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SENATE BILL 300

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Manny M. Aragon

AN ACT

RELATING TO EDUCATION; PROVIDING FOR PARENTAL SCHOOL CHOICE
SCHOLARSHIPS FOR CERTAIN PUBLIC SCHOOL STUDENTS; AUTHORIZING
REDEMPTION OF STUDENT SCHOLARSHIPS AT ELIGIBLE PUBLIC AND
PRIVATE SCHOOLS; CREATING A PILOT PROGRAM; MAKING AN
APPROPRIATION.

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
"Parental School 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:

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

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

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

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

13 (5) a program for parental school choice
14 scholarships should be established for students living in
15 school attendance zones or school districts with historically
16 high percentages of dropouts, low-income students or low test
17 scores; wide student achievement gaps between ethnic groups; or
18 a high incidence of schools identified as schools in need of
19 improvement, probationary schools and corrective action
20 schools.

21 B. The purpose of the Parental School Choice Act is
22 to establish a pilot program that provides eligible students
23 the opportunity to attend their parents' choice of public or
24 private school in order to best suit their individual needs and
25 interests. The program shall include public and private

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1 schools so that affected students, through their parents, will
2 have the option and financial empowerment of school choice."

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

5 "[NEW MATERIAL] DEFINITIONS.--As used in the Parental
6 School Choice Act:

7 A. "eligible public or private school" means a
8 public or private school that teaches one or all grades from
9 kindergarten through eighth grade and that registers with the
10 department to participate in the program;

11 B. "family income" means the income of a student's
12 parent who resides with the student at the student's principal
13 residence;

14 C. "federal poverty guidelines" means the level of
15 income defining poverty by family size published annually in
16 the federal register by the United States department of health
17 and human services;

18 D. "program" means the parental school choice
19 scholarship pilot program;

20 E. "resident school district" means the school
21 district in which a student resides that is participating in
22 the program;

23 F. "school district cap" means twenty percent of
24 the previous year's resident school district eightieth-day
25 membership; and

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1 G. "student scholarship" means a note issued to a
2 qualifying parent through the department that can be used to
3 educate the student at an eligible public or private school."

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

6 "[NEW MATERIAL] PROGRAM--ADMINISTRATION--PILOT
7 DISTRICTS.--

8 A. The "parental school choice scholarship pilot
9 program" is created. The department shall administer the
10 program in the 2004-2005 through 2007-2008 school years and
11 shall promulgate rules for conduct of the program, including
12 selection criteria and a lottery selection process to determine
13 student scholarship recipients when applicants exceed a school
14 district cap. For the duration of the program, school
15 districts shall reorder the priorities for enrollment of
16 students pursuant to Section 22-1-4 NMSA 1978 to provide that
17 student scholarship recipients shall be given priority over
18 other fourth-priority applicants to a public school in a
19 nonresident school district.

20 B. The program shall be conducted in the
21 kindergarten through eighth grades in the Albuquerque,
22 Bernalillo, Espanola, Gadsden, Gallup-McKinley, Grants, Jemez
23 Mountain, Jemez Valley, Las Cruces, Los Lunas and Santa Fe
24 public school districts.

25 C. Public or private schools are not required to

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1 participate in the program.

2 D. The department shall establish reporting and
3 evaluation requirements for the program and make periodic
4 reports to the legislative education study committee on the
5 progress of the program, including its effect on participating
6 students, eligible schools and the public schools from which
7 students withdrew. The department shall make a final report,
8 including its assessment of the program and recommendations on
9 the efficacy of the program, to the governor and the
10 legislature and shall transmit copies of the report to the
11 legislative council service library.

12 E. The department, in cooperation with school
13 districts, shall provide a public awareness campaign to inform
14 the public about the program, application procedures and
15 qualifying criteria based on family income and shall provide a
16 toll-free telephone number to call to receive an application.
17 The department shall advertise the program through local
18 newspapers; radio, television and cable television, using
19 public service announcements; school and school district
20 newsletters; and other government agencies."

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

23 "[NEW MATERIAL] ELIGIBLE STUDENTS--NOTIFICATION.--

24 A. A student who is a resident of New Mexico, lives
25 in a program school district and is at least five years of age

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1 prior to 12:01 a.m. on September 1 of the school year or is a
2 developmentally disabled three- or four-year-old child is
3 eligible to participate in the program if the student meets the
4 following criteria:

5 (1) the student's family income in the prior
6 school year does not exceed one hundred eighty-five percent of
7 that prior year's federal poverty guidelines; and

8 (2) the student resides in one of a resident
9 school district's attendance zones identified by the
10 department.

11 B. The number of student scholarships offered
12 through a resident school district is limited to that
13 district's school district cap. If the number of qualified
14 applicants exceeds the resident school district's school
15 district cap, student scholarship recipients shall be selected
16 through a lottery established by the department.

17 C. Prior to May 30 of each year of the program, the
18 department shall identify those public schools from which
19 students may be eligible for student scholarships and shall
20 notify the parents of the public school's accountability report
21 and provide information about the program and the application
22 process."

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

25 "[NEW MATERIAL] ELIGIBLE PUBLIC AND PRIVATE SCHOOLS--

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1 ACADEMIC REPORTS.--

2 A. Any public or private school in a school
3 district in which the program is being conducted is eligible to
4 participate in the program. The school shall register with the
5 department and provide a copy of the school's policy that
6 prohibits discrimination on the basis of race, color, national
7 origin or ancestry and its policy that prohibits discrimination
8 against student scholarship recipients.

