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SENATE BILL 289

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

INTRODUCED BY

William F. Davis

AN ACT

RELATING TO EDUCATION; PROVIDING FOR ELEMENTARY AND SECONDARY SCHOOL VOUCHERS; AUTHORIZING REDEMPTION OF VOUCHERS AT PUBLIC AND PRIVATE SCHOOLS; ENACTING SECTIONS OF THE PUBLIC SCHOOL CODE.

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 "Elementary and Secondary School Voucher Act". "

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

"[NEW MATERIAL] LEGISLATIVE FINDINGS AND PURPOSE. --

A. The legislature finds that:

(1) every family in New Mexico should have

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1 the option to take advantage of the best educational
2 opportunities available to their school-age children;

3 (2) providing families in New Mexico a choice
4 between schools leads to competition that benefits students
5 and improves the quality of public schools;

6 (3) students should be allowed to improve
7 their learning potential through educational opportunities
8 that are best suited to their individual needs and interests;
9 and

10 (4) low-income families should not be denied
11 educational choices for their school-age children.

12 B. The purpose of the Elementary and Secondary
13 School Voucher Act is to establish a voucher program that
14 provides New Mexico's students the opportunity to attend their
15 choice of public or private schools in order to best suit
16 their individual needs and interests. "

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

19 "[NEW MATERIAL] DEFINITIONS. --As used in the Elementary
20 and Secondary School Voucher Act:

21 A. "family income" means the income of a student's
22 parent or legal guardian who resides with the student at the
23 student's principal residence;

24 B. "federal poverty guidelines" means the level of
25 income defining poverty by family size published annually in

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1 the federal register by the United States department of health
2 and human services;

3 C. "program" means the elementary and secondary
4 school voucher program; and

5 D. "voucher note" means a note that will be issued
6 to a qualifying parent through the department of education
7 that can be used to educate his child at any public or
8 eligible private school as defined in the Public School Code."

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

11 "[NEW MATERIAL] ADMINISTRATION OF THE PROGRAM - ADOPTING
12 RULES. --

13 A. The department of education shall establish and
14 bear the cost of administering the program.

15 B. The state board shall promulgate rules to
16 implement and operate the program.

17 C. A private school shall not be required to
18 participate in the program.

19 D. The department of education in cooperation with
20 the school districts shall embark on a public awareness
21 campaign to inform the public about the program using the
22 schools, other government agencies and the media."

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

25 "[NEW MATERIAL] ELIGIBLE STUDENTS. --

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1 A. A student who is a resident of New Mexico and
2 is at least five years of age prior to 12:01 a.m. September 1
3 of the school year or is a developmentally disabled three- or
4 four-year-old child is eligible to participate in the program
5 if his family meets the following criteria:

6 (1) for the 1999-2000 school year, the
7 student's family income in 1998 does not exceed one hundred
8 percent of the 1998 federal poverty guidelines;

9 (2) for the 2000-2001 school year, the
10 student's family income in 1999 does not exceed one hundred
11 eighty-five percent of the 1999 federal poverty guidelines;
12 and

13 (3) for the 2001-2002 school year, the
14 student's family income in 2000 does not exceed two hundred
15 thirty-five percent of the 2000 federal poverty guidelines.

16 B. For the 2002-2003 school year and subsequent
17 years, all students shall be eligible to participate in the
18 program "

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

21 "NEW MATERIAL ELIGIBLE PRIVATE SCHOOLS. --

22 A. To be eligible to participate in the program, a
23 private school shall:

24 (1) register with the superintendent of a
25 local school district as an eligible private school;

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1 (2) maintain or develop anti discrimination
2 policies to prevent discrimination on the basis of race,
3 color, national origin or ancestry; and

4 (3) develop policies that do not discriminate
5 against students who are recipients of elementary and
6 secondary school vouchers.

7 B. A private school that accepts students that are
8 participants in the program shall not be required to comply
9 with rules that apply to public schools promulgated by either
10 the state board or the local school board."

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

13 "[NEW MATERIAL] PROCEDURES FOR USING VOUCHER NOTES. --

14 A. A parent may use a voucher note to enroll his
15 child in a public school outside of the school district in
16 which the child resides.

