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SENATE BILL 242

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; PROVIDING FOR AN EARLY LITERACY PROGRAM  
IN THE PUBLIC SCHOOLS; 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 EARLY LITERACY PROGRAM --

A. The department of education, upon approval of  
an early literacy program for students from kindergarten  
through second grade, shall distribute money to those school  
districts that address program elements established by the  
department of education, including:

- (1) intensive literacy programs prior to  
third grade for students not reading at grade level; and
- (2) literacy programs before or after school

underscored material = new  
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1 or on weekends.

2 B. A school district's application to the  
3 department of education for an early literacy program  
4 distribution shall include a family involvement component that  
5 is based on family support principles for each of the program  
6 elements. "

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

9 "[NEW MATERIAL] PROGRAM APPROVAL. --

10 A. An approved early literacy program shall  
11 support the educational and developmental needs of students in  
12 kindergarten through second grade, address cultural diversity  
13 and provide family support.

14 B. An approved early literacy program, in addition  
15 to programs already offered pursuant to Section 22-2-8.3 NMSA  
16 1978, shall consist of a minimum of ninety hours of  
17 instruction per academic year for kindergarten students and a  
18 minimum of one hundred eighty hours of instruction per  
19 academic year for students in first and second grade.

20 C. An approved early literacy program shall  
21 demonstrate the following components:

22 (1) engaging and abundant literacy materials  
23 appropriate to the age of the students;

24 (2) effective instructional techniques that  
25 incorporate the most recent research in the teaching of

underscored material = new  
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1 reading;

2 (3) thorough integration of reading and  
3 writing activities;

4 (4) training for teachers and parents; and

5 (5) annual pre- and post-program assessments  
6 for students that clearly reveal student outcomes.

7 D. School districts that receive funding shall  
8 evaluate and document the results of the early literacy  
9 program in terms of the number of students and families  
10 served, the services provided and the gains achieved by the  
11 students and report those results to the department of  
12 education. "

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

15 "[NEW MATERIAL] DUTIES OF THE DEPARTMENT OF EDUCATION. --

16 A. By July 1, 1999, the department of education  
17 shall develop guidelines for the approval process for early  
18 literacy programs and disseminate those guidelines to all  
19 school districts. The department shall provide technical  
20 assistance in developing proposals and shall define approval  
21 criteria, establish content standards and benchmarks that  
22 ensure students' progress and provide accountability to the  
23 public.

24 B. The department of education shall monitor early  
25 literacy programs, compile the results submitted by the school

1 districts and make an annual report to the legislative  
2 education study committee. "

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

5 "[NEW MATERIAL] EARLY LITERACY PROGRAM UNITS. --The number  
6 of early literacy program units is determined by multiplying  
7 the early literacy program MEM by the cost differential factor  
8 .03. "

9 Section 5. APPROPRIATION. --Five million dollars  
10 (\$5,000,000) is appropriated from the general fund to the  
11 state department of public education for expenditure in fiscal  
12 year 2000 to fund early literacy programs in the public  
13 schools. Any unexpended or unencumbered balance remaining at  
14 the end of fiscal year 2000 shall revert to the general fund.

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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5  
6 March 2, 1999

7  
8 Mr. President:

9  
10 Your EDUCATION COMMITTEE, to whom has been referred

11  
12 SENATE BILL 230 & SENATE BILL 242

13  
14 has had them under consideration and reports same with  
15 recommendation that they DO NOT PASS, but that

16  
17 SENATE EDUCATION COMMITTEE SUBSTITUTE FOR SENATE  
18 BILLS 230 & 242

19  
20 DO PASS, and thence referred to the FINANCE COMMITTEE.  
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22 Respectfully submitted,  
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Cynthi a Nava, Chai rman

Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chi ef Clerk)

(Chi ef Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Adai r, Boi tano, Gorham, Jenni ngs

Absent: None

S0230ED1

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILLS 230 & 242

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO EDUCATION; PROVIDING FOR AN OPTIONAL PRESCHOOL AND  
EARLY LITERACY PROGRAM IN THE PUBLIC SCHOOLS; MAKING  
APPROPRIATIONS.

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] The purpose of an optional preschool and  
early literacy program is to ensure that participating children  
receive the support they need both at home and at school so  
that, by the time they enter third grade, they are reading at  
grade level."

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

1           "NEW MATERIAL] OPTIONAL PRESCHOOL AND EARLY LITERACY  
2 PROGRAM --

3           A. The department of education, upon approval of an  
4 optional preschool and early literacy program for  
5 participating children from age three through second grade,  
6 shall distribute money to those school districts that address  
7 program elements established by the department of education,  
8 including:

9                       (1) initial implementation or expansion of  
10 full-day kindergarten;

11                      (2) initial implementation or expansion of  
12 half-day programs for children age three through five;

13                      (3) initial implementation or expansion of  
14 summer programs or transition programs for children age three  
15 through five;

16                      (4) intensive literacy programs prior to third  
17 grade for students not reading at grade level;

18                      (5) literacy programs before or after school or  
19 on weekends; and

20                      (6) training for parents.

