

AN ACT

RELATING TO EDUCATION; AMENDING THE INCENTIVES FOR SCHOOL IMPROVEMENT ACT TO INCLUDE INTERVENTIONS FOR SCHOOL IMPROVEMENT; CHANGING THE DISTRIBUTION OF THE INCENTIVES FOR SCHOOL IMPROVEMENT FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-13A-2 NMSA 1978 (being Laws 1989, Chapter 137, Section 2, as amended) is amended to read:

"22-13A-2. PURPOSE.--The purpose of the Incentives for School Improvement Act is to provide financial incentives to individual public schools that exceed expected academic performance and to provide financial and other assistance to public schools identified as most in need of improvement."

Section 2. Section 22-13A-3 NMSA 1978 (being Laws 1989, Chapter 137, Section 3) is amended to read:

"22-13A-3. DEFINITIONS.--As used in the Incentives for School Improvement Act:

A. "department" means the state department of public education;

B. "fund" means the incentives for school improvement fund;

C. "program" means the incentives and interventions for school improvement program; and

D. "state board" means the state board of education."

Section 3. Section 22-13A-4 NMSA 1978 (being Laws

1989, Chapter 137, Section 4, as amended) is amended to read:

"22-13A-4. PROGRAM CREATED--ADMINISTRATION--PROGRAM APPROVAL.--The "incentives and interventions for school improvement program" is created. The program shall be administered by the department. The department shall develop a standardized method to measure the progress of students enrolled in public schools in school districts throughout the state. The standardized method developed shall be reviewed and approved by the state board."

Section 4. Section 22-13A-5 NMSA 1978 (being Laws 1989, Chapter 137, Section 5, as amended) is amended to read:

"22-13A-5. INCENTIVES FOR SCHOOL IMPROVEMENT-- MEASUREMENT CRITERIA.--

A. The department shall develop an incentive for school improvement formula by which to measure school achievement in the areas of academic performance with consideration of socioeconomic variables. The product of this formula shall take the form of a composite rating assigned to each school in every school district.

B. Academic performance shall be measured by:

- (1) nationally standardized test scores;
- (2) graduation competency scores; and
- (3) other factors deemed relevant by the department.

C. The socioeconomic variables shall be measured by:

- (1) student mobility rates;
- (2) the percentage of limited English-proficient students, using criteria established by the federal office of civil rights;
- (3) the percentage of students eligible for free and reduced-fee lunches; and
- (4) other factors deemed relevant by the department.

D. Annually, the department shall assign a new composite rating to each public school. The department shall compare the new rating to the previous annual rating. Public schools increasing their composite rating shall be ranked in order. The public schools evidencing the greatest increase in rating shall receive monetary disbursements from the fund."

Section 5. A new section of the Incentives for School Improvement Act is enacted to read:

"INTERVENTIONS FOR SCHOOL IMPROVEMENT.--

A. The department shall develop an interventions for school improvement formula and process to identify public schools most in need of improvement, to establish time lines for plan development and implementation and to provide the necessary corrective actions and interventions. The state board shall identify the public schools most in need of improvement, shall authorize monetary allocations from the fund to implement a plan for school improvement approved by the department and shall assign an assistance team to help implement the plan.

B. The state superintendent or his designee, the school district superintendent and the president of the local school board or his designee shall hold a public meeting to inform the school district and community that a public school in the school district has been identified as most in need of improvement and requires intervention.

C. Public schools most in need of improvement shall involve their communities in developing intervention and improvement plans that contain:

(1) documentation of academic performance measures and other criteria as described in Sections 22-1-6 and 22-13A-5 NMSA 1978;

(2) measurable objectives to indicate the action that will be taken to address the identified concerns;

(3) benchmarks to indicate adequate yearly progress in implementing the plan for school improvement; and

(4) an estimate of the length of time and other resources necessary to achieve each objective in the plan.

D. The department-approved intervention and improvement plan shall be signed by the state superintendent, the superintendent of the school district and the president of the local school board, and they shall agree on the implementation and measurement of the intervention and improvement plan.

E. Before the end of the first school year of

the implementation of the intervention and improvement plan, the public school shall submit to the department a progress report addressing the components provided for in Subsection C of this section. If the department review of the progress report submitted by the public school determines that the public school has not met the objectives as measured by the benchmarks, the department may assign an assistance team to intervene during the second school year to assist in the implementation of the intervention and improvement plan.

F. If the state superintendent determines that a public school identified as most in need of improvement has not met the objectives as measured by the benchmarks for two consecutive years, then he shall take direct control of the public school pursuant to Section 22-2-14 NMSA 1978."

Section 6. Section 22-13A-6 NMSA 1978 (being Laws 1989, Chapter 137, Section 6, as amended) is amended to read:

"22-13A-6. FUND CREATED.--

A. The "incentives for school improvement fund" is created in the state treasury. The fund shall consist of state money appropriated to the fund, federal money allocated to the state for the purposes of the Incentives for School Improvement Act, undistributed annual balances and earnings of the fund and gifts or bequests made to the fund. The state treasurer shall invest the fund as other state funds are invested. The balance remaining in the fund at the end of the fiscal year shall not revert to the general fund.

B. The fund is appropriated to the department for the purpose of implementing and administering the Incentives for School Improvement Act. No more than three percent of the fund may be retained by the department for administrative purposes.

C. Sixty percent of the money in the fund other than that used for administrative purposes shall be distributed directly to public schools evidencing the greatest improvement as determined by the department. Disbursements shall be made only to that number of public schools constituting not more than ten percent of the student membership in the state. Distributions shall be made proportionately to public schools that qualify. Money received by a public school from the fund shall not be used for salaries, salary increases or bonuses. Money shall be used as determined by the public school principal and teachers in cooperation with other school employees and the community.

SB 40
Page 6

D. Forty percent of the money in the fund other than that used for administrative purposes shall be distributed directly to public schools identified as most in need of improvement. Disbursements for public schools identified as most in need of improvement shall be made only to those public schools identified by the state board; provided that no public school shall receive money for more than three consecutive years. Money received by a public school from the fund shall be used only to implement the department-approved intervention and improvement plan."

