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SENATE BILL 728

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

INTRODUCED BY

Leonard Tsosie

AN ACT

RELATING TO EDUCATION; AMENDING THE INCENTIVES FOR SCHOOL
IMPROVEMENT ACT TO INCLUDE INTERVENTION; CHANGING THE
DISTRIBUTION OF MONEY IN THE INCENTIVES FOR SCHOOL IMPROVEMENT
FUND; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Incentives for School
Improvement Act is enacted to read:

" NEW MATERIAL INTERVENTIONS FOR SCHOOL IMPROVEMENT. --

A. The department shall develop an interventions
for school improvement formula and process by which to
identify schools most in need of improvement, to establish
time lines for plan development and implementation and to
provide the necessary corrective actions and interventions.
The state board shall identify the schools most in need of

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1 improvement and shall authorize monetary allocations from the
2 fund to implement a plan for school improvement approved by
3 the department.

4 B. The state superintendent or his designee, the
5 school district superintendent and the president of the local
6 school board or his designee shall hold a public meeting to
7 inform the school district and community that a school in the
8 school district has been identified as most in need of
9 improvement and requires intervention.

10 C. Schools most in need of improvement shall
11 involve the community in developing an intervention and
12 improvement plan that contains:

13 (1) documentation of academic performance
14 measures and other criteria as described in Sections 22-1-6
15 and 22-13A-5 NMSA 1978;

16 (2) measurable objectives to indicate the
17 action that will be taken to address the identified concerns;

18 (3) benchmarks to indicate annual progress in
19 implementing the plan for school improvement; and

20 (4) an estimate of the length of time and
21 other resources necessary to achieve each objective in the
22 plan.

23 D. The department-approved intervention and
24 improvement plan shall be signed by the state superintendent,
25 the superintendent of the school district and the president of

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1 the local school board, and they shall agree on the
2 implementation and measurement of the intervention and
3 improvement plan.

4 E. Before the end of the first school year of the
5 implementation of the intervention and improvement plan, the
6 school shall submit to the department a progress report
7 addressing the components in Subsection C of this section. If
8 the department review of the progress report submitted by the
9 school determines that the school has not met the objectives
10 as measured by the benchmarks, the state board shall assign a
11 diagnostic team to intervene during the second school year to
12 assist in the implementation of the intervention and
13 improvement plan.

14 F. If the state superintendent determines that a
15 school identified as most in need of improvement has not met
16 the objectives as measured by the benchmarks for two
17 consecutive years, then he shall take direct control of the
18 school pursuant to Section 22-2-14 NMSA 1978. "

19 Section 2. Section 22-13A-2 NMSA 1978 (being Laws 1989,
20 Chapter 137, Section 2, as amended) is amended to read:

21 "22-13A-2. PURPOSE. -- The purpose of the Incentives for
22 School Improvement Act is to provide financial incentives to
23 individual schools that exceed expected academic performance
24 and to provide financial and other assistance to schools
25 identified as most in need of improvement. "

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1 Section 3. Section 22-13A-3 NMSA 1978 (being Laws 1989,
2 Chapter 137, Section 3) is amended to read:

3 "22-13A-3. DEFINITIONS. -- As used in the Incentives for
4 School Improvement Act:

5 A. "department" means the state department of
6 public education;

7 B. "fund" means the incentives for school
8 improvement fund;

9 C. "program" means the incentives and
10 interventions for school improvement program; and

11 D. "state board" means the state board of
12 education. "

13 Section 4. Section 22-13A-4 NMSA 1978 (being Laws 1989,
14 Chapter 137, Section 4, as amended) is amended to read:

15 "22-13A-4. PROGRAM CREATED-- ADMINISTRATION-- PROGRAM
16 APPROVAL. --The "incentives and interventions for school
17 improvement program" is created. The program shall be
18 administered by the department. The department shall develop
19 a standardized method to measure the progress of students
20 enrolled in public schools in school districts throughout the
21 state. The standardized method developed shall be reviewed
22 and approved by the state board. "

23 Section 5. Section 22-13A-5 NMSA 1978 (being Laws 1989,
24 Chapter 137, Section 5, as amended) is amended to read:

25 "22-13A-5. [~~PROGRAM IMPLEMENTATION~~] INCENTIVES FOR

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1 SCHOOL IMPROVEMENT - - MEASUREMENT CRITERIA. - -

2 A. The department shall develop [a] an incentive
3 for school improvement formula by which to measure school
4 achievement in the areas of academic performance with
5 consideration of socioeconomic variables. The product of this
6 formula shall take the form of a composite rating assigned to
7 each school in every school district.

8 B. Academic performance shall be measured by:
9 (1) [~~nationally~~] standardized test scores;
10 (2) graduation competency scores; and
11 (3) other factors deemed relevant by the
12 department.

13 C. The socioeconomic variables shall be measured
14 by:
15 (1) [~~the percentage of~~] student mobility
16 rates;
17 (2) the percentage of limited English-
18 proficient students, using criteria established by the federal
19 office of civil rights;
20 (3) the percentage of students eligible for
21 free and reduced-fee lunches; and
22 (4) other factors deemed relevant by the
23 department.

24 D. Annually, the department shall assign a new
25 composite rating to each school. The department shall compare

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1 the new rating to the previous annual rating. Schools
2 increasing their composite rating shall be ranked in order.
3 The schools evidencing the greatest increase in rating shall
4 receive monetary disbursements from the fund."

5 Section 6. Section 22-13A-6 NMSA 1978 (being Laws 1989,
6 Chapter 137, Section 6, as amended) is amended to read:

7 "22-13A-6. FUND CREATED. --

8 A. There is created in the state treasury the
9 "incentives for school improvement fund". The fund shall
10 consist of any state money appropriated to the fund, [any]
11 federal money allocated to the state for the purposes of the
12 Incentives for School Improvement Act, undistributed annual
13 balances and earnings of the fund and [any] gifts or bequests
14 made to the fund. The state treasurer shall invest the fund
15 as other state funds are invested. The balance remaining in
16 the fund at the end of the fiscal year shall not revert to the
17 general fund.

18 B. The fund is appropriated to the department for
19 the purpose of implementing and administering the Incentives
20 for School Improvement Act. No more than three percent of the
21 fund may be retained by the department for administrative
22 purposes.

23 C. Sixty percent of the money in the fund other
24 than that used for administrative purposes shall be
25 distributed directly to schools evidencing the greatest

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1 improvement as determined by the department. Disbursements
2 shall be made only to that number of schools constituting
3 not more than ten percent of the student membership in the
4 state. Distributions shall be made proportionately to
5 schools that qualify. Money received by a school from the
6 fund shall not be used for salaries, salary increases or
7 bonuses. Money shall be used as determined by the school
8 principal and teachers in cooperation with other school
9 employees and the community.

10 D. Forty percent of the money in the fund other
11 than that used for administrative purposes shall be
12 distributed directly to schools identified as most in need
13 of improvement. Disbursements for schools identified as
14 most in need of improvement shall be made only to those
15 schools identified by the state board, provided that no
16 school shall receive funds for more than three years. Money
17 received by a school from the fund shall be used only for
18 purposes identified pursuant to Subsection C of this
19 section. "