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HOUSE BILL 11

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

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO EDUCATION; PROVIDING FOR OPTIONAL PRESCHOOL AND  
FAMILY SUPPORT PROGRAMS IN THE PUBLIC SCHOOLS; MAKING AN  
APPROPRIATION; DECLARING AN EMERGENCY.

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] PURPOSE. --The purpose of an optional  
preschool and family support program is to ensure that  
participating children receive the support they need both at  
home and at school so that when they enter first grade they  
are prepared to learn."

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

"[NEW MATERIAL] OPTIONAL PRESCHOOL AND FAMILY SUPPORT

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1 PROGRAM --

2 A. The department of education, upon approval of  
3 an optional preschool and family support program for  
4 participating students from age three through kindergarten,  
5 shall distribute money to those school districts that address  
6 program elements established by the department of education,  
7 including:

- 8 (1) initial implementation or expansion of  
9 full-day kindergarten;
- 10 (2) initial implementation or expansion of  
11 half-day programs for students age three through five; and
- 12 (3) training for parents.

13 B. In requesting funding for optional preschool  
14 and family support programs, school districts may establish  
15 partnerships with local community-based public or private  
16 programs. Each funded proposal shall include documentation of  
17 a community needs assessment, an explanation of the ways in  
18 which the selected program will meet those needs and a family  
19 involvement component that is based on family support  
20 education principles for each of the program elements. "

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

23 "[NEW MATERIAL] PROGRAM APPROVAL. --

24 A. An approved preschool and family support  
25 program shall serve those students from age three through

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1 kindergarten most in need based upon age-appropriate  
2 assessments, address cultural diversity and provide family  
3 support education.

4 B. An approved preschool and family support  
5 program, in addition to programs already offered pursuant to  
6 Section 22-2-8.3 NMSA 1978, may consist of one or more of the  
7 following:

8 (1) pre-kindergarten, which must consist of  
9 half-day programs, two and one-half hours per day or four  
10 hundred fifty hours per year; and

11 (2) kindergarten, which must consist of full-  
12 day programs, five hours per day or nine hundred hours per  
13 year.

14 C. An approved preschool and family support  
15 program shall demonstrate the following components:

16 (1) age-appropriate developmental activities;

17 (2) research-based literacy materials  
18 appropriate to the age of the students;

19 (3) effective instructional techniques that  
20 incorporate the most recent research in early childhood  
21 development;

22 (4) training for teachers and parents; and

23 (5) annual pre- and post-program assessments  
24 for students that clearly reveal student outcomes.

25 D. School districts that receive funding for an

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1 optional preschool and family support program shall evaluate  
2 and document the results of the program in terms of the number  
3 of students and families served, the services provided and the  
4 gains achieved by the students and their families and report  
5 those results to the department of education.

6 E. Student and family participation in a preschool  
7 and family support program shall be voluntary on the part of  
8 parents or guardians. "

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

11 "[NEW MATERIAL] DUTIES OF THE DEPARTMENT OF EDUCATION. --

12 A. By July 1, 1999, the department of education  
13 shall develop an approval process for preschool and family  
14 support programs and disseminate instructions for that process  
15 to all school districts and provide technical assistance in  
16 developing proposals. The department shall define approval  
17 criteria, establish content standards and benchmarks that  
18 ensure students' progress and provide accountability to the  
19 public.

20 B. The department of education shall monitor  
21 preschool and family support programs and ensure that they  
22 serve the students most in need based upon age-appropriate  
23 assessments. If the department determines that a program is  
24 not meeting the benchmarks necessary to ensure the progress of  
25 students in the program, the department shall notify the

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1 school district that failure of the program to meet the  
2 benchmarks within sixty days shall result in the cessation of  
3 funding for the program. The department of education shall  
4 compile the program results submitted by the school districts  
5 and make an annual report to the legislative education study  
6 committee. "

7 Section 5. Section 22-2-2 NMSA 1978 (being Laws 1967,  
8 Chapter 16, Section 5, as amended) is amended to read:

9 "22-2-2. STATE BOARD--DUTIES.-- Without limiting those  
10 powers granted to the state board pursuant to Section 22-2-1  
11 NMSA 1978, the state board shall perform the following duties:

- 12 A. properly and uniformly enforce the provisions  
13 of the Public School Code;
- 14 B. determine policy for the operation of all  
15 public schools and vocational education programs in the state;
- 16 C. appoint a state superintendent;
- 17 D. purchase and loan instructional material to  
18 students pursuant to the Instructional Material Law and adopt  
19 rules relating to the use and operation of instructional  
20 material depositories in the instructional material  
21 distribution process;
- 22 E. designate courses of instruction to be taught  
23 in all public schools in the state;
- 24 F. assess and evaluate all state institutions and  
25 those private schools that desire state accreditation;

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1 G. determine the qualifications for and issue a  
2 certificate to [~~any~~] a person teaching, assisting teachers,  
3 supervising an instructional program, counseling, providing  
4 special instructional services or administering in public  
5 schools, according to law and according to a system of  
6 classification adopted and published by the state board;

