision does involve the removal of the restriction on the use of public funds, it more directly affects the terms of the charter itself.

Background:

Authorized by the Public Education Commission (PEC) as a state-chartered charter school, the New Mexico School for the Arts is unique among the 84 charter schools operating in school year 2011-2012. Created under its own act, though subject to most of the provisions of the *Charter Schools Act*, this school does not admit students on a first-come, first-served basis or a lottery, as all other charter schools do; rather, according to testimony to the LESC in 2010, admissions are “based on a written application, teacher recommendations and subsequent auditions . . . Students are selected based on their passion, promise or aptitude in the arts.” This testimony also stated that the school offers a dual curriculum that leads not only to a high school diploma but also to pre-professional training in dance, music, theater, and visual arts.

Also unlike other charter schools, the School for the Arts has residential facilities for students whose homes are far from Santa Fe. In 2010, students resided on the campus of the New Mexico School for the Deaf. The *New Mexico School for the Arts Act* requires the governing board, “to the greatest extent possible and without jeopardizing admissions standards,” to admit an equal number of students from each of the state’s three congressional districts.

Finally, the bill that became the *New Mexico School for the Arts Act* (SB 34, 2008) was endorsed by the LESC.

Related Bills:

None as of January 31, 2012.