21           B. In requesting funding for preschool and early  
22 literacy programs, school districts may establish partnerships  
23 with local community-based public or private programs. Each  
24 funded proposal shall include documentation of a community  
25 needs assessment, an explanation of the ways in which the

underscored material = new  
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1 selected program will meet those needs and a family  
2 involvement component that is based on family support  
3 education principles for each of the program elements.

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

6 "[NEW MATERIAL] PROGRAM APPROVAL. --

7 A. An approved preschool and early literacy program  
8 shall serve those children from age three through second grade  
9 most in need based upon age-appropriate assessments, address  
10 cultural diversity and provide family support education.

11 B. An approved preschool and early literacy program,  
12 in addition to programs already offered pursuant to Section  
13 22-2-8.3 NMSA 1978, may consist of one or more of the  
14 following:

15 (1) pre-kindergarten, which must consist of  
16 half-day programs, two and one-half hours per day or four  
17 hundred fifty hours per year;

18 (2) kindergarten, which must consist of full-  
19 day programs, five hours per day or nine hundred hours per  
20 year; and

21 (3) first and second grade, a minimum of one  
22 hundred eighty hours of instruction per academic year.

23 C. An approved preschool and early literacy program  
24 shall demonstrate the following components:

25 (1) age-appropriate developmental activities;

. 128130. 4

1 (2) research-based literacy materials  
2 appropriate to the age of the students;

3 (3) effective instructional techniques that  
4 incorporate the most recent research in the teaching of  
5 reading;

6 (4) thorough integration of reading and writing  
7 activities;

8 (5) training for teachers and parents; and

9 (6) annual pre- and post-program assessments  
10 for students that clearly reveal student outcomes.

11 D. School districts that receive funding for an  
12 optional preschool and early literacy program shall evaluate  
13 and document the results of the program in terms of the number  
14 of children and families served, the services provided and the  
15 gains achieved by the children and their families and report  
16 those results to the department of education.

17 E. Student and family participation in a preschool  
18 and early literacy program shall be voluntary on the part of  
19 parents or guardians. "

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

22 "[NEW MATERIAL] DUTIES OF THE DEPARTMENT OF EDUCATION. --

23 A. By July 1, 1999, the department of education  
24 shall develop an approval process for preschool and early  
25 literacy programs and disseminate instructions for that

1 process to all school districts and provide technical  
 2 assistance in developing proposals. The department shall  
 3 define approval criteria, establish content standards and  
 4 benchmarks that ensure students' progress and provide  
 5 accountability to the public.

6 B. The department of education shall monitor  
 7 preschool and early literacy programs, ensure that they serve  
 8 the children most in need based upon age-appropriate  
 9 assessments, compile the program results submitted by the  
 10 school districts and make an annual report to the legislative  
 11 education study committee. "

12 Section 5. Section 22-2-2 NMSA 1978 (being Laws 1967,  
 13 Chapter 16, Section 5, as amended) is amended to read:

14 "22-2-2. STATE BOARD--DUTIES.-- Without limiting those  
 15 powers granted to the state board pursuant to Section 22-2-1  
 16 NMSA 1978, the state board shall perform the following duties:

17 A. properly and uniformly enforce the provisions of  
 18 the Public School Code;

19 B. determine policy for the operation of all public  
 20 schools and vocational education programs in the state;

21 C. appoint a state superintendent;

22 D. purchase and loan instructional material to  
 23 students pursuant to the Instructional Material Law and adopt  
 24 [~~regulations~~] rules relating to the use and operation of  
 25 instructional material depositories in the instructional

. 128130. 4

1 material distribution process;

2 E. designate courses of instruction to be taught in  
3 all public schools in the state;

4 F. assess and evaluate all state institutions and  
5 those private schools that desire state accreditation;

6 G. determine the qualifications for and issue a  
7 certificate to any person teaching, assisting teachers,  
8 supervising an instructional program, counseling, providing  
9 special instructional services or administering in public  
10 schools, according to law and according to a system of  
11 classification adopted and published by the state board;

12 H. suspend or revoke a certificate held by a  
13 certified school instructor or certified school administrator,  
14 according to law, for incompetency, immorality or for any  
15 other good and just cause;