7 H. suspend or revoke a certificate held by a  
8 certified school instructor or certified school administrator,  
9 according to law, for incompetency, immorality or for [~~any~~]  
10 other good and just cause;

11 I. make full and complete reports on consolidation  
12 of school districts to the legislature;

13 J. prescribe courses of instruction, requirements  
14 for graduation and standards for all public schools,  
15 including, from July 1, 1999 through June 30, 2002, preschool  
16 and family support programs offered by the public schools, for  
17 private schools seeking state accreditation and for the  
18 educational programs conducted in state institutions other  
19 than the New Mexico military institute;

20 K. adopt rules for the administration of all  
21 public schools and bylaws for its own administration;

22 L. require periodic reports on forms prescribed by  
23 it from all public schools and attendance reports from private  
24 schools;

25 M. authorize adult educational programs to be

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1 conducted in schools under its jurisdiction and adopt and  
2 promulgate rules governing all such adult educational  
3 programs;

4 N. require [~~any~~] a school under its jurisdiction  
5 that sponsors athletic programs involving sports to mandate  
6 that the participating student obtain catastrophic health and  
7 accident insurance coverage, such coverage to be offered  
8 through the school and issued by an insurance company duly  
9 licensed pursuant to the laws of New Mexico;

10 O. require all accrediting agencies for public  
11 schools in the state to act with its approval;

12 P. accept and receive all grants of money from the  
13 federal government or [~~any other~~] another agency for public  
14 school purposes and disburse the money in the manner and for  
15 the purpose specified in the grant;

16 Q. require prior approval for any educational  
17 program in a public school that is to be conducted, sponsored,  
18 carried on or caused to be carried on by a private  
19 organization or agency;

20 R. approve or disapprove all rules promulgated by  
21 [~~any~~] an association or organization attempting to regulate  
22 [~~any~~] a public school activity and invalidate [~~any~~] a rule in  
23 conflict with [~~any rule~~] rules promulgated by the state board.  
24 The state board shall require any association or organization  
25 attempting to regulate [~~any~~] a public school activity to

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1 comply with the provisions of the Open Meetings Act and be  
2 subject to the inspection of the Public Records Act. The  
3 state board may require performance and financial audits of  
4 [any] an association or organization attempting to regulate  
5 [any] a public school activity. The state board shall have no  
6 power or control over the rules or the bylaws governing the  
7 administration of the internal organization of the association  
8 or organization;

9 S. review decisions made by the governing board or  
10 officials of [any] a organization or association regulating  
11 [any] a public school activity, and [any] a decision of the  
12 state board shall be final in respect thereto;

13 T. accept or reject [any] a charitable gift,  
14 grant, devise or bequest. The particular gift, grant, devise  
15 or bequest accepted shall be considered an asset of the state;

16 U. establish and maintain regional centers, at its  
17 discretion, for conducting cooperative services between public  
18 schools and school districts within and among those regions  
19 and to facilitate regulation and evaluation of school  
20 programs;

21 V. assess and evaluate for accreditation purposes  
22 at least one-third of all public schools each year through  
23 visits by department of education personnel to investigate the  
24 adequacy of pupil gain in standard required subject matter,  
25 adequacy of pupil activities, functional feasibility of public



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1 school and school district organization, adequacy of staff  
2 preparation and other matters bearing upon the education of  
3 the students;

4 W. provide for management and other necessary  
5 personnel to operate [~~any~~] a public school or school district  
6 that has failed to meet requirements of law, state board  
7 standards or state board rules; provided that the operation of  
8 the public school or school district shall not include [~~any~~] a  
9 consolidation or reorganization without the approval of the  
10 local board of that school district. Until such time as  
11 requirements of law, standards or rules have been met and  
12 compliance is assured, the powers and duties of the local  
13 school board shall be suspended;

14 X. establish and implement a plan that provides  
15 for technical assistance to local school boards through  
16 workshops and other in-service training methods; provided,  
17 however, that no plan shall require mandatory attendance by  
18 [~~any~~] a member of a local school board;

19 Y. submit a plan applying for funds available  
20 [~~under~~] pursuant to Public Law 94-142 and disburse these funds  
21 in the manner and for the purposes specified in the plan;

22 Z. enforce requirements for home schools. Upon  
23 finding that a home school is not in compliance with law, the  
24 state board has authority to order that a student attend a  
25 public school or a private school; and

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1           AA. develop a systemic framework for professional  
2 development that provides training to ensure quality teachers  
3 and principals and that improves and enhances student  
4 achievement. The state board shall work with public school  
5 educators, the commission on higher education and institutions  
6 of higher education to establish the framework. The framework  
7 shall include:

8                   (1) the criteria for school districts to  
9 apply for professional development funds, including an  
10 evaluation component that will be used by the department of  
11 education in approving local school district professional  
12 development plans; and

13                   (2) guidelines for developing extensive  
14 professional development activities for school districts,  
15 including teaching strategies, curriculum materials, distance  
16 learning networks and web sites to ensure that the state  
17 board's rules pertaining to content standards and benchmarks  
18 are used by New Mexico teachers. "

