

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**HOUSE BILL 594**

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

**INTRODUCED BY**

**James G. Taylor**

**AN ACT**

**RELATING TO PUBLIC SCHOOLS; CLARIFYING THAT THE NEW MEXICO  
ACTIVITIES ASSOCIATION IS SUBJECT TO THE AUTHORITY OF THE  
STATE BOARD OF EDUCATION; PROVIDING FOR APPEALS FROM DECISIONS  
OF THE NEW MEXICO ACTIVITIES ASSOCIATION.**

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

**Section 1. Section 22-2-2 NMSA 1978 (being Laws 1967,  
Chapter 16, Section 5, as amended) is amended to read:**

**"22-2-2. STATE BOARD--DUTIES.--Without limiting those  
powers granted to the state board pursuant to Section 22-2-1  
NMSA 1978, the state board shall perform the following duties:**

**A. properly and uniformly enforce the provisions  
of the Public School Code;**

**B. determine policy for the operation of all  
public schools and vocational education programs in the state,**

underscored material = new  
[bracketed material] = delete

1 including vocational programs that are part of a juvenile  
2 construction industries initiative for juveniles who are  
3 committed to the custody of the children, youth and families  
4 department;

5 C. appoint a state superintendent;

6 D. purchase and loan instructional material to  
7 students pursuant to the Instructional Material Law and adopt  
8 rules relating to the use and operation of instructional  
9 material depositories in the instructional material  
10 distribution process;

11 E. designate courses of instruction to be taught  
12 in all public schools in the state;

13 F. assess and evaluate all state institutions and  
14 those private schools that desire state accreditation;

15 G. determine the qualifications for and issue a  
16 certificate to any person teaching, assisting teachers,  
17 supervising an instructional program, counseling, providing  
18 special instructional services or administering in public  
19 schools according to law and according to a system of  
20 classification adopted and published by the state board;

21 H. suspend or revoke a certificate held by a  
22 certified school instructor or certified school administrator  
23 according to law for incompetency, immorality or any other  
24 good and just cause;

25 I. make full and complete reports on consolidation

. 135842. 1

underscored material = new  
[bracketed material] = delete

1 of school districts to the legislature;

2 J. prescribe courses of instruction, requirements  
3 for graduation and standards for all public schools, for  
4 private schools seeking state accreditation and for the  
5 educational programs conducted in state institutions other  
6 than the New Mexico military institute;

7 K. adopt rules for the administration of all  
8 public schools and bylaws for its own administration;

9 L. require periodic reports on forms prescribed by  
10 it from all public schools and attendance reports from private  
11 schools;

12 M. authorize adult educational programs to be  
13 conducted in schools under its jurisdiction and adopt and  
14 promulgate rules governing all such adult educational  
15 programs;

16 N. require any school under its jurisdiction that  
17 sponsors athletic programs involving sports to mandate that  
18 the participating student obtain catastrophic health and  
19 accident insurance coverage, such coverage to be offered  
20 through the school and issued by an insurance company duly  
21 licensed pursuant to the laws of New Mexico;

22 O. require all accrediting agencies for public  
23 schools in the state to act with its approval;

24 P. accept and receive all grants of money from the  
25 federal government or any other agency for public school

. 135842. 1

underscored material = new  
[bracketed material] = delete

1 purposes and disburse the money in the manner and for the  
2 purpose specified in the grant;

3 Q. require prior approval for any educational  
4 program in a public school that is to be conducted, sponsored,  
5 carried on or caused to be carried on by a private  
6 organization or agency;

7 R. except for activities of the New Mexico  
8 activities association, approve or disapprove all rules  
9 promulgated by any association or organization attempting to  
10 regulate any public school activity and invalidate any rule in  
11 conflict with any rule promulgated by the state board. The  
12 state board shall require any association or organization  
13 attempting to regulate any public school activity to comply  
14 with the provisions of the Open Meetings Act and be subject to  
15 the inspection of the Public Records Act. The state board may  
16 require performance and financial audits of any association or  
17 organization attempting to regulate any public school  
18 activity. The state board shall have no power or control over  
19 the rules or the bylaws governing the administration of the  
20 internal organization of the association or organization;