16 I. make full and complete reports on consolidation  
17 of school districts to the legislature;

18 J. prescribe courses of instruction, requirements  
19 for graduation and standards for all public schools, including  
20 from July 1, 1999 through June 30, 2002 preschool and early  
21 literacy programs offered by the public schools, for private  
22 schools seeking state accreditation and for the educational  
23 programs conducted in state institutions other than the New  
24 Mexico military institute;

25 K. adopt [~~regulations~~] rules for the administration

1 of all public schools and bylaws for its own administration;

2 L. require periodic reports on forms prescribed by  
3 it from all public schools and attendance reports from private  
4 schools;

5 M authorize adult educational programs to be  
6 conducted in schools under its jurisdiction and adopt and  
7 promulgate [~~regulations~~] rules governing all such adult  
8 educational programs;

9 N. require any school under its jurisdiction that  
10 sponsors athletic programs involving sports to mandate that  
11 the participating student obtain catastrophic health and  
12 accident insurance coverage, such coverage to be offered  
13 through the school and issued by an insurance company duly  
14 licensed pursuant to the laws of New Mexico;

15 O. require all accrediting agencies for public  
16 schools in the state to act with its approval;

17 P. accept and receive all grants of money from the  
18 federal government or any other agency for public school  
19 purposes and disburse the money in the manner and for the  
20 purpose specified in the grant;

21 Q. require prior approval for any educational  
22 program in a public school that is to be conducted, sponsored,  
23 carried on or caused to be carried on by a private  
24 organization or agency;

25 R. approve or disapprove all rules [~~or regulations~~]

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1 promulgated by any association or organization attempting to  
2 regulate any public school activity and invalidate any rule  
3 [~~or regulation~~] in conflict with any [~~regulation~~] rule  
4 promulgated by the state board. The state board shall require  
5 any association or organization attempting to regulate any  
6 public school activity to comply with the provisions of the  
7 Open Meetings Act and be subject to the inspection of the  
8 Public Records Act. The state board may require performance  
9 and financial audits of any association or organization  
10 attempting to regulate any public school activity. The state  
11 board shall have no power or control over the rules [~~or~~  
12 ~~regulations~~] or the bylaws governing the administration of the  
13 internal organization of the association or organization;

14 S. review decisions made by the governing board or  
15 officials of any organization or association regulating any  
16 public school activity, and any decision of the state board  
17 shall be final in respect thereto;

18 T. accept or reject any charitable gift, grant,  
19 devise or bequest. The particular gift, grant, devise or  
20 bequest accepted shall be considered an asset of the state;

21 U. establish and maintain regional centers, at its  
22 discretion, for conducting cooperative services between public  
23 schools and school districts within and among those regions  
24 and to facilitate regulation and evaluation of school  
25 programs;

1           V. assess and evaluate for accreditation purposes at  
2 least one-third of all public schools each year through visits  
3 by department of education personnel to investigate the  
4 adequacy of pupil gain in standard required subject matter,  
5 adequacy of pupil activities, functional feasibility of public  
6 school and school district organization, adequacy of staff  
7 preparation and other matters bearing upon the education of  
8 the students;

9           W. provide for management and other necessary  
10 personnel to operate any public school or school district that  
11 has failed to meet requirements of law, state board standards  
12 or state board [~~regulations~~] rules; provided that the  
13 operation of the public school or school district shall not  
14 include any consolidation or reorganization without the  
15 approval of the local board of that school district. Until  
16 such time as requirements of law, standards or [~~regulations~~]  
17 rules have been met and compliance is assured, the powers and  
18 duties of the local school board shall be suspended;

19           X. establish and implement a plan that provides for  
20 technical assistance to local school boards through workshops  
21 and other in-service training methods; provided, however, that  
22 no plan shall require mandatory attendance by any member of a  
23 local school board;

24           Y. submit a plan applying for funds available under  
25 Public Law 94-142 and disburse these funds in the manner and

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1 for the purposes specified in the plan; and

2 Z. enforce requirements for home schools. Upon  
3 finding that a home school is not in compliance with law, the  
4 state board [~~shall have~~] has authority to order that a student  
5 attend a public school or a private school."

