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SENATE BILL 59

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING REPORTS ON EFFECTIVE USE  
OF AWARDS FROM THE INCENTIVES FOR SCHOOL IMPROVEMENT FUND.

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

Section 1. Section 22-2C-1 NMSA 1978 (being Laws 2003,  
Chapter 153, Section 10) is amended to read:

"22-2C-1. SHORT TITLE.--Chapter 22, Article [2A] 2C NMSA  
1978 may be cited as the "Assessment and Accountability Act"."

Section 2. Section 22-2C-9 NMSA 1978 (being Laws 2003,  
Chapter 153, Section 18) is amended to read:

"22-2C-9. INCENTIVES FOR SCHOOL IMPROVEMENT FUND--  
CREATED--DISTRIBUTIONS.--

A. The "incentives for school improvement fund" is  
created in the state treasury. The fund includes  
appropriations, federal allocations for the purposes of the

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1 fund, income from investment of the fund, gifts, grants and  
2 donations. Balances in the fund shall not revert to any other  
3 fund at the end of any fiscal year. The fund shall be  
4 administered by the department, and money in the fund is  
5 appropriated to the department to provide supplemental  
6 incentive funding for the adequate yearly progress program and  
7 the state improving schools program. No more than three  
8 percent of the fund may be retained by the department for  
9 administrative purposes. Money in the fund shall be expended  
10 on warrants of the secretary of finance and administration  
11 pursuant to vouchers signed by the ~~[state superintendent]~~  
12 secretary or ~~[his]~~ the secretary's authorized representative.

13 B. The ~~[state board]~~ department shall adopt a  
14 formula for distributing incentive funding from the fund.  
15 Distributions for the adequate yearly progress program shall  
16 account for at least sixty percent of the fund, including  
17 federal funds if those funds are restricted to adequate yearly  
18 progress improvements. Up to forty percent of the fund, not  
19 including restricted federal funds, may be used for the state  
20 improving schools program. The total number of public schools  
21 that receive supplemental funding shall not constitute more  
22 than fifteen percent of the student membership in the state.  
23 Distributions shall be made proportionately to public schools  
24 that qualify.

25 C. Each public school's school council shall

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1 determine how the supplemental funding shall be used. The  
2 money received by a public school shall not be used for  
3 salaries, salary increases or bonuses, but may be used to pay  
4 substitute teachers when teachers attend professional  
5 development activities.

6 D. Within twelve months of receiving an award from  
7 the fund through the adequate yearly progress program, a public  
8 school shall provide a report to the legislative education  
9 study committee that explains how that award was used to  
10 support continued adequate yearly progress, to meet the goals  
11 of the public school's educational plan for student success and  
12 to reduce the achievement gap. Within twelve months of  
13 receiving an award from the fund through the state improving  
14 schools program, a public school shall provide a report to the  
15 legislative education study committee that explains how that  
16 award contributed to improvement in the indicators delineated  
17 in Subsection B of Section 22-2C-8 NMSA 1978."

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