21 S. review decisions made by the governing board or  
22 officials of any organization or association regulating any  
23 public school activity, and any decision of the state board  
24 shall be final in respect thereto;

25 T. accept or reject any charitable gift, grant,

. 135842. 1

underscored material = new  
[bracketed material] = delete

1 devise or bequest. The particular gift, grant, devise or  
2 bequest accepted shall be considered an asset of the state;

3 U. establish and maintain regional centers, at its  
4 discretion, for conducting cooperative services between public  
5 schools and school districts within and among those regions  
6 and to facilitate regulation and evaluation of school  
7 programs;

8 V. assess and evaluate for accreditation purposes  
9 at least one-third of all public schools each year through  
10 visits by department of education personnel to investigate the  
11 adequacy of pupil gain in standard required subject matter,  
12 adequacy of pupil activities, functional feasibility of public  
13 school and school district organization, adequacy of staff  
14 preparation and other matters bearing upon the education of  
15 the students;

16 W. provide for management and other necessary  
17 personnel to operate any public school or school district that  
18 has failed to meet requirements of law, state board standards  
19 or state board rules; provided that the operation of the  
20 public school or school district shall not include any  
21 consolidation or reorganization without the approval of the  
22 local board of that school district. Until such time as  
23 requirements of law, standards or rules have been met and  
24 compliance is assured, the powers and duties of the local  
25 school board shall be suspended;

. 135842. 1

underscored material = new  
[bracketed material] = delete

1 X. establish and implement a plan that provides  
2 for technical assistance to local school boards through  
3 workshops and other in-service training methods; provided,  
4 however, that no plan shall require mandatory attendance by  
5 any member of a local school board;

6 Y. submit a plan applying for funds available  
7 under Public Law 94-142 and disburse these funds in the manner  
8 and for the purposes specified in the plan;

9 Z. enforce requirements for home schools. Upon  
10 finding that a home school is not in compliance with law, the  
11 state board has authority to order that a student attend a  
12 public school or a private school; and

13 AA. develop a systemic framework for professional  
14 development that provides training to ensure quality teachers  
15 and principals and that improves and enhances student  
16 achievement. The state board shall work with public school  
17 educators, the commission on higher education and institutions  
18 of higher education to establish the framework. The framework  
19 shall include:

20 (1) the criteria for school districts to  
21 apply for professional development funds, including an  
22 evaluation component that will be used by the department of  
23 education in approving local school district professional  
24 development plans; and

25 (2) guidelines for developing extensive

underscored material = new  
[bracketed material] = delete

1 professional development activities for school districts,  
2 including teaching strategies, curriculum materials, distance  
3 learning networks and web sites to ensure that the state  
4 board's rules pertaining to content standards and benchmarks  
5 are used by New Mexico teachers. "

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

8 "[NEW MATERIAL] NEW MEXICO ACTIVITIES ASSOCIATION--  
9 SUBJECT TO SATE BOARD AUTHORITY--APPEALS. --

10 A. The New Mexico activities association is  
11 subject to the authority of the state board. The state board  
12 shall approve or disapprove all rules proposed by the  
13 association prior to adoption and promulgation. No rule,  
14 regulation, order, standard or statement of policy affecting  
15 any person who is not an association board member or employee  
16 shall be adopted, amended or repealed without state board  
17 approval. The state board may also approve or disapprove  
18 rules or bylaws for the association's internal organization.  
19 The association shall comply with the provisions of the Open  
20 Meetings Act, the State Rules Act and the Public Records Act.

21 B. A person may appeal a decision of the executive  
22 director of the New Mexico activities association to the board  
23 of the association. A person may appeal a decision of the  
24 board to the state board. Appeals shall be de novo. The  
25 state board shall promulgate rules for how appeals shall be

underscored material = new  
[bracketed material] = delete

1 taken and provide for an expedited appeal process in order to  
2 render a timely decision. The New Mexico activities  
3 association may not appeal a decision of the state board."

4 - 8 -  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25