6 Section 6. Section 22-8-2 NMSA 1978 (being Laws 1978,  
7 Chapter 128, Section 3, as amended) is amended to read:

8 "22-8-2. DEFINITIONS.--As used in the Public School  
9 Finance Act:

10 A. "ADM" or "MEM" means membership;

11 B. "membership" means the total enrollment of  
12 qualified students on the current roll of a class or school on  
13 a specified day. The current roll is established by the  
14 addition of original entries and reentries minus withdrawals.  
15 Withdrawals of students, in addition to students formally  
16 withdrawn from the public school, include students absent from  
17 the public school for as many as ten consecutive school days;

18 C. "basic program ADM" or "basic program MEM" means  
19 the MEM of qualified students but excludes the full-time-  
20 equivalent MEM in early childhood education and three- and  
21 four-year-old students receiving special education services;

22 D. "cost differential factor" is the numerical  
23 expression of the ratio of the cost of a particular segment of  
24 the school program to the cost of the basic program in grades  
25 four through six;



1           E. "department" or "division" means the state  
2 department of public education;

3           F. "early childhood education ADM" or "early  
4 childhood education MEM" means the full-time-equivalent MEM of  
5 students attending approved early childhood education  
6 programs;

7           G. "full-time-equivalent ADM" or "full-time-  
8 equivalent MEM" is that membership calculated by applying to  
9 the MEM in an approved public school program the ratio of the  
10 number of hours per school day devoted to the program to six  
11 hours or the number of hours per school week devoted to the  
12 program to thirty hours;

13           H. "operating budget" means the annual financial  
14 plan required to be submitted by a local school board;

15           I. "program cost" is the product of the total number  
16 of program units to which a school district is entitled  
17 multiplied by the dollar value per program unit established by  
18 the legislature;

19           J. "program element" is that component of a public  
20 school system to which a cost differential factor is applied  
21 to determine the number of program units to which a school  
22 district is entitled, including but not limited to MEM, full-  
23 time-equivalent MEM, teacher, classroom or public school;

24           K. "program unit" is the product of the program  
25 element multiplied by the applicable cost differential factor;

underscored material = new  
[bracketed material] = delete

1 L. "public money" or "public funds" means all money  
2 from public or private sources received by a local school  
3 board or officer or employee of a local school board for  
4 public use;

5 M "qualified student" means a public school student  
6 who:

7 (1) has not graduated from high school;

8 (2) is regularly enrolled in one-half or more  
9 of the minimum course requirements approved by the state board  
10 for public school students; and

11 (3) is at least five years of age prior to  
12 12:01 a.m. on September 1 of the school year; or

13 (4) is at least three years of age at any time  
14 during the school year and is receiving special education  
15 services pursuant to regulation of the state board or from  
16 July 1, 1999 through June 30, 2002 is enrolled in an approved  
17 preschool and early literacy program;

18 (5) from July 1, 1999 through June 30, 2002 is  
19 at least three years of age at any time during the school year  
20 and is enrolled in an approved preschool and early literacy  
21 program; or

22 [~~5~~] (6) has not reached his twenty-second  
23 birthday on the first day of the school year and is receiving  
24 special education services pursuant to regulation of the state  
25 board; and

1 N. "state superintendent" means the superintendent  
2 of public instruction or his designee. "

3 Section 7. Section 22-8-19 NMSA 1978 (being Laws 1974,  
4 Chapter 8, Section 9, as amended) is amended to read:

5 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS. --

6 A. The number of early childhood education program  
7 units is determined by multiplying the early childhood  
8 education MEM by the cost differential factor 1.44. No early  
9 childhood education student shall be counted for more than 0.5  
10 early childhood education MEM

11 B. For the purpose of calculating early childhood  
12 education program units, developmentally disabled three- and  
13 four-year-old students shall be counted in early childhood  
14 education membership. No developmentally disabled three- or  
15 four-year-old student shall be counted for more than 0.5 early  
16 childhood education MEM

17 C. Effective from July 1, 1999 through June 30,  
18 2001, the number of preschool and early literacy program units  
19 is determined by multiplying the number of children in  
20 programs for three- and four-year-old developmentally disabled  
21 students and the number of children in kindergarten through  
22 grade two by the district's at-risk index multiplied by 1.05.

23 D. Effective from July 1, 2001 through June 30,  
24 2002, the number of preschool and early literacy program units  
25 is determined by multiplying the membership of approved

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1 preschool and early literacy programs by the district's at-  
2 risk index. "

3 Section 8. APPROPRIATION. --Fifteen million dollars  
4 (\$15,000,000) is appropriated from the general fund to the  
5 state department of public education for expenditure in fiscal  
6 year 2000 to fund preschool and early literacy programs in the  
7 public schools. Any unexpended or unencumbered balance  
8 remaining at the end of fiscal year 2000 shall revert to the  
9 general fund.

10 Section 9. DELAYED REPEAL. --Sections 1 through 4 of this  
11 act are repealed effective July 1, 2002.



1 early literacy program for participating children in  
2 kindergarten through third grade, shall distribute money to  
3 those school districts that address program elements  
4 established by the department of education, including:

5 (1) initial implementation or expansion of  
6 full-day kindergarten;

7 (2) initial implementation or expansion of  
8 summer programs or transition programs for students in  
9 kindergarten through third grade;

10 (3) intensive literacy programs through third  
11 grade for students not reading at grade level;

12 (4) literacy programs before or after school or  
13 on weekends; and

14 (5) training for parents.

