

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE FINE ARTS EDUCATION ACT;
PROVIDING POWERS AND DUTIES; PROVIDING FUNDING FOR FINE ARTS IN
PUBLIC SCHOOLS THROUGH THE FUNDING FORMULA; PROVIDING FOR
PROGRAM COST CALCULATIONS.

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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:

"SHORT TITLE.--Sections 1 through 6 of this act may be cited as the "Fine Arts Education Act"."

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

"PURPOSE.--

A. The purpose of the Fine Arts Education Act is to encourage school districts to offer opportunities for elementary school students to participate in fine arts activities, including visual arts, music, theater and dance. B. Participation in fine arts programs encourages cognitive and affective development by:

- (1) focusing on a variety of learning styles and engaging students who might otherwise fail;
- (2) training students in complex thinking and learning;
- (3) helping students to devise creative solutions for problems;
- (4) providing students new challenges; and
- (5) teaching students how to work cooperatively with others and to understand and value diverse cultures."

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

"DEFINITION.--As used in the Fine Arts Education Act, "fine arts education programs" includes programs of education through which students participate in activities related to visual arts, music, theater and dance."

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

"STATE BOARD AND DEPARTMENT OF EDUCATION--POWERS AND DUTIES.--

A. The state board shall issue guidelines for the development and implementation of fine arts education programs.

B. The department of education shall:

(1) administer and enforce the provisions of the Fine Arts Education Act; and

(2) assist local school boards in developing and evaluating programs."

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

"PROGRAM PLAN AND EVALUATION.--

A. A local school board may prepare and submit to the department of education a fine arts education program plan in accordance with guidelines issued by the state board.

B. At a minimum, the plan shall include the fine arts education programs being taught, the ways in which the fine arts are being integrated into the curriculum and an evaluation component.

C. At yearly intervals, the local school board, the department of education and a parent advisory committee from the school district shall review the goals and priorities of the plan and make appropriate recommendations to the state

board."

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

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"FINE ARTS EDUCATION PROGRAMS--ELIGIBILITY FOR STATE FINANCIAL SUPPORT.--

A. To be eligible for state financial support, a fine arts education program shall:

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(1) provide for the educational needs of students in the areas of visual arts, music, theater or dance;

(2) integrate the fine arts into the curriculum;

(3) use certified school instructors to supervise those who are teaching the program if those persons do not hold valid teaching licenses in one or more of the disciplines included in fine arts education; and

(4) require background checks in accordance with Section 22-10-3.3 NMSA 1978.

B. A fine arts education program shall meet each requirement of Subsection A of this section and be approved by the department of education to be eligible for state financial support."

Section 7. Section 22-8-18 NMSA 1978 (being Laws 1974, Chapter 8, Section 8, as amended) is amended to read:

"22-8-18. PROGRAM COST CALCULATION--LOCAL SCHOOL BOARD RESPONSIBILITY.--

A. The total program units for the purpose of computing the program cost shall be calculated by multiplying the sum of the program units itemized as Paragraphs (1) through (5) in this subsection by the instructional staff training and

experience index and adding the program units itemized as Paragraphs (6) through (9) in this subsection. The itemized program units are as follows:

- (1) early childhood education;
- (2) basic education;
- (3) special education, adjusted by subtracting the units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;
- (4) bilingual multicultural education;
- (5) fine arts education;
- (6) size adjustment;
- (7) at-risk program;
- (8) enrollment growth or new district adjustment;
- (9) special education units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers; and
- (10) national board for professional teaching standards certification.

B. The total program cost calculated as prescribed in Subsection A of this section includes the cost of early childhood, special, bilingual multicultural, fine arts and vocational education and other remedial or enrichment programs. It is the responsibility of the local school board to determine its priorities in terms of the needs of the community served by that board. Funds generated under the Public School Finance Act are discretionary to local school boards, provided that the special program needs as enumerated in this section are met."

Section 8. A new section of the Public School Finance Act is enacted to read:

"FINE ARTS EDUCATION PROGRAM UNITS.--The number of fine arts education program units is determined by multiplying the full-time-equivalent MEM in programs implemented in accordance with the provisions of the Fine Arts Education Act by the cost differential factor of 0.0166 for fiscal year 2004, 0.0332 for fiscal year 2005 and 0.05 for fiscal year 2006 and succeeding fiscal years."

Section 9. A new section of the Public School Finance Act, Section 22-8-23.4 NMSA 1978, is enacted to read:

"22-8-23.4. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS--CERTIFIED TEACHERS PROGRAM UNITS.--The number of program units for teachers certified by the national board for professional teaching standards is determined by multiplying by one and one-half the number of teachers certified by the national board for professional teaching standards employed by the school district on or before the fortieth day of the school year and verified by the department. Department approval of these units shall be contingent on verification by the school district that these teachers are receiving a one-time salary differential equal to or greater than the amount generated by the units multiplied by the program unit value during the fiscal year in which the school district will receive these units."

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