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SENATE BILL 601

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

INTRODUCED BY

Joseph J. Carraro

AN ACT

RELATING TO EDUCATION; PROVIDING FOR ELEMENTARY AND SECONDARY SCHOOL VOUCHERS; AUTHORIZING REDEMPTION OF VOUCHERS AT PUBLIC SCHOOLS; AMENDING AND ENACTING SECTIONS OF THE PUBLIC SCHOOL CODE.

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. -- Sections 1 through 8 of this act may be cited as the "Elementary and Secondary School 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:

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1 (1) every family in New Mexico should have
2 the option to take advantage of the best educational
3 opportunities available to their school-age children;

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

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

11 (4) low-income families should not be denied
12 educational choices for their school-age children.

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

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

20 "[NEW MATERIAL] DEFINITIONS.--As used in the Elementary
21 and Secondary School Voucher Act:

22 A. "family income" means the income of a student's
23 parent or legal guardian who resides with the student at the
24 student's principal residence;

25 B. "federal poverty guidelines" means the level of

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1 income defining poverty by family size published annually in
2 the federal register by the United States department of health
3 and human services;

4 C. "program" means the elementary and secondary
5 school voucher program; and

6 D. "voucher note" means a note that will be issued
7 to a qualifying parent through the department of education
8 that can be used to educate his child at any public school as
9 defined in the Public School Code. "

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

12 "[NEW MATERIAL] ADMINISTRATION OF THE PROGRAM - ADOPTING
13 RULES. --

14 A. The department of education shall establish and
15 bear the cost of administering the program.

16 B. The state board shall promulgate rules to
17 implement and operate the program.

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

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

24 "[NEW MATERIAL] ELIGIBLE STUDENTS. --

25 A. A student who is a resident of New Mexico and

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1 is at least five years of age prior to 12:01 a.m. September 1
2 of the school year or is a developmentally disabled three- or
3 four-year-old child is eligible to participate in the program
4 if his family meets the following criteria:

5 (1) for the 1999-2000 school year, the
6 student's family income in 1998 does not exceed one hundred
7 percent of the 1998 federal poverty guidelines;

8 (2) for the 2000-2001 school year, the
9 student's family income in 1999 does not exceed one hundred
10 eighty-five percent of the 1999 federal poverty guidelines;
11 and

12 (3) for the 2001-2002 school year, the
13 student's family income in 2000 does not exceed two hundred
14 thirty-five percent of the 2000 federal poverty guidelines.

15 B. For the 2002-2003 school year and subsequent
16 years, all students shall be eligible to participate in the
17 program "

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

20 "[NEW MATERIAL] PROCEDURES FOR USING VOUCHER NOTES. --

21 A. A parent may use a voucher note to enroll his
22 child in a public school outside of the school district in
23 which the child resides.

24 B. A school district shall adopt specific, written
25 standards for acceptance and rejection of voucher notes

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1 provided for in the Elementary and Secondary School Voucher
2 Act based on the capacity of a program, class size, grade
3 level or school buildings.

4 C. Not earlier than March 1 and not later than
5 July 1 prior to the beginning of a school year, a student's
6 parent or legal guardian may apply to the state superintendent
7 to participate in the program. The state superintendent may
8 waive the application deadline. The application shall contain
9 the following information:

- 10 (1) the student's name and address;
- 11 (2) the student's date of birth;
- 12 (3) the student's social security number;
- 13 (4) the student's school attendance zone;
- 14 (5) the student's grade level;
- 15 (6) the name and address of the student's
16 parent or legal guardian who is residing with the child;

17 (7) for a parent or legal guardian who
18 resides with the student at the student's principal residence,
19 until the 2002-2003 school year copies of:

- 20 (a) the student's parent's or legal
21 guardian's three most recent paycheck receipts for all
22 employment;
- 23 (b) a signed statement by the parent's
24 or legal guardian's employer indicating his weekly, biweekly
25 or annual net earnings; or

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1 (c) a signed statement by the parent or
2 legal guardian that he is self-employed and that indicates his
3 annual net earnings and a copy of his most recent income tax
4 return;

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, tuition, fees and address of
13 the public school to which the student intends to apply.

14 D. No later than forty-five days after the
15 application is received, the state superintendent shall act on
16 the application, notify the parent or legal guardian of the
17 value of the voucher note and issue the voucher note if the
18 application is approved.