15 B. In requesting funding for early literacy  
16 programs, school districts may establish partnerships with  
17 local community-based public or private programs. Each funded  
18 proposal shall include documentation of a community needs  
19 assessment, an explanation of the ways in which the selected  
20 program will meet those needs and a family involvement  
21 component that is based on family support education principles  
22 for each of the program elements."

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

25 "[NEW MATERIAL] PROGRAM APPROVAL. --

1           A. An approved early literacy program shall serve  
2 those children from kindergarten through third grade most in  
3 need based upon age-appropriate assessments, address cultural  
4 diversity and provide family support education.

5           B. An approved early literacy program, in addition  
6 to programs already offered pursuant to Section 22-2-8.3 NMSA  
7 1978, may consist of one or more of the following:

8                   (1) kindergarten, which must consist of full-  
9 day programs, five hours per day or nine hundred hours per  
10 year; and

11                   (2) first, second and third grade, a minimum of  
12 one hundred eighty hours of instruction per academic year.

13           C. An approved early literacy program shall  
14 demonstrate the following components:

15                   (1) age-appropriate developmental activities;

16                   (2) research-based literacy materials  
17 appropriate to the age of the students;

18                   (3) effective instructional techniques that  
19 incorporate the most recent research in the teaching of  
20 reading;

21                   (4) thorough integration of reading and writing  
22 activities;

23                   (5) training for teachers and parents; and

24                   (6) annual pre- and post-program assessments  
25 for students that clearly reveal student outcomes.

1           D. School districts that receive funding for an  
2 early literacy program shall evaluate and document the results  
3 of the program in terms of the number of children and families  
4 served, the services provided and the gains achieved by the  
5 children and their families and report those results to the  
6 department of education."

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

9           "[NEW MATERIAL] DUTIES OF THE DEPARTMENT OF EDUCATION. --

10           A. By July 1, 1999, the department of education  
11 shall develop an approval process for early literacy programs  
12 and disseminate instructions for that process to all school  
13 districts and provide technical assistance in developing  
14 proposals. The department shall define approval criteria,  
15 establish content standards and benchmarks that ensure  
16 students' progress and provide accountability to the public.

17           B. The department of education shall monitor early  
18 literacy programs and ensure that they serve the children most  
19 in need based upon age-appropriate assessments. If the  
20 department determines that a program is not meeting the  
21 benchmarks necessary to ensure the progress of students in the  
22 program, the department shall notify the school district that  
23 failure of the program to meet the benchmarks within sixty  
24 days shall result in the cessation of funding for the program.  
25 The department of education shall compile the program results



1 submitted by the school districts and make an annual report to  
2 the legislative education study committee."

3 Section 5. Section 22-8-19 NMSA 1978 (being Laws 1974,  
4 Chapter 8, Section 9, as amended) is amended to read:

5 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS. --

6 A. The number of early childhood education program  
7 units is determined by multiplying the early childhood  
8 education MEM by the cost differential factor 1.44. No early  
9 childhood education student shall be counted for more than 0.5  
10 early childhood education MEM

11 B. For the purpose of calculating early childhood  
12 education program units, developmentally disabled three- and  
13 four-year-old students shall be counted in early childhood  
14 education membership. No developmentally disabled three- or  
15 four-year-old student shall be counted for more than 0.5 early  
16 childhood education MEM

17 C. Effective from July 1, 1999 through June 30,  
18 2002, the number of early literacy program units is determined  
19 by multiplying the number of children in kindergarten through  
20 third grade by the district's at-risk index multiplied by  
21 0.279. "

22 Section 6. DELAYED REPEAL. -- Sections 1 through 4 of this  
23 act are repealed effective July 1, 2002.

SFC/SEC/SB 230 & 242

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FORTY- FOURTH LEGISLATURE SB 230/a  
FIRST SESSION, 1999

March 13, 1999

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILLS 230 & 242

has had it under consideration and reports same with  
recommendation that it DO NOT PASS, but that

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILLS 230 & 242

DO PASS, amended as follows:

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1. On page 1, line 17, strike "optional" and the rest of the line.

Respectfully submitted,

\_\_\_\_\_  
Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

underscored material = new  
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SFC/SEC/SB 230 & 242

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FORTY- FOURTH LEGI SLATURE  
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SFC/SB 230

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The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben, Tsosie

Absent: None

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SENATE FLOOR SUBSTITUTE FOR SENATE FINANCE COMMITTEE SUBSTITUTE  
FOR SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILLS 230 & 242

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO EDUCATION; PROVIDING FOR OPTIONAL PRESCHOOL AND  
EARLY LITERACY PROGRAMS IN THE PUBLIC SCHOOLS.

