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SENATE BILL 781

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

INTRODUCED BY

Stuart Ingle

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

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

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3  
4  
5  
6 March 15, 1999

7  
8 Mr. President:

9  
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been  
11 referred

12  
13 SENATE BILL 781

14  
15 has had it under consideration and reports same with  
16 recommendation that it DO NOT PASS, but that

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18  
19 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

20 SENATE BILL 781

21  
22 DO PASS, and further recommends that it now be referred to the  
23 COMMITTEES' COMMITTEE.  
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Respectfully submitted,

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Shannon Robinson, Chairman

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

Date \_\_\_\_\_

The roll call vote was 5 For 1 Against

Yes: 5

No: Feldman

Excused: Boitano, Stockard, Smith

Absent: None

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SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 781

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
ENACTING THE PILOT NEW MEXICO WORKS VOUCHER PROGRAM ACT;  
MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the  
"Pilot New Mexico Works Voucher Program Act".

Section 2. DEFINITIONS.--As used in the Pilot New Mexico  
Works Voucher Program Act:

A. "department" means the department of finance and  
administration;

B. "department of education" means the state  
department of public education;

C. "private school" means a school located within  
the school district offering on-site programs of instruction

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not under the control, supervision or management of a local school board, exclusive of home instruction offered by the parent, guardian or one having custody of the student;

1 D. "program" means a program created pursuant to the  
2 Pilot New Mexico Works Voucher Program Act;

3 E. "public school" means that part of the school  
4 district that is a single attendance center where instruction  
5 is offered by a certified school instructor or a group of  
6 certified school instructors and is discernable as a building  
7 or group of buildings generally recognized as either an  
8 elementary, secondary, junior high or middle school or high  
9 school or any combination;

10 F. "school board" means the Albuquerque public  
11 school board;

12 G. "school district" means the Albuquerque school  
13 district;

14 H. "student" means a person who resides within the  
15 school district and is at least five years of age prior to  
16 12:01 a. m. , September 1 of the school year or is a  
17 developmentally disabled three- or four-year-old child; and

18 I. "voucher note" means a note that will be issued  
19 to a student's parent or legal guardian through the  
20 department.

21 Section 3. ADMINISTRATION--PUBLIC AWARENESS-- RULES--  
22 ELIGIBILITY.--

23 A. The department shall establish and administer a  
24 pilot program pursuant to the Pilot New Mexico Works Voucher  
25 Program Act to provide voucher notes to students who reside in

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1 the school district. The pilot program shall run from July 1,  
2 1999 to June 30, 2000. The school board shall promulgate  
3 rules to implement and operate the program. The department  
4 and the school district shall report to the legislature by  
5 November 15, 2000 on the outcome of the pilot program.

6 B. The department and the school district shall  
7 embark on a public awareness campaign to inform the public  
8 about the program using private and public schools, other  
9 government agencies and the media.

10 C. A student is eligible to participate in the  
11 program if his family is eligible to receive cash assistance  
12 or services pursuant to the New Mexico Works Act.

13 D. The human services department shall provide to a  
14 participant as defined in the New Mexico Works Act written  
15 certification that he is eligible to receive cash assistance  
16 or services upon request.

17 Section 4. ISSUANCE AND USAGE OF VOUCHER NOTES. --

18 A. The parent or legal guardian of a student shall  
19 notify the school district that he wants to receive a voucher  
20 note on behalf of the student. The parent or legal guardian  
21 shall provide the school district certification that he is a  
22 participant pursuant to the New Mexico Works Act.

23 B. The parent or legal guardian of a student may use  
24 a voucher note to enroll the student in any public or private  
25 school located within the school district.

1 C. The student and his parent or legal guardian  
2 shall solely select the public or private school the student  
3 chooses to attend.

4 D. If a student selects a private school, his parent  
5 or legal guardian shall be responsible to transport the  
6 student to school. The school district shall promulgate rules  
7 to provide transportation services to those students who  
8 select public schools.

9 Section 5. VOUCHER NOTES--REDEMPTION.--

10 A. The value of the voucher note shall be equal to  
11 the amount of money generated by the student through the state  
12 equalization guarantee distribution provided in the Public  
13 School Finance Act excluding any size or training and  
14 experience adjustment for the school district or the public  
15 school. The value of the voucher shall also include a  
16 proportionate allocation for the local school district's at-  
17 risk and special education funding.

18 B. The department of education shall calculate the  
19 value of a student's voucher note using the state equalization  
20 guarantee distribution formula and shall provide that  
21 information to the department.

22 C. The voucher note redemption value shall not  
23 exceed the tuition and fees charged by a private school for  
24 students not participating in the program unless the cost of  
25 education of the student presenting the voucher note is

1 greater than the tuition and fees charged, in which case the  
2 value of the voucher note shall not exceed those costs.

3 D. A private school or school district shall redeem  
4 the value of the voucher note from the department of education  
5 on the first day of the applicable month in the following  
6 installments:

7 (1) twenty-five percent of the value in  
8 September;

9 (2) twenty-five percent of the value in  
10 November;

11 (3) twenty-five percent of the value in  
12 February; and

13 (4) twenty-five percent of the value in May.

14 E. If a private school disenrolls a student during  
15 the school year or if the student is absent for ten  
16 consecutive days without explanation from his parent or legal  
17 guardian, the private school shall notify the department and  
18 the voucher redemption shall cease.

19 F. If a student's parent or legal guardian  
20 disenrolls a student from a private school and enrolls the  
21 student in another private school or in a public school during  
22 the school year, the parent or legal guardian shall notify the  
23 department. Upon receipt of proof of enrollment in another  
24 private or public school, the remaining redemption  
25 installments shall be made to the new private or public



1 school.

2 Section 6. APPROPRIATION. --Two million dollars  
3 (\$2,000,000) is appropriated from the general fund to the  
4 department of finance and administration for expenditure in  
5 fiscal year 2000 to fund the Pilot New Mexico Works Voucher  
6 Program Act. Any unexpended or unencumbered balance remaining  
7 at the end of fiscal year 2000 shall revert to the general  
8 fund.

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