19 E. The voucher note shall be issued to the student
20 in the care of the student's parent or legal guardian. The
21 voucher note 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

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1 attend. The state shall not decide which school a student may
2 attend. The state shall not advise or influence the student's
3 selection of a school.

4 G. Not later than August 15 of each year, the
5 state superintendent shall report to the school districts the
6 ages, school attendance zones and voucher values of students
7 participating in the program "

8 Section 8. A new section of the Public School Code is
9 enacted to read:

10 "[NEW MATERIAL] VOUCHER NOTES--REDEMPTION. --

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

23 B. A school district shall redeem the value of the
24 voucher note from the department of education in the following
25 installments: twenty-five percent of the value determined in

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1 Subsection A of this section in September, twenty-five percent
2 of the value determined in Subsection A of this section in
3 November, twenty-five percent of the value determined in
4 Subsection A of this section in February and twenty-five
5 percent of the value determined in Subsection A of this
6 section in May. The installments shall be paid on the first
7 day of the applicable month.

8 C. If a parent or legal guardian disenrolls a
9 student from a public school and enrolls the student in
10 another public school during the school year, the parent or
11 legal guardian shall notify the department of education. Upon
12 proof of enrollment in a public school, the remaining
13 redemption installments shall be made to the school district
14 in which the public school is located. "

15 Section 9. Section 22-12-5 NMSA 1978 (being Laws 1967,
16 Chapter 16, Section 172, as amended) is amended to read:

17 "22-12-5. SCHOOL ATTENDANCE. --

18 A. Local school boards may admit school-age
19 persons who do not live within the school district to the
20 public schools within the school district [~~when there are~~
21 ~~sufficient school accommodations to provide for them~~].

22 B. Local school boards may permit school-age
23 persons to transfer to a school outside the child's attendance
24 zone but within the school district [~~when there are sufficient~~
25 ~~school accommodations to provide for them~~].

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C. Local school boards may charge a tuition fee for the right to attend public school within the school district only to those school-age persons who do not live within the state or to school-age persons who transfer pursuant to the Elementary and Secondary School Voucher Act. The tuition fee shall not exceed the amount generated by the public school fund for a school-age person similarly situated within the school district for the current school year.

D. When the parent or guardian of a student not living in the state pays an ad valorem property tax for school purposes within the district, the amount of the tuition payable for the school year shall be reduced by the district average ad valorem tax per pupil as determined by the ad valorem tax credit utilized in calculating state equalization guarantee distribution. "

1 FORTY-FOURTH LEGISLATURE

SB 601/a

2 FIRST SESSION, 1999

3
4
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6 March 14, 1999

7
8 Mr. President:

9
10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 SENATE BILL 601

13
14 has had it under consideration and reports same WITHOUT
15 RECOMMENDATION, amended as follows:

16
17 1. On page 1, line 13, strike "AMENDING AND".

18
19 2. On page 1, lines 19 and 20, strike "Sections 1 through 8
20 of this" and insert in lieu thereof "This".

21
22 3. On page 2, strike lines 22 through 25 and on page 3,
23 strike lines 1 through 3.

24
25 4. Reletter the succeeding subsections accordingly.

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5. On page 3, line 17, before the period insert ", including rules to provide for an administrative appeal process".

6. On page 3, line 25, strike the subsection designation "A."

7. On page 4, line 3, after "program" insert a period and a quotation mark.

8. On page 4, strike lines 4 through 17.

9. On page 4, line 22, strike "a" and insert in lieu thereof "any".

10. On page 5, strike lines 17 through 25 and on page 6, strike lines 1 through 4.

11. Renumber the succeeding paragraphs accordingly.

12. On page 7, between lines 7 and 8 insert the following subsection:

FORTY-FOURTH LEGISLATURE

FIRST SESSION, 1999

SEC/SB 601

Page 2

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"H. The parent or legal guardian shall be responsible for the student's transportation to school unless the school district agrees to provide transportation."

13. On pages 8 and 9, strike Section 9 in its entirety., and thence referred to the **FINANCE COMMITTEE.**

Respectfully submitted,

Cynthia Nava, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 3 Against

Yes: 5

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No: Nava, Pinto, Rodriguez

Excused: Garcia, Lopez

1 Absent: None

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