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 The purpose of an optional preschool and  
early literacy program is to ensure that participating children  
receive the support they need both at home and at school so  
that, by the time they complete third grade, they are reading  
at grade level."

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

"NEW MATERIAL OPTIONAL PRESCHOOL AND EARLY LITERACY

1 PROGRAM --

2 A. The department of education, upon approval of an  
3 optional preschool and early literacy program for  
4 participating children from age three through third grade,  
5 shall distribute money to those school districts that address  
6 program elements established by the department of education,  
7 including:

8 (1) initial implementation or expansion of  
9 full-day kindergarten;

10 (2) initial implementation or expansion of  
11 half-day programs for children age three through five;

12 (3) initial implementation or expansion of  
13 summer programs or transition programs for children age three  
14 through third grade;

15 (4) intensive literacy programs through third  
16 grade for students not reading at grade level;

17 (5) literacy programs before or after school or  
18 on weekends; and

19 (6) training for parents.

20 B. In requesting funding for optional preschool and  
21 early literacy programs, school districts may establish  
22 partnerships with local community-based public or private  
23 programs. Each funded proposal shall include documentation of  
24 a community needs assessment, an explanation of the ways in  
25 which the selected program will meet those needs and a family

1 involvement component that is based on family support  
2 education principles for each of the program elements. "

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

5 "[NEW MATERIAL] PROGRAM APPROVAL. --

6 A. An approved preschool and early literacy program  
7 shall serve those children from age three through third grade  
8 most in need based upon age-appropriate assessments, address  
9 cultural diversity and provide family support education.

10 B. An approved preschool and early literacy program,  
11 in addition to programs already offered pursuant to Section  
12 22-2-8.3 NMSA 1978, may consist of one or more of the  
13 following:

14 (1) pre-kindergarten, which must consist of  
15 half-day programs, two and one-half hours per day or four  
16 hundred fifty hours per year;

17 (2) kindergarten, which must consist of full-  
18 day programs, five hours per day or nine hundred hours per  
19 year; and

20 (3) first, second and third grade, a minimum of  
21 one hundred eighty hours of instruction per academic year.

22 C. An approved preschool and early literacy program  
23 shall demonstrate the following components:

24 (1) age-appropriate developmental activities;

25 (2) research-based literacy materials

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1 appropriate to the age of the students;

2 (3) effective instructional techniques that  
3 incorporate the most recent research in the teaching of  
4 reading;

5 (4) thorough integration of reading and writing  
6 activities;

7 (5) training for teachers and parents; and

8 (6) annual pre- and post-program assessments  
9 for students that clearly reveal student outcomes.

10 D. School districts that receive funding for an  
11 optional preschool and early literacy program shall evaluate  
12 and document the results of the program in terms of the number  
13 of children and families served, the services provided and the  
14 gains achieved by the children and their families and report  
15 those results to the department of education.

16 E. Student and family participation in a preschool  
17 and early literacy program shall be voluntary on the part of  
18 parents or guardians. "

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

21 "[NEW MATERIAL] DUTIES OF THE DEPARTMENT OF EDUCATION. --

22 A. By July 1, 1999, the department of education  
23 shall develop an approval process for preschool and early  
24 literacy programs and disseminate instructions for that  
25 process to all school districts and provide technical



1 assistance in developing proposals. The department shall  
2 define approval criteria, establish content standards and  
3 benchmarks that ensure students' progress and provide  
4 accountability to the public.

5 B. The department of education shall monitor  
6 preschool and early literacy programs and ensure that they  
7 serve the children most in need based upon age-appropriate  
8 assessments. If the department determines that a program is  
9 not meeting the benchmarks necessary to ensure the progress of  
10 students in the program, the department shall notify the  
11 school district that failure of the program to meet the  
12 benchmarks within sixty days shall result in the cessation of  
13 funding for the program. The department of education shall  
14 compile the program results submitted by the school districts  
15 and make an annual report to the legislative education study  
16 committee. "

17 Section 5. Section 22-2-2 NMSA 1978 (being Laws 1967,  
18 Chapter 16, Section 5, as amended) is amended to read:

19 "22-2-2. STATE BOARD--DUTIES.-- Without limiting those  
20 powers granted to the state board pursuant to Section 22-2-1  
21 NMSA 1978, the state board shall perform the following duties:

22 A. properly and uniformly enforce the provisions of  
23 the Public School Code;

24 B. determine policy for the operation of all public  
25 schools and vocational education programs in the state;

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1 C. appoint a state superintendent;

2 D. purchase and loan instructional material to  
3 students pursuant to the Instructional Material Law and adopt  
4 ~~[regulations]~~ rules relating to the use and operation of  
5 instructional material depositories in the instructional  
6 material distribution process;

