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SENATE BILL 1183

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mark Boitano

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING NEW SECTIONS OF THE
ASSESSMENT AND ACCOUNTABILITY ACT; CREATING THE SCHOOL
COLLABORATIVE SCHOOL IMPROVEMENT PROGRAM; PROVIDING FOR LOCAL
SCHOOL PRINCIPAL PROGRAM APPROVAL; PROVIDING FOR PUBLIC
EDUCATION DEPARTMENT WAIVERS FROM CERTAIN STATE REQUIREMENTS;
CREATING THE SCHOOL COLLABORATIVE SCHOOL IMPROVEMENT FUND;
PROVIDING THAT A PORTION OF THE UNENCUMBERED BALANCES OF
CERTAIN GENERAL FUND APPROPRIATIONS SHALL REVERT TO THE FUND;
MAKING AN APPROPRIATION.

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

Section 1. A new section of the Assessment and
Accountability Act, Section 22-2C-8.1 NMSA 1978, is enacted to
read:

"22-2C-8.1. [NEW MATERIAL] SCHOOL COLLABORATIVE SCHOOL
.164982.1

1 IMPROVEMENT PROGRAM--SCHOOL PRINCIPAL APPROVAL--DEPARTMENT
2 APPROVAL OF WAIVERS.--

3 A. In school districts with a student enrollment of
4 more than thirty-five thousand, a school principal may approve
5 an individual school plan to implement a school collaborative
6 school improvement program upon a finding that the plan is in
7 the best interest of the public school and is supported by the
8 participating teaching staff.

9 B. The input and concerns of parents, students,
10 school employees and members of the community shall be
11 solicited and considered in the development and adoption of a
12 school collaborative school improvement program.

13 C. If necessary for the implementation of a school
14 collaborative school improvement program, the school principal
15 may apply to the department for a waiver of Public School Code
16 provisions relating to the length of school day, staffing
17 patterns, subject areas or purchase of instructional material.
18 The department may approve a request for a waiver upon a
19 finding that the school principal has demonstrated
20 accountability for student learning through alternative
21 planning and that the participating teaching staff supports the
22 implementation of a school collaborative school improvement
23 program. The school principal shall provide the department
24 with a program budget that shows the type and number of
25 students served, the type and number of school employees

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1 involved and all expenditures related to the waiver.

2 D. A teacher participating in the development and
3 implementation of a school collaborative school improvement
4 program may contact the department to comment on the school
5 principal's waiver request if the teacher has communicated the
6 teacher's opinion in writing to the school principal at the
7 time the school principal approved implementation of the
8 program."

9 Section 2. A new section of the Assessment and
10 Accountability Act, Section 22-2C-9.1 NMSA 1978, is enacted to
11 read:

12 "22-2C-9.1. [NEW MATERIAL] SCHOOL COLLABORATIVE SCHOOL
13 IMPROVEMENT FUND--CREATED--DISTRIBUTIONS.--

14 A. The "school collaborative school improvement
15 fund" is created in the state treasury. The fund shall consist
16 of transfers, distributions, appropriations, reversions, gifts,
17 grants, donations and bequests made to the fund. Income from
18 the fund shall be credited to the fund and money in the fund
19 shall not revert or be transferred to any other fund at the end
20 of a fiscal year. Money in the fund is appropriated to the
21 department to provide supplemental funding for implementation
22 of the school collaborative school program waivers granted by
23 the department. No more than three percent of the fund may be
24 retained by the department for administrative purposes. Money
25 in the fund shall be expended on warrants of the secretary of

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1 finance and administration pursuant to vouchers signed by the
2 secretary or the secretary's authorized representative.

3 B. Distributions from the fund shall be by
4 application approved by the department based on the school's
5 collaborative school improvement plan as provided in 22-2C-8.1
6 NMSA 1978."

7 Section 3. Section 6-5-10 NMSA 1978 (being Laws 1994,
8 Chapter 11, Section 1, as amended) is amended to read:

9 "6-5-10. STATE AGENCY REVERSIONS--DIRECTOR POWERS--
10 COMPLIANCE WITH FEDERAL RULES.--

11 A. Except as provided in [~~Subsections B and C~~]
12 Subsection B of this section, all unreserved undesignated fund
13 balances in reverting funds and accounts as reflected in the
14 central financial reporting and accounting system as of June 30
15 shall revert by September 30 to the general fund. The division
16 may adjust the reversion within forty-five days of release of
17 the audit report for that fiscal year.

18 B. The director of the division may modify a
19 reversion required pursuant to Subsection A of this section if
20 the reversion would violate federal law or rules pertaining to
21 supplanting of state funds with federal funds or other
22 applicable federal provisions.

23 C. Ten percent of all unreserved undesignated
24 balances in reverting funds and accounts as of the end of each
25 fiscal year effective fiscal year 2008 shall not revert to the

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1 general fund but shall be transferred to the school
2 collaborative school improvement fund to be allocated by the
3 public education department to schools as provided in Section
4 22-2C-8.1 NMSA 1978."

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