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December 12, 2006

MEMORANDUM

TO: Legislative Education Study Committee

FR: Kathleen Forrer

RE: FINAL REPORT: LESC SUBCOMMITTEE ON THE HIGH SCHOOL FOR THE ARTS

The final report of the Legislative Education Study Committee (LESC) Subcommittee on the High School for the Arts includes the following components: 1) a history of the subcommittee; 2) a list of the subcommittee's recommendations to the LESC; and 3) a copy of draft legislation based on those recommendations for the LESC's consideration (see Attachment 1).

History of the Subcommittee

During the 2006 legislative session, identical bills to enact the *New Mexico School for the Arts Act* were introduced in the House and the Senate; however, neither bill passed. Had the legislation been enacted, a residential high school, the New Mexico School for the Arts, would have been established in Santa Fe "to provide free, publicly funded education and training in grades nine through twelve for exceptional artistically talented students who are residents of New Mexico and who meet the admissions criteria and standards of the school."

Testimony before Senate and House education committees regarding the proposed New Mexico School for the Arts raised a number of issues, including:

- how much establishing and maintaining the facility would cost;
- how students would be selected;
- whether there are any conflicts between a selective admissions policy and the New Mexico Constitution (Article XII, Section 1 of the Constitution of New Mexico states that a "uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained"); and
- how instructional staff would be licensed.

Because of the questions raised during those hearings, additional legislation was introduced in both the Senate and the House to fund a feasibility study. As amended in the House Education Committee (HEC), this bill would have appropriated \$500,000 to the LESC for a feasibility study on the creation of a publicly funded statewide residential high school for the arts. Although neither bill passed, the chair of the HEC requested that the LESC, during the 2006 interim, discuss the feasibility of establishing such a school.

At its May 2006 meeting, the LESC appointed the LESC Subcommittee on the High School for the Arts. The subcommittee, which was composed of 20 members representing the LESC, the arts community, the public schools, the Public Education Department, the school employees' unions, and other interested individuals (see Attachment 2), was charged with examining the feasibility of establishing a statewide residential high school for the arts and providing recommendations to the LESC prior to the 2007 legislative session. Beginning in June, the subcommittee has met every month except July.

Subcommittee's Recommendations to the LESC

In order to complete its charge, the subcommittee examined a number of issues surrounding the proposed high school, including location, admissions procedures, and funding. As a result of these efforts, the subcommittee recommends that:

- the New Mexico School for the Arts be established as a state-chartered statewide, residential charter high school that will provide New Mexico students, who have demonstrated artistic abilities and potential, with intensive pre-professional and professional instruction in the performing and visual arts combined with a strong academic program leading to a high school diploma;
- the school offer a rounded arts program that includes concentrations in the visual arts, music, theater, film, and dance (the school will maintain a guest artist program in which visiting artists, in accordance with state and federal requirements, are supervised by licensed teachers of record);
- the school be subject to all requirements of the *Charter Schools Act*, except those that prohibit the establishment of admissions criteria;
- the governing body of the New Mexico school for the arts establish admissions criteria designed to admit students who show exceptional talent, promise, or aptitude in the arts and an interest in pursuing a career in the arts;
- students be considered for admission regardless of their opportunity to obtain training prior to admission;
- to the greatest extent possible and without jeopardizing admissions standards, the student body be geographically representative of the state;
- the school conduct outreach programs so that students, parents, and teachers throughout the state are made aware of the nature and purpose of the school and of the opportunities that the school provides; and
- funds be appropriated to support planning and outreach activities during the year prior to the opening of the school.

The subcommittee also recommends that the following decisions be made by the governing body during the planning year:

- the location of the school;
- the selection of a public postsecondary institution to submit the charter application;
- the specific admissions criteria to be used; and
- whether there should be a phase-in of grade levels and/or areas of concentrations in the arts.

In making its recommendations, the subcommittee recognizes that:

- because the school will have admissions criteria, it will be ineligible for funding under the federal Charter School Grant Program;
- the school will be subject to the requirements of the federal *No Child Left Behind Act of 2001*, including the provision that teachers of core subjects be “Highly Qualified”;
- the school will be subject to the provisions of the New Mexico *School Personnel Act*;
- the school must comply with the requirements of the Statewide Assessment and Accountability System;
- the academic curriculum offered by the school must address the state’s academic content and performance standards;
- the school must seek and maintain appropriate accreditation; and
- the school will be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services

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BILL

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

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; CREATING THE NEW MEXICO SCHOOL FOR THE ARTS AS A CHARTER SCHOOL, WHICH WILL BE A STATEWIDE RESIDENTIAL HIGH SCHOOL FOR GRADES NINE THROUGH TWELVE; EXEMPTING THE SCHOOL FROM CERTAIN PROVISIONS OF THE CHARTER SCHOOLS ACT; SPECIFYING TO WHOM THE CHARTER APPLICATION SHALL BE SUBMITTED; PROVIDING FOR ADMISSIONS CRITERIA; PROVIDING FOR ROOM AND BOARD FEES; PROVIDING FOR PLANNING AND OUTREACH ACTIVITIES; PROVIDING FOR DEADLINES FOR NOTIFICATION AND SUBMISSION OF INITIAL APPLICATION; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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] SHORT TITLE.--This act may be cited as the

underscored material = new
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1 "New Mexico School for the Arts Act"."