7 E. designate courses of instruction to be taught in  
8 all public schools in the state;

9 F. assess and evaluate all state institutions and  
10 those private schools that desire state accreditation;

11 G. determine the qualifications for and issue a  
12 certificate to any person teaching, assisting teachers,  
13 supervising an instructional program, counseling, providing  
14 special instructional services or administering in public  
15 schools, according to law and according to a system of  
16 classification adopted and published by the state board;

17 H. suspend or revoke a certificate held by a  
18 certified school instructor or certified school administrator,  
19 according to law, for incompetency, immorality or for any  
20 other good and just cause;

21 I. make full and complete reports on consolidation  
22 of school districts to the legislature;

23 J. prescribe courses of instruction, requirements  
24 for graduation and standards for all public schools, including  
25 from July 1, 1999 through June 30, 2002 preschool and early

1 literacy programs offered by the public schools, for private  
2 schools seeking state accreditation and for the educational  
3 programs conducted in state institutions other than the New  
4 Mexico military institute;

5 K. adopt [~~regulations~~] rules for the administration  
6 of all public schools and bylaws for its own administration;

7 L. require periodic reports on forms prescribed by  
8 it from all public schools and attendance reports from private  
9 schools;

10 M authorize adult educational programs to be  
11 conducted in schools under its jurisdiction and adopt and  
12 promulgate [~~regulations~~] rules governing all such adult  
13 educational programs;

14 N. require any school under its jurisdiction that  
15 sponsors athletic programs involving sports to mandate that  
16 the participating student obtain catastrophic health and  
17 accident insurance coverage, such coverage to be offered  
18 through the school and issued by an insurance company duly  
19 licensed pursuant to the laws of New Mexico;

20 O. require all accrediting agencies for public  
21 schools in the state to act with its approval;

22 P. accept and receive all grants of money from the  
23 federal government or any other agency for public school  
24 purposes and disburse the money in the manner and for the  
25 purpose specified in the grant;

1           Q. require prior approval for any educational  
2 program in a public school that is to be conducted, sponsored,  
3 carried on or caused to be carried on by a private  
4 organization or agency;

5           R. approve or disapprove all rules [~~or regulations~~]  
6 promulgated by any association or organization attempting to  
7 regulate any public school activity and invalidate any rule  
8 [~~or regulation~~] in conflict with any [~~regulation~~] rule  
9 promulgated by the state board. The state board shall require  
10 any association or organization attempting to regulate any  
11 public school activity to comply with the provisions of the  
12 Open Meetings Act and be subject to the inspection of the  
13 Public Records Act. The state board may require performance  
14 and financial audits of any association or organization  
15 attempting to regulate any public school activity. The state  
16 board shall have no power or control over the rules [~~or~~  
17 ~~regulations~~] or the bylaws governing the administration of the  
18 internal organization of the association or organization;

19           S. review decisions made by the governing board or  
20 officials of any organization or association regulating any  
21 public school activity, and any decision of the state board  
22 shall be final in respect thereto;

23           T. accept or reject any charitable gift, grant,  
24 devise or bequest. The particular gift, grant, devise or  
25 bequest accepted shall be considered an asset of the state;

1 U. establish and maintain regional centers, at its  
2 discretion, for conducting cooperative services between public  
3 schools and school districts within and among those regions  
4 and to facilitate regulation and evaluation of school  
5 programs;

6 V. assess and evaluate for accreditation purposes at  
7 least one-third of all public schools each year through visits  
8 by department of education personnel to investigate the  
9 adequacy of pupil gain in standard required subject matter,  
10 adequacy of pupil activities, functional feasibility of public  
11 school and school district organization, adequacy of staff  
12 preparation and other matters bearing upon the education of  
13 the students;

14 W. provide for management and other necessary  
15 personnel to operate any public school or school district that  
16 has failed to meet requirements of law, state board standards  
17 or state board [~~regulations~~] rules; provided that the  
18 operation of the public school or school district shall not  
19 include any consolidation or reorganization without the  
20 approval of the local board of that school district. Until  
21 such time as requirements of law, standards or [~~regulations~~]  
22 rules have been met and compliance is assured, the powers and  
23 duties of the local school board shall be suspended;

24 X. establish and implement a plan that provides for  
25 technical assistance to local school boards through workshops

1 and other in-service training methods; provided, however, that  
2 no plan shall require mandatory attendance by any member of a  
3 local school board;

4 Y. submit a plan applying for funds available under  
5 Public Law 94-142 and disburse these funds in the manner and  
6 for the purposes specified in the plan; and

7 Z. enforce requirements for home schools. Upon  
8 finding that a home school is not in compliance with law, the  
9 state board [~~shall have~~] has authority to order that a student  
10 attend a public school or a private school."

