

1 HOUSE BILL 706

2 45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

3 INTRODUCED BY

4 Ray Begaye

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9  
10 AN ACT

11 RELATING TO EDUCATION; AUTHORIZING LOCAL OPTION SCHOOL  
12 ELECTIONS ON THE BALLOT QUESTION OF WHETHER TO IMPLEMENT SITE-  
13 BASED DECISION-MAKING BY TRANSFERRING GOVERNANCE DUTIES AND  
14 POWERS, INCLUDING DECISION-MAKING AUTHORITY, FROM LOCAL SCHOOL  
15 BOARDS AND DISTRICT ADMINISTRATIONS TO SCHOOL SITES;  
16 ESTABLISHING REGIONAL SERVICE CENTERS TO PROVIDE CERTAIN SCHOOL  
17 DISTRICT FUNCTIONS; CONVERTING SOME REGIONAL EDUCATION  
18 COOPERATIVES TO REGIONAL SERVICE CENTERS; CREATING THE  
19 EDUCATION REGULATION REVIEW TASK FORCE; AMENDING, REPEALING AND  
20 ENACTING CERTAIN SECTIONS OF THE NMSA 1978; MAKING AN  
21 APPROPRIATION.

22  
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

24 Section 1. A new section of the Election Code is enacted

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1 to read:

2 "[NEW MATERIAL] SHORT TITLE. -- Sections 1 through 9 of this  
3 act may be cited as the "Local Option School Election Act". "

4 Section 2. A new section of the Election Code is enacted  
5 to read:

6 "[NEW MATERIAL] PURPOSE. -- The purpose of the Local Option  
7 School Election Act is to provide procedures for registered  
8 voters of a school district to vote on whether to implement  
9 site-based decision-making by transferring governance duties  
10 and powers, including decision-making authority for school  
11 budgets, human resources and curriculum, from local school  
12 boards and district administrations to principals, parents and  
13 teachers at school sites within the district in order to  
14 maximize local control and autonomy. "

15 Section 3. A new section of the Election Code is enacted  
16 to read:

17 "[NEW MATERIAL] DEFINITIONS. -- As used in the Local Option  
18 School Election Act:

19 A. "ballot question" means the question of whether  
20 to implement site-based decision-making provided in Subsection  
21 B of Section 9 of the Local Option School Election Act to be  
22 presented to the registered voters of a school district at a  
23 regular school district election;

24 B. "canvasser" means a registered voter who  
25 circulates a petition and collects signatures;

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C. "date of closure" means the date the proper filing officer receives and stamps a completed petition calling for a local option school election;

D. "date of initiation" means the date the proper filing officer stamps the face sheet of a petition, initiating the local option school election procedure;

E. "face sheet" means the first page of a petition that contains the information provided in Subsections C and D of Section 4 of the Local Option School Election Act;

F. "local option school election" means the election held with a regular school district election on the ballot question of whether to implement site-based decision-making;

G. "petition" means a document consisting of one completed face sheet, or exact duplicate thereof, and as many subsequent pages as are necessary for signatures;

H. "petitioner" means a person, group or organization initiating a petition; and

I. "proper filing officer" means the county clerk or, in the case of a multicounty school district, the clerk of the county in which the administrative office of the school district is located."

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

"[NEW MATERIAL] LOCAL OPTION SCHOOL ELECTION PETITION. --

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A. A local option school election petition shall be on eight and one-half inch by fourteen inch paper.

B. Information written on a petition shall be in compliance with the federal Voting Rights Act of 1965, as amended.

C. The face sheet of the petition shall contain the following:

- (1) a space for the date of initiation;
- (2) a space for the name of the person, group or organization initiating the petition; and
- (3) a notice stating "Signatures are valid for a maximum of one hundred days from date of initiation."

D. The remaining portion of a face sheet shall be substantially in the following form:

"I the undersigned, a registered voter in the county of ....., New Mexico, and a resident of the .....school district, hereby petition for a local option school election on the question of whether to implement site-based decision-making by transferring governance duties and powers, including decision-making authority for school budgets, human resources and curriculum, from local school boards and district administrations to principals, parents and teachers at school sites within the district in order to maximize local control and autonomy.

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1 Usual signature Name printed Address as City Date  
2 as registered registered

3 2.....".

4 Usual signature Name printed Address as City Date  
5 as registered registered

6 E. The first page of the circulated petition shall  
7 be one completed face sheet or duplicate thereof.

8 F. Each subsequent page of the petition following  
9 the face sheet shall have approximately twenty-five lines,  
10 numbered one to twenty-five, and shall be substantially in the  
11 form as provided in Subsection D of this section.

12 G. The petition for a local option school election  
13 shall be received by the proper filing officer no later than  
14 5:00 p.m. sixty days prior to the regular school district  
15 election. "

16 Section 5. A new section of the Election Code is enacted  
17 to read:

18 " [NEW MATERIAL] AFFIDAVIT WITH PETITION-- INVALIDATION. --

19 A. When submitted to the proper filing officer, a  
20 petition shall have attached to it a notarized affidavit signed  
21 by the canvasser, stating that the canvasser is a registered  
22 voter of the county and school district in which he circulated  
23 the petition; that the canvasser circulated the petition and  
24 witnessed each signer write his signature; and other  
25 information recorded on the petition.

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B. According to the best information and belief,  
the canvasser shall ensure that:

(1) each signature contained on the petition  
is the signature of the person whose name it purports to be;

(2) each signature contained on the petition  
was obtained on or after the date of initiation;

(3) each signer of the petition is a  
registered voter of the county and school district listed on  
the petition; and

(4) each signer of the petition had an  
opportunity to read the information on the completed face sheet  
or an exact duplicate thereof.

