

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 10

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2009

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FLEXIBILITY TO SCHOOL
DISTRICTS TO ENHANCE STATE AND SCHOOL DISTRICT SOLVENCY
EFFORTS; MAKING TEMPORARY CHANGES TO THE PUBLIC SCHOOL CODE;
ALLOWING TRANSPORTATION CASH BALANCES TO BE USED FOR OTHER
EXPENSES; DELAYING CERTAIN ASSESSMENTS; REQUIRING PUBLIC
HEARINGS; DECLARING AN EMERGENCY.

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

Section 1. Section 22-2C-4.1 NMSA 1978 (being Laws 2007,
Chapter 307, Section 4 and Laws 2007, Chapter 308, Section 4,
as amended) is amended to read:

"22-2C-4.1. STATEWIDE COLLEGE AND WORKPLACE READINESS
ASSESSMENT SYSTEM.--

A. The department shall establish a readiness
assessment system to measure the readiness of every New Mexico

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1 high school student for success in higher education or a career
2 no later than the 2008-2009 school year. The department shall
3 ensure that the readiness assessment system is aligned with
4 state academic content and performance standards, college
5 placement tests and entry-level career skill requirements. The
6 readiness assessment system shall include the following
7 components:

8 (1) in grade nine, a short-cycle diagnostic
9 assessment in reading, language arts and mathematics to be
10 locally administered in the fall and at least two additional
11 times during the year;

12 (2) in grade ten, a short-cycle diagnostic
13 assessment in reading, language arts and mathematics that also
14 serves as an early indicator of college readiness, to be
15 locally administered at least three times during the year; and

16 (3) beginning with the 2011-2012 school year,
17 in grade eleven, in the fall, one or more of the following
18 chosen by the student:

19 (a) a college placement assessment;
20 (b) a workforce readiness assessment; or
21 (c) an alternative demonstration of
22 competency using standards-based indicators.

23 B. All students at the specified grade level shall
24 participate in the readiness assessment system at no cost to
25 the student.

1 C. The department shall ensure that results of
2 performance on readiness assessments administered in grades
3 nine and ten are reported to students, parents and public
4 schools no later than four weeks following the date on which
5 the assessments are administered, in a form that is easily
6 understandable and useful in the next-step planning process.
7 Reports of assessment results shall be provided to students and
8 parents in writing whenever possible, but, if necessary, orally
9 in the language best understood by each student and parent.

10 D. The department shall adopt standards for
11 reasonable accommodations in the administration of readiness
12 assessments for students with disabilities and limited English
13 proficiency, including when and how accommodations may be
14 applied.

15 E. In developing, selecting or approving the high
16 school or college readiness assessments for school district or
17 charter school use, the department may adopt commercially
18 available standards-based assessments or approve a school
19 district's or charter school's short-cycle assessments that
20 meet the requirements of this section. The department shall
21 involve appropriate licensed school employees in the
22 development or selection of readiness assessments."

23 Section 2. Section 22-8-26 NMSA 1978 (being Laws 1967,
24 Chapter 16, Section 76, as amended) is amended to read:

25 "22-8-26. TRANSPORTATION DISTRIBUTION.--

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1 A. Money in the transportation distribution of the
2 public school fund shall be used only for the purpose of making
3 payments to each school district [~~or~~] and state-chartered
4 charter school for the to-and-from school transportation costs
5 of students in grades kindergarten through twelve attending
6 public school within the school district or state-chartered
7 charter school and of three- and four-year-old children who
8 meet the department-approved criteria and definition of
9 developmentally disabled and for transportation of students to
10 and from their regular attendance centers and the place where
11 vocational education programs are being offered.

12 B. In the event a school district's or state-
13 chartered charter school's transportation allocation exceeds
14 the amount required to meet obligations to provide to-and-from
15 transportation, three- and four-year-old developmentally
16 disabled transportation and vocational education
17 transportation, fifty percent of the remaining balance shall be
18 deposited in the transportation emergency fund.

19 C. Except as provided in Subsection G of this
20 section, of the excess amount retained by the school district
21 or state-chartered charter school, at least twenty-five percent
22 shall be used for to-and-from transportation-related services,
23 excluding salaries and benefits, and up to twenty-five percent
24 may be used for other transportation-related services,
25 excluding salaries and benefits as defined by rule of the

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1 department.

2 D. In the event the sum of the proposed
3 transportation allocations to each school district [~~or~~] and
4 state-chartered charter school exceeds the amounts in the
5 transportation distribution, the allocation to each school
6 district or state-chartered charter school shall be reduced in
7 the proportion that the school district or state-chartered
8 charter school allocation bears to the total statewide
9 transportation distribution.

10 E. A local school board or governing body of a
11 state-chartered charter school, with the approval of the state
12 transportation director, may provide additional transportation
13 services pursuant to Section 22-16-4 NMSA 1978 to meet
14 established program needs.

15 F. Nothing in this section prohibits the use of
16 school buses to transport the general public pursuant to the
17 Emergency Transportation Act.

18 G. For fiscal years 2010 and 2011, a school
19 district or state-chartered charter school may use excess
20 balances from its transportation allocation for instructional
21 materials purchases and for operational expenses, excluding
22 salaries and benefits."

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

25 "[NEW MATERIAL] STATE ASSESSMENTS--SUSPENSION--TEMPORARY
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1 PROVISION.--The legislature finds that the current fiscal
2 crisis requires extraordinary measures to ensure fiscal
3 solvency for fiscal years 2010 and 2011. For school years
4 2009-2010 through 2010-2011, school districts may suspend the
5 administration of all required state assessments that are not
6 required by the federal No Child Left Behind Act of 2001,
7 except short-cycle tests; assessments required for high school
8 graduation; and assessments required for the New Mexico pre-
9 kindergarten program, kindergarten and K-3 plus; provided that
10 short-cycle diagnostic testing pursuant to Section 22-2C-4.1
11 NMSA 1978 shall continue, but the number of tests in a school
12 year may be determined by the school district."

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

15 "[NEW MATERIAL] SOLVENCY MEASURES--PUBLIC HEARINGS.--

16 A. Before implementing cost-saving measures due to
17 appropriation reductions in fiscal years 2010 and 2011, each
18 local school board and each governing body of a charter school
19 shall hold at least one public hearing to provide an
20 opportunity for comment from school personnel, parents, the
21 business community and other interested persons. The notice of
22 the public hearing shall be issued in accordance with the
23 policies adopted by the local school board or the governing
24 body and in accordance with the Open Meetings Act.

25 B. Following the public hearing, the local school

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1 board or governing body of a charter school shall provide to
2 the department and the legislative education study committee
3 the minutes of the public hearing, including the public input
4 and action taken on cost-saving measures to be implemented by
5 the school district or the governing body of a charter school."

6 Section 5. EMERGENCY.--It is necessary for the public
7 peace, health and safety that this act take effect immediately.

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