11 Section 6. Section 22-8-2 NMSA 1978 (being Laws 1978,  
12 Chapter 128, Section 3, as amended) is amended to read:

13 "22-8-2. DEFINITIONS.--As used in the Public School  
14 Finance Act:

15 A. "ADM" or "MEM" means membership;

16 B. "membership" means the total enrollment of  
17 qualified students on the current roll of a class or school on  
18 a specified day. The current roll is established by the  
19 addition of original entries and reentries minus withdrawals.  
20 Withdrawals of students, in addition to students formally  
21 withdrawn from the public school, include students absent from  
22 the public school for as many as ten consecutive school days;

23 C. "basic program ADM" or "basic program MEM" means  
24 the MEM of qualified students but excludes the full-time-  
25 equivalent MEM in early childhood education and three- and

1 four-year-old students receiving special education services;

2 D. "cost differential factor" is the numerical  
3 expression of the ratio of the cost of a particular segment of  
4 the school program to the cost of the basic program in grades  
5 four through six;

6 E. "department" or "division" means the state  
7 department of public education;

8 F. "early childhood education ADM" or "early  
9 childhood education MEM" means the full-time-equivalent MEM of  
10 students attending approved early childhood education  
11 programs;

12 G. "full-time-equivalent ADM" or "full-time-  
13 equivalent MEM" is that membership calculated by applying to  
14 the MEM in an approved public school program the ratio of the  
15 number of hours per school day devoted to the program to six  
16 hours or the number of hours per school week devoted to the  
17 program to thirty hours;

18 H. "operating budget" means the annual financial  
19 plan required to be submitted by a local school board;

20 I. "program cost" is the product of the total number  
21 of program units to which a school district is entitled  
22 multiplied by the dollar value per program unit established by  
23 the legislature;

24 J. "program element" is that component of a public  
25 school system to which a cost differential factor is applied

1 to determine the number of program units to which a school  
2 district is entitled, including but not limited to MEM, full-  
3 time-equivalent MEM, teacher, classroom or public school;

4 K. "program unit" is the product of the program  
5 element multiplied by the applicable cost differential factor;

6 L. "public money" or "public funds" means all money  
7 from public or private sources received by a local school  
8 board or officer or employee of a local school board for  
9 public use;

10 M "qualified student" means a public school student  
11 who:

12 (1) has not graduated from high school;

13 (2) is regularly enrolled in one-half or more  
14 of the minimum course requirements approved by the state board  
15 for public school students; and

16 (3) is at least five years of age prior to  
17 12:01 a.m. on September 1 of the school year; or

18 (4) is at least three years of age at any time  
19 during the school year and is receiving special education  
20 services pursuant to regulation of the state board or from  
21 July 1, 1999 through June 30, 2002 is enrolled in an approved  
22 preschool and early literacy program;

23 (5) from July 1, 1999 through June 30, 2002 is  
24 at least three years of age at any time during the school year  
25 and is enrolled in an approved preschool and early literacy



1 program; or

2 [~~(5)~~] (6) has not reached his twenty-second  
3 birthday on the first day of the school year and is receiving  
4 special education services pursuant to regulation of the state  
5 board; and

6 N. "state superintendent" means the superintendent  
7 of public instruction or his designee. "

8 Section 7. Section 22-8-19 NMSA 1978 (being Laws 1974,  
9 Chapter 8, Section 9, as amended) is amended to read:

10 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS. --

11 A. The number of early childhood education program  
12 units is determined by multiplying the early childhood  
13 education MEM by the cost differential factor 1.44. No early  
14 childhood education student shall be counted for more than 0.5  
15 early childhood education MEM

16 B. For the purpose of calculating early childhood  
17 education program units, developmentally disabled three- and  
18 four-year-old students shall be counted in early childhood  
19 education membership. No developmentally disabled three- or  
20 four-year-old student shall be counted for more than 0.5 early  
21 childhood education MEM

22 C. Effective from July 1, 1999 through June 30,  
23 2001, the number of preschool and early literacy program units  
24 is determined by multiplying the number of children in  
25 programs for three- and four-year-old developmentally disabled

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1 students and the number of children in kindergarten through  
2 grade three by the district's at-risk index multiplied by  
3 0.513.

4 D. Effective from July 1, 2001 through June 30,  
5 2002, the number of preschool and early literacy program units  
6 is determined by multiplying the membership of approved  
7 preschool and early literacy programs by the district's at-  
8 risk index. "

9 Section 8. DELAYED REPEAL. -- Sections 1 through 4 of this  
10 act are repealed effective July 1, 2002.