17 B. A school district shall adopt specific, written
18 standards for acceptance and rejection of voucher notes
19 provided for in the Elementary and Secondary School Voucher
20 Act based on the capacity of a program, class size, grade
21 level or school buildings.

22 C. Not earlier than March 1 and not later than
23 July 1 prior to the beginning of a school year, a student's
24 parent or legal guardian may apply to the state superintendent
25 to participate in the program. The state superintendent may

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1 waive the application deadline. The application shall contain
2 the following information:

- 3 (1) the student's name and address;
- 4 (2) the student's date of birth;
- 5 (3) the student's social security number;
- 6 (4) the student's school attendance zone;
- 7 (5) the student's grade level;
- 8 (6) the name and address of the student's

9 parent or legal guardian who is residing with the child;

- 10 (7) for a parent or legal guardian who
- 11 resides with the student at the student's principal residence,
- 12 until the 2002-2003 school year copies of:

- 13 (a) the student's, parent's or legal
- 14 guardian's three most recent paycheck receipts for all
- 15 employment;

- 16 (b) a signed statement by the parent's
- 17 or legal guardian's employer indicating his weekly, biweekly
- 18 or annual net earnings; or

- 19 (c) a signed statement by the parent or
- 20 legal guardian that he is self-employed and that indicates his
- 21 annual net earnings and a copy of his most recent income tax
- 22 return;

- 23 (8) whether the student was enrolled in a
- 24 class A, B, C or D special education program in the prior
- 25 school year or, for a child entering school for the first

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1 time, whether the child has a diagnosed developmental
2 disability or learning disorder;

3 (9) whether the student speaks a language
4 other than English as his principal language; and

5 (10) the name, tuition, fees and address of
6 the public or private school to which the student intends to
7 apply.

8 D. No later than forty-five days after the
9 application is received, the state superintendent shall act on
10 the application, notify the parent or legal guardian of the
11 value of the voucher note and issue the voucher note if the
12 application is approved.

13 E. The voucher note shall be issued to the student
14 in the care of the student's parent or legal guardian. The
15 voucher note shall not be issued to the private school or
16 school district containing the public school that the student
17 chooses to attend.

18 F. The student and his parent or legal guardian
19 shall solely select the public or private school the student
20 chooses to attend. The state shall not decide which school a
21 student may attend. The state shall not advise or influence
22 the student's selection of a school.

23 G. Not later than August 15 of each year, the
24 state superintendent shall report to the school districts the
25 ages, school attendance zones and voucher values of students

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1 participating in the program "

2 Section 8. A new section of the Public School Code is
3 enacted to read:

4 "[NEW MATERIAL] VOUCHER NOTES--REDEMPTION. --

5 A. The value of the voucher note shall be equal to
6 the amount of money generated by the student through the state
7 equalization guarantee distribution provided in the Public
8 School Finance Act and a proportionate per student amount for
9 transportation expenses if the student had attended a public
10 school in his school attendance zone, excluding any size or
11 training and experience adjustment for the school district or
12 the public school. The value of the voucher shall also
13 include a proportionate allocation for the local school
14 district's at-risk funding. The department of education shall
15 calculate the value of a student's voucher note using the
16 state equalization guarantee distribution formula.

17 B. The voucher note redemption value shall not
18 exceed the tuition and fees charged by a private school for
19 students not participating in the program unless the cost of
20 educating the student presenting the voucher note is greater
21 than the tuition and fees charged, in which case the value of
22 the voucher note shall not exceed those costs.

23 C. Within fifteen days after receiving a voucher
24 note, a private school shall certify enrollment of the student
25 named on the voucher note and shall certify the amount of

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1 tuition and fees charged by the private school to the
2 department of education.

3 D. A private school or school district shall
4 redeem the value of the voucher note from the department of
5 education in the following installments: twenty-five percent
6 of the value determined in Subsection A of this section in
7 September, twenty-five percent of the value determined in
8 Subsection A of this section in November, twenty-five percent
9 of the value determined in Subsection A of this section in
10 February and twenty-five percent of the value determined in
11 Subsection A of this section in May. The installments shall
12 be paid on the first day of the applicable month.

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

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

1 school. Upon proof of enrollment in a public school, the
2 remaining redemption installments shall be made to the school
3 district in which the public school is located. "

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