

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE STUDENT ENHANCEMENT ACT; CREATING A PROGRAM TO PROVIDE TUTORING AND ENHANCED LEARNING OPPORTUNITIES; CREATING A FUND; PROVIDING FOR A COMPETITIVE AWARD PROCESS; PROVIDING POWERS AND DUTIES.

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:

"SHORT TITLE. -- This act may be cited as the "Student Enhancement Act". "

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

"PURPOSE. -- The purpose of the Student Enhancement Act is to provide academic and social enrichment activities through tutoring and enhanced learning opportunities for students in grades six, seven and eight so that students will be motivated to remain in school and learn skills that will assist them to succeed in and graduate from high school. "

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

"DEFINITIONS. -- As used in the Student Enhancement Act:

A. "eligible school" means a public elementary school that enrolls students in grade six or a public middle or junior high school;

B. "enhanced learning opportunities" means an activity that supports academic, social or leadership skills; before- and after-school tutoring activities and extended learning; mentorship and apprenticeship opportunities; and other activities designed to provide students with creative alternative learning experiences, including academic decathlon; academic or topical clubs such as science, homework, art, drama, literature, computer science, cheerleading, athletics, drill team, chess, journalism, mock trial, music, speech and student council; sports and physical fitness; and other activities approved by the department of education; and

C. "fund" means the student enhancement fund."

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

"STUDENT ENHANCEMENT PROGRAM - APPLICATIONS FOR FUNDING. --

A. A school district with more than one eligible school may create "student enhancement programs" to improve student performance. The program shall provide enhanced learning opportunities that are over and above the regularly offered curriculum, and they may be conducted before, during or after regular school hours and on weekends and during vacations.

B. A school district may submit an application to

the department of education for each eligible school for project funding for its student enhancement program. Application shall be in a form approved by the department. Applications shall describe the proposed enhanced learning opportunities, the number of students to be served, the amount of money to be expended for materials and other costs associated with the proposed activities, as well as an evaluation plan that measures annual student progress.

C. The department of education shall establish criteria for awarding money to eligible schools through a competitive application process. The department shall give priority to those eligible schools that serve the greatest proportions of students in poverty as indicated by the number of students who are receiving free or reduced-fee lunch and that have a significant number of students who are performing below the proficiency level as indicated by the school's designation as a school in need of improvement or a probationary school.

D. The department of education shall monitor the student enhancement programs and the enhanced learning opportunities provided by the programs and verify through budget and program review that each eligible school is complying with the provisions of the Student Enhancement Act and rules promulgated in accordance with that act. If the department determines that a program is not in compliance and

is not meeting standards necessary to ensure progress of students in the program, the department shall notify the school district that failure of the program to comply and meet standards will result in the cessation of funding for the program for the next school year. The department shall compile program results submitted by school districts and make an annual report to the legislative education study committee.

E. The department of education shall adopt and promulgate rules to implement the provisions of the Student Enhancement Act."

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

"FUND CREATED. --

A. The "student enhancement fund" is created in the state treasury. The fund shall consist of money appropriated to the fund, earnings from investment of the fund, federal funds available for the purposes of the fund and gifts, grants and donations. The money in the fund shall not revert to any other fund at the end of a fiscal year. The department of education shall administer the fund, and money in the fund is appropriated to the department to carry out the purposes of the Student Enhancement Act. Money in the fund shall be expended upon warrant of the secretary of finance and administration pursuant to vouchers signed by the

state superintendent or his authorized representative.

B. The department of education may provide awards from the fund based on competitive applications for eligible schools. Awards shall be provided directly to the eligible school, and the money shall be used solely for expenditures approved in the application. " _____