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HOUSE BILL 27

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

INTRODUCED BY

Terry T. Marquardt

AN ACT

**RELATING TO SCHOOL VOUCHERS FOR ELEMENTARY AND SECONDARY
EDUCATION; AUTHORIZING REDEMPTION OF VOUCHERS AT PUBLIC
SCHOOLS.**

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 Choice 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:

**(1) families in New Mexico should have the
option to take advantage of the best public school educational**

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1 opportunities available to their school-age children;

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

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

9 (4) families should not be denied educational
10 choices for their school-age children.

11 B. The purpose of the Student Choice Act is to
12 establish a voucher program that provides New Mexico's
13 students the opportunity to attend their choice of public
14 schools in order to best suit their individual needs and
15 interests. "

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

18 "[NEW MATERIAL] DEFINITIONS. -- As used in the Student
19 Choice Act:

20 A. "program" means the student choice voucher
21 program; and

22 B. "voucher" means an instrument issued to a
23 qualifying parent through the department of education that can
24 be used to educate his child at any public school. "

25 Section 4. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] ADMINISTRATION OF THE PROGRAM- ADOPTING
3 RULES. --

4 A. The department of education shall establish and
5 bear the cost of administering the program.

6 B. The state board shall establish guidelines for
7 the implementation and operation of the program.

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

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

14 "[NEW MATERIAL] ELIGIBLE STUDENTS. --A student who is a
15 resident of New Mexico, is at least five years of age prior to
16 12:01 a.m. September 1 of the school year or is a
17 developmentally disabled three- or four-year-old child is
18 eligible to participate in the program if the following
19 criteria are met:

20 A. for the 1999-2000 school year, the student
21 resides in a class A county or a class B county with a
22 population of greater than ninety-five thousand and a net
23 taxable value for property taxation purposes of greater than
24 two billion dollars (\$2,000,000,000);

25 B. for the 2000-2001 school year, the student

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1 resides in a class B county not described in Subsection A of
2 this section; and

3 C. for the 2001-2002 school year and all
4 subsequent school years, the student resides in any county not
5 covered by Subsection A or B of this section. "

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

8 "[NEW MATERIAL] PROCEDURES FOR USING VOUCHERS. --

9 A. A parent may use a voucher to enroll his child
10 in a public school outside of the school district in which the
11 child resides.

12 B. A school district must accept for enrollment
13 any student with a voucher provided for in the Student Choice
14 Act.

15 C. Not earlier than February 15 and not later than
16 May 15 prior to the beginning of a school year, a student's
17 parent or legal guardian may apply to the school district
18 superintendent of the district in which the student resides to
19 participate in the program. The school district
20 superintendent may waive the application deadline. For a
21 student applying to attend a public school outside of the
22 student's attendance zone, the department may require that the
23 application contain the following information:

- 24 (1) the student's name and address;
25 (2) the student's date of birth;

1 (3) the student's social security number;

2 (4) the student's school attendance zone;

3 (5) the student's grade level;

4 (6) the name and address of the student's
5 parent or legal guardian who is residing with the child;

6 (7) for a parent or legal guardian who
7 resides with the student at the student's principal residence,
8 when required by the school district superintendent, proof of
9 income eligibility;

10 (8) whether the student was enrolled in a
11 class A, B, C or D special education program in the prior
12 school year or, for a child entering school for the first
13 time, whether the child has a diagnosed developmental
14 disability or learning disorder;

15 (9) whether the student speaks a language
16 other than English as his principal language; and

17 (10) the name of the public school to which
18 the student intends to apply.

19 D. No later than thirty days after the application
20 is received, the school district superintendent receiving an
21 application shall act on it, notify the parent or legal
22 guardian of the value of the voucher and issue the voucher if
23 the application is approved.

24 E. The voucher shall be issued to the student by
25 July 1 in the care of the student's parent or legal guardian.

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1 The voucher shall not be issued to the school district
2 containing the public school that the student chooses to
3 attend.

4 F. The student and his parent or legal guardian
5 shall solely select the public school the student chooses to
6 attend. The state shall not decide which school a student may
7 attend. The state shall not advise or influence the student's
8 selection of a school.

9 G. Not later than August 15 of each year, the
10 school district superintendent shall report to the department
11 of education the ages, school attendance zones and voucher
12 values of students participating in the program "

13 Section 7. A new section of the Public School Code is
14 enacted to read:

15 "[NEW MATERIAL] VOUCHERS--REDEMPTION.--

16 A. The value of the voucher shall be equal to the
17 amount of money generated by the student through the state
18 equalization guarantee distribution provided in the Public
19 School Finance Act and the student's proportionate per student
20 amount for transportation and other related educational
21 expenses as if the student had attended a public school in his
22 school attendance zone, including any size or training and
23 experience adjustment for the school district or the public
24 school. The value of the voucher shall also include a
25 proportionate allocation for the school district's at-risk

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1 funding. The department of education shall calculate the
2 value of a student's voucher using the state equalization
3 guarantee distribution formula.

4 B. A public school located outside of the
5 student's attendance zone shall redeem the value of the
6 voucher from the school district issuing it in the following
7 installments: twenty-five percent of the value determined in
8 Subsection A of this section in September; twenty-five percent
9 of the value determined in Subsection A of this section in
10 November; twenty-five percent of the value determined in
11 Subsection A of this section in February; and twenty-five
12 percent of the value determined in Subsection A of this
13 section in May. The installments shall be paid on the first
14 day of the applicable month.

15 C. If a parent or legal guardian disenrolls a
16 student from one public school and enrolls the student in
17 another public school during the school year, the parent or
18 legal guardian shall, in writing, notify the local school
19 district. Upon proof of enrollment in another public school,
20 the remaining redemption installments shall be made to the
21 school district in which the public school is located. "