C. A knowingly false statement made in the  
affidavit described in Subsection A of this section is grounds  
to invalidate the petition. "

Section 6. A new section of the Election Code is enacted  
to read:

" [NEW MATERIAL] PETITIONER--DUTIES. --

A. The petitioner shall obtain a face sheet form  
and a subsequent page form from the proper filing officer, or  
assemble both as provided in Section 4 of the Local Option  
School Election Act.

B. The petitioner shall complete the name of the  
person, group or organization initiating the petition.

C. The petitioner shall submit the completed face

1 sheet to the proper filing officer for affixing the date of  
2 initiation.

3 D. The petitioner shall duplicate the completed  
4 face sheet after the date of initiation is affixed.

5 E. The petitioner shall file all of the petitions  
6 collected for a local option school election with the proper  
7 filing officer, together and at one time, within one hundred  
8 calendar days from the date of initiation. "

9 Section 7. A new section of the Election Code is enacted  
10 to read:

11 "[NEW MATERIAL] LOCAL OPTION SCHOOL ELECTION PETITION  
12 SIGNATURES. --

13 A. A signer of a petition shall sign only one  
14 petition.

15 B. A signature may not be signed on the petition  
16 prior to the date of initiation.

17 C. A signature on the petition is valid for a  
18 maximum of one hundred calendar days from the date of  
19 initiation.

20 D. A signature shall not be counted unless the  
21 entire line that the signature is on is completed in full and  
22 is in the form prescribed by the Local Option School Election  
23 Act.

24 E. A signature shall be counted on the petition  
25 unless there is evidence presented that the person signing:

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1 (1) is not a registered voter of the county  
2 and school district listed on the face sheet of the petition;

3 (2) has signed more than one petition; or

4 (3) is not the person whose name appears on  
5 the petition.

6 F. The minimum number of verified signatures  
7 required to validate a petition is equal to one percent of the  
8 total number of registered voters in the school district."

9 Section 8. A new section of the Election Code is enacted  
10 to read:

11 "[NEW MATERIAL] PROPER FILING OFFICER-- DUTIES-- MANDAMUS. --

12 A. The proper filing officer shall:

13 (1) provide standard face sheet forms that  
14 include a place for the mailing address of the petitioner,  
15 standard subsequent page forms and standard affidavit forms to  
16 the general public upon request;

17 (2) affix the date of initiation to a  
18 completed face sheet; and

19 (3) keep one copy of the completed face sheet  
20 on file.

21 B. Upon receipt of a completed petition, the proper  
22 filing officer shall stamp the petition with the date of  
23 closure.

24 C. Within ten working days from the date of  
25 closure, the proper filing officer shall verify the signatures

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1 on the completed petition.

2 D. Within five working days of verifying the  
3 signatures on the completed petition, the proper filing officer  
4 shall determine whether the number of verified signatures on  
5 the petition meets the minimum number of verified signatures  
6 required.

7 E. If the proper filing officer determines that the  
8 minimum number of verified signatures on the completed petition  
9 has been submitted, he shall validate the petition and:

10 (1) notify the petitioner at the mailing  
11 address listed on the face sheet by registered mail, return  
12 receipt requested, within three working days after making that  
13 determination; and

14 (2) initiate the procedures to place the  
15 ballot question on the ballot for the next regular school  
16 district election.

17 F. If the proper filing officer determines that the  
18 minimum number of verified signatures has not been submitted on  
19 a completed petition, he shall notify the petitioner at the  
20 mailing address listed on the face sheet by registered mail,  
21 return receipt requested, within three working days after  
22 making that determination. "

23 Section 9. A new section of the Election Code is enacted  
24 to read:

25 " [NEW MATERIAL] LOCAL OPTION SCHOOL ELECTION-- BALLOT

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**QUESTION--RESUBMISSION OF BALLOT QUESTION. --**

A. The ballot question shall be submitted to the registered voters in conjunction with a regular school district election. Conduct of the election shall be as prescribed in the School Election Law for regular school district elections.

B. The ballot question to be submitted to the registered voters of a school district shall be submitted in substantially the following form:

"SHALL SITE-BASED DECISION-MAKING BE IMPLEMENTED BY TRANSFERRING GOVERNANCE DUTIES AND POWERS, INCLUDING DECISION-MAKING AUTHORITY FOR SCHOOL BUDGETS, HUMAN RESOURCES AND CURRICULUM, FROM THE (SPECIFIC NAME OF THE SCHOOL BOARD) SCHOOL BOARD AND SCHOOL DISTRICT ADMINISTRATION TO PRINCIPALS, PARENTS AND TEACHERS AT SCHOOL SITES WITHIN THE DISTRICT IN ORDER TO MAXIMIZE LOCAL CONTROL AND AUTONOMY?".

C. The resolution required to be published as notice of the election pursuant to Section 1-22-4 NMSA 1978 shall include the ballot question as provided in Subsection B of this section.

D. If a majority of the registered voters voting on the ballot question votes in the affirmative to implement site-based decision-making, the governance duties and powers, including decision-making authority for school budgets, human resources and curriculum, shall be transferred to the school sites within the district effective July 1 of the year

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1 following the vote on the ballot question; effective that same  
2 date, the schools within the district shall be governed in  
3 accordance with the Site-Based Management Schools Act and the  
4 Regional Service Center Act.

5 E. The certification of the results of a local  
6 option school election shall be made in accordance with the  
7 School Election Law, and a copy of the certificate of results  
8 shall be mailed immediately to the state superintendent.

9 F. An application to contest, recount or recheck  
10 the results of the local option school election may be filed by  
11 a person who lawfully voted in the election, and service of the