19           Section 6. Section 22-8-2 NMSA 1978 (being Laws 1978,  
20 Chapter 128, Section 3, as amended) is amended to read:

21           "22-8-2. DEFINITIONS. -- As used in the Public School  
22 Finance Act:

- 23                   A. "ADM" or "MEM" means membership;
- 24                   B. "membership" means the total enrollment of
- 25 qualified students on the current roll of a class or school on

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1 a specified day. The current roll is established by the  
2 addition of original entries and reentries minus withdrawals.  
3 Withdrawals of students, in addition to students formally  
4 withdrawn from the public school, include students absent from  
5 the public school for as many as ten consecutive school days;

6 C. "basic program ADM" or "basic program MEM"  
7 means the MEM of qualified students but excludes the full-  
8 time-equivalent MEM in early childhood education and three-  
9 and four-year-old students receiving special education  
10 services;

11 D. "cost differential factor" is the numerical  
12 expression of the ratio of the cost of a particular segment of  
13 the school program to the cost of the basic program in grades  
14 four through six;

15 E. "department" or "division" means the state  
16 department of public education;

17 F. "early childhood education ADM" or "early  
18 childhood education MEM" means the full-time-equivalent MEM of  
19 students attending approved early childhood education  
20 programs;

21 G. "full-time-equivalent ADM" or "full-time-  
22 equivalent MEM" is that membership calculated by applying to  
23 the MEM in an approved public school program the ratio of the  
24 number of hours per school day devoted to the program to six  
25 hours or the number of hours per school week devoted to the

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1 program to thirty hours;

2 H. "operating budget" means the annual financial  
3 plan required to be submitted by a local school board;

4 I. "program cost" is the product of the total  
5 number of program units to which a school district is entitled  
6 multiplied by the dollar value per program unit established by  
7 the legislature;

8 J. "program element" is that component of a public  
9 school system to which a cost differential factor is applied  
10 to determine the number of program units to which a school  
11 district is entitled, including but not limited to MEM, full-  
12 time-equivalent MEM, teacher, classroom or public school;

13 K. "program unit" is the product of the program  
14 element multiplied by the applicable cost differential factor;

15 L. "public money" or "public funds" means all  
16 money from public or private sources received by a local  
17 school board or officer or employee of a local school board  
18 for public use;

19 M "qualified student" means a public school  
20 student who:

21 (1) has not graduated from high school;

22 (2) is regularly enrolled in one-half or more  
23 of the minimum course requirements approved by the state board  
24 for public school students; and

25 (3) is at least five years of age prior to

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1 12:01 a.m. on September 1 of the school year; or

2 (4) is at least three years of age at any  
3 time during the school year and is either receiving special  
4 education services pursuant to regulation of the state board  
5 or, from July 1, 1999 through June 30, 2002, is enrolled in an  
6 approved preschool and family support program; or

7 (5) has not reached his twenty-second  
8 birthday on the first day of the school year and is receiving  
9 special education services pursuant to regulation of the state  
10 board; and

11 N. "state superintendent" means the superintendent  
12 of public instruction or his designee. "

13 Section 7. Section 22-8-19 NMSA 1978 (being Laws 1974,  
14 Chapter 8, Section 9, as amended) is amended to read:

15 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS. --

16 A. The number of early childhood education program  
17 units is determined by multiplying the early childhood  
18 education MEM by the cost differential factor 1.44. No early  
19 childhood education student shall be counted for more than 0.5  
20 early childhood education MEM

21 B. For the purpose of calculating early childhood  
22 education program units, developmentally disabled three- and  
23 four-year-old students shall be counted in early childhood  
24 education membership. No developmentally disabled three- or  
25 four-year-old student shall be counted for more than 0.5 early

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1 childhood education MEM

2 C. Effective from July 1, 1999 through June 30,  
3 2001, the number of optional preschool and family support  
4 program units is determined by multiplying the number of  
5 students in programs for three- and four-year-old  
6 developmentally disabled students and the number of students  
7 in kindergarten by the district's at-risk index multiplied by  
8 0.865.

9 D. Effective from July 1, 2001 through June 30,  
10 2002, the number of optional preschool and family support  
11 program units is determined by multiplying the membership of  
12 approved preschool and family support programs by the  
13 district's at-risk index. "

14 Section 8. APPROPRIATION. --Four million five hundred  
15 thousand dollars (\$4,500,000) is appropriated from the general  
16 fund to the state department of public education for  
17 expenditure in fiscal year 2000 for the purpose of funding  
18 additional program units in preschool and family support  
19 education at the program unit value established by the  
20 superintendent of public instruction. Any unexpended or  
21 unencumbered balance remaining at the end of fiscal year 2000  
22 shall not revert to the general fund.

23 Section 9. DELAYED REPEAL. --Sections 1 through 4 of this  
24 act are repealed effective July 1, 2002.

25 Section 10. EMERGENCY. --It is necessary for the public

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1 peace, health and safety that this act take effect  
2 immediately.

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