9 B. A school district shall adopt specific written
10 standards for acceptance and rejection of student scholarships
11 in one of its public schools based on the capacity of the
12 public school's program, class size, grade level and school
13 facilities.

14 C. A participating school shall report the annual
15 standardized test results and academic progress for student
16 scholarship recipients to parents, the department and the
17 legislative education study committee.

18 D. A private school that accepts student
19 scholarship recipients is not required to comply with
20 department rules that apply to public schools, except for rules
21 adopted pursuant to the Parental School Choice Act."

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

24 "[NEW MATERIAL] PARENTAL SCHOOL CHOICE SCHOLARSHIPS.--

25 A. A parent may use a student scholarship to enroll

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1 his child in an eligible public or private school. The student
2 scholarship shall be issued to a qualifying parent, not to the
3 private school or to the school district containing the public
4 school that the parent selects for the student to attend. The
5 student and his parent are solely responsible for selecting the
6 eligible public or private school for enrollment and shall
7 endorse the student scholarship to cover tuition and fees.
8 Neither the state nor a school district shall decide which
9 school a student may attend or influence the student's
10 selection of a school.

11 B. Applications for student scholarships shall be
12 made to the local superintendent's office. The application
13 period is March 1 through June 15 of each year of the program;
14 provided that the local superintendent may waive the
15 application deadline for an application as long as the
16 application is at the department by June 30. An application
17 shall contain the following information:

- 18 (1) the student's name and address;
- 19 (2) the student's date of birth;
- 20 (3) the student's social security number or
21 public school identification number;
- 22 (4) the student's school attendance zone;
- 23 (5) the student's grade level;
- 24 (6) the name and address of the student's
25 parent who is residing with the child;

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1 (7) if necessary to determine eligibility,
2 proof of family income through copies of:

3 (a) the parent's three most recent
4 paycheck receipts for all employment;

5 (b) a signed statement by the parent's
6 employer indicating the weekly, biweekly or annual net
7 earnings; or

8 (c) a signed statement by the parent
9 that he is self-employed and that indicates his annual net
10 earnings accompanied by a copy of his most recent income tax
11 return;

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

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

19 (10) the name and address of the eligible
20 public or private school to which the student intends to apply
21 and an estimate of the tuition and fees that will be charged at
22 the school based on the student's educational needs.

23 C. The local superintendent's office shall forward
24 applications to the department.

25 D. Not later than August 1, the department shall:

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1 (1) determine the total per-student
2 expenditure scholarship amount available from the program;

3 (2) determine the number of student
4 scholarships and the individual school district student
5 scholarship value;

6 (3) determine the eligibility and completeness
7 of each application; and

8 (4) if the number of eligible students exceeds
9 the number of available scholarships, hold a lottery to select
10 the student scholarship recipients.

11 E. Applicants shall be notified no later than
12 August 15 whether or not they received student scholarships.

13 F. Not later than September 15 of each year, the
14 department shall report to the legislature the ages, school
15 attendance zones and estimated scholarship values of students
16 participating in the program."

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

19 "[NEW MATERIAL] STUDENT SCHOLARSHIPS--CALCULATION OF
20 VALUE--REDEMPTION.--

21 A. Except as provided in Subsection B of this
22 section, the value of a student scholarship shall be equal to
23 the amount of money generated by the student through the state
24 equalization guarantee distribution, a proportionate per-
25 student amount for transportation expenses and a proportionate

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1 allocation of the resident school district's at-risk funding.
2 The department shall calculate the value of a student
3 scholarship using the state equalization guarantee distribution
4 formula in conjunction with the national center of educational
5 statistics' definition of per-student expenditures that
6 includes all revenue sources except capital outlay, debt
7 service, deferred sick leave and community service. The value
8 of the student scholarship shall equal no less than eighty
9 percent of the student's school district per-student
10 expenditure.

11 B. Notwithstanding the provisions of Subsection A
12 of this section, the student scholarship redemption value shall
13 not exceed the tuition and fees charged by the eligible public
14 or private school for individual students participating in the
15 program unless the cost of educating the student presenting the
16 student scholarship is greater than the tuition and fees
17 charged, in which case the student scholarship redemption value
18 shall not exceed those costs covered by the per-student
19 expenditure value.

20 C. Within fifteen work days after being paid by a
21 student scholarship, an eligible public or private school shall
22 certify, in writing, to the department that it has enrolled the
23 student named on the student scholarship and provide the amount
24 of tuition and fees charged by the school to the department.

25 If the amount of tuition and fees charged for the enrolled

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1 student is more than that charged other students, the eligible
2 public or private school shall provide information required by
3 the department to support those charges.

4 D. An eligible public or private school shall
5 redeem the value of the student scholarship from the
6 department. The value of the student scholarship shall be paid
7 on the first day of the applicable month in the following
8 installments during the school year:

9 (1) twenty-five percent of the value in
10 September;

11 (2) twenty-five percent of the value in
12 November;

13 (3) twenty-five percent of the value in
14 February; and

15 (4) twenty-five percent of the value in May.

16 E. If an eligible public or private school
17 disenrolls a student during the school year or if the student
18 is absent for ten consecutive days without explanation from the
19 student's parent, the school shall notify the department in
20 writing and the student scholarship redemption shall cease.
21 The department shall promulgate rules for the proration of any
22 installment payment.

23 F. If a parent disenrolls a student from an
24 eligible public or private school and enrolls the student in
25 another eligible public or private school during the school

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1 year, the parent shall notify the department in writing. Upon
2 receipt of proof of enrollment in another eligible public or
3 private school and certification of tuition and fees charged by
4 the new eligible public or private school, the remaining
5 student scholarship payment installments shall be made to the
6 new school."

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