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

4 "[NEW MATERIAL] PURPOSE.--The purpose of the New Mexico
5 School for the Arts Act is to establish the New Mexico school
6 for the arts as a statewide, residential charter high school to
7 provide New Mexico students who have demonstrated artistic
8 abilities and potential with expanded opportunities to pursue a
9 career in the arts. The school shall offer intensive
10 pre-professional and professional instruction in the performing
11 and visual arts combined with a strong academic program leading
12 to a high school diploma."

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

15 "[NEW MATERIAL] SCHOOL EXEMPT FROM CERTAIN PROVISIONS OF
16 THE CHARTER SCHOOLS ACT.--The New Mexico school for the arts is
17 subject to all provisions of the Charter Schools Act except
18 Subsection K of Section 22-8B-4 NMSA 1978 and Section 22-8B-4.1
19 NMSA 1978. The New Mexico school for the arts shall not charge
20 tuition except as otherwise provided in the Public School
21 Code."

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

24 "[NEW MATERIAL] CHARTER APPLICATION.--The charter
25 application for the New Mexico school for the arts shall be

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1 submitted to the commission as provided in the Charter Schools
2 Act and subject to the provisions of Section 3 of the New
3 Mexico School for the Arts Act."

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

6 "[NEW MATERIAL] ADMISSIONS CRITERIA.--

7 A. The governing body of the New Mexico school for
8 the arts shall establish admissions criteria designed to admit
9 students who show exceptional talent, promise or aptitude in
10 the arts and an interest in pursuing a career in the arts.
11 Students shall be considered for admission regardless of their
12 opportunity to obtain training prior to admission.

13 B. The governing body shall ensure, to the greatest
14 extent possible and without jeopardizing admissions standards,
15 that an equal number of students is admitted to the school from
16 each of the state's congressional districts.

17 C. In order to acquaint potential students with the
18 programs offered by the school, the school shall conduct
19 outreach activities throughout the state. The outreach
20 activities shall include summer arts programs for middle school
21 students, workshops for teachers and programs suitable for
22 elementary school students. There shall be no admissions
23 criteria established for participation in outreach activities.

24 D. The school shall be subject to all federal and
25 state laws and constitutional provisions prohibiting

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1 discrimination on the basis of disability, race, creed, color,
2 gender, national origin, religion, ancestry or need for special
3 education services."

4 Section 6. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] ROOM AND BOARD--CHARGES--STATE
7 PAYMENTS.--The New Mexico school for the arts may charge
8 residential students a fee to cover the costs of room and
9 board. The governing body of the school shall establish a
10 sliding-fee scale based on the student's ability to pay. The
11 department shall approve room and board charges and the
12 sliding-fee scale prior to implementation. The state shall
13 reimburse the school for the difference between the actual
14 revenue received from students and the total cost of room and
15 board calculated by multiplying the average cost of room and
16 board at the state's post-secondary educational institutions
17 enumerated in Article 12, Section 11 of the constitution of New
18 Mexico, including the New Mexico military institute, by the
19 full-time-equivalent number of students residing at the school.
20 The department shall provide an estimate to the legislative
21 education study committee and to the legislative finance
22 committee by November 30 of each year regarding the difference
23 between the projected cost of room and board for the succeeding
24 school year and the projected revenue from the fee charged to
25 students."

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1 Section 7. TEMPORARY PROVISION--PLANNING AND OUTREACH
2 ACTIVITIES--DEADLINES FOR NOTIFICATION AND SUBMISSION OF
3 INITIAL APPLICATION.--

4 A. The governing body of the New Mexico school for
5 the arts shall, in consultation with the public education
6 department and the higher education department, conduct
7 planning and outreach activities during school years 2006-2007
8 and 2007-2008 in preparation for the school to open for the
9 2008-2009 school year.

10 B. Notwithstanding the deadline established in
11 Subsection B of Section 22-8B-6 NMSA 1978, at least ninety days
12 prior to initial application, the organizers of the New Mexico
13 school for the arts shall provide written notification of
14 intent to establish a charter school to the public education
15 commission and the school district in which the school is
16 proposed to be located.

17 C. Notwithstanding the deadline established in
18 Subsection C of Section 22-8B-6 NMSA 1978, the initial
19 application for the New Mexico school for the arts shall be
20 submitted by October 1, 2007 to be eligible for consideration
21 for the following fiscal year; provided that the October 1
22 deadline may be waived upon agreement of the applicant and the
23 commission.

24 Section 8. APPROPRIATION.--Seven hundred fifty thousand
25 dollars (\$750,000) is appropriated from the general fund to the
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1 public education department for expenditure in fiscal years
2 2007 and 2008 to provide financial support for initial start-up
3 costs, including planning and outreach activities, for the New
4 Mexico school for the arts. The department may use up to three
5 percent of the appropriation for administrative costs. Any
6 unexpended or unencumbered balance remaining at the end of
7 fiscal year 2008 shall revert to the general fund.

8 Section 9. EMERGENCY.--It is necessary for the public
9 peace, health and safety that this act take effect immediately.

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**LESC SUBCOMMITTEE ON THE HIGH SCHOOL FOR THE ARTS
2006 INTERIM**

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Mr. Eduardo Holguin, President
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Mr. Santiago Juarez, Executive Director
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Mr. Andy Lotrich, Staff Representative
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Ms. Catherine Oppenheimer, Artistic Director
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Alternates:

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Mr. John Schutz, Coordinator
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Mrs. Paula Stein, Member
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