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HOUSE BILL 46

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Dani ce R. Pi craux

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

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; 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] 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:**

**"[NEW MATERIAL] PURPOSE. -- The purpose of the Student
Enhancement Act is to provide academic and social enrichment**

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1 activities through tutoring and enhanced learning
2 opportunities for students in grades six, seven and eight so
3 that students will be motivated to remain in school and learn
4 skills that will assist them to succeed in and graduate from
5 high school. "

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

8 "[NEW MATERIAL] DEFINITIONS. --As used in the Student
9 Enhancement Act:

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

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

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

25 Section 4. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] STUDENT ENHANCEMENT PROGRAM - APPLICATIONS
3 FOR FUNDING. --

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

11 B. A school district may submit an application to
12 the department of education for each eligible school for
13 project funding for its student enhancement program.
14 Application shall be in a form approved by the department.
15 Applications shall describe the proposed enhanced learning
16 opportunities, the number of students to be served, the amount
17 of money to be expended for materials and other costs
18 associated with the proposed activities, as well as an
19 evaluation plan that measures annual student progress.

20 C. The department of education shall establish
21 criteria for awarding money to eligible schools through a
22 competitive application process. The department shall give
23 priority to those eligible schools that serve the greatest
24 proportions of students in poverty as indicated by the number
25 of students who are receiving free or reduced-fee lunch and

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1 that have a significant number of students who are performing
2 below the proficiency level as indicated by the school's
3 designation as a school in need of improvement or a
4 probationary school.

5 D. The department of education shall monitor the
6 student enhancement programs and the enhanced learning
7 opportunities provided by the programs and verify through
8 budget and program review that each eligible school is
9 complying with the provisions of the Student Enhancement Act
10 and rules promulgated in accordance with that act. If the
11 department determines that a program is not in compliance and
12 is not meeting standards necessary to ensure progress of
13 students in the program, the department shall notify the
14 school district that failure of the program to comply and meet
15 standards will result in the cessation of funding for the
16 program for the next school year. The department shall
17 compile program results submitted by school districts and make
18 an annual report to the legislative education study committee.

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

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

24 "[NEW MATERIAL] FUND CREATED. --

25 A. The "student enhancement fund" is created in

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1 the state treasury. The fund shall consist of money
2 appropriated to the fund, earnings from investment of the
3 fund, federal funds available for the purposes of the fund and
4 gifts, grants and donations. The money in the fund shall not
5 revert to any other fund at the end of a fiscal year. The
6 department of education shall administer the fund, and money
7 in the fund is appropriated to the department to carry out the
8 purposes of the Student Enhancement Act. Money in the fund
9 shall be expended upon warrant of the secretary of finance and
10 administration pursuant to vouchers signed by the state
11 superintendent or his authorized representative.

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

17 Section 6. APPROPRIATION. -- Three million dollars
18 (\$3,000,000) is appropriated from the general fund to the
19 student enhancement fund for expenditure in fiscal year 2002
20 and subsequent fiscal years to carry out the purposes of the
21 Student Enhancement Act. Any unexpended or unencumbered
22 balance remaining at the end of a fiscal year shall not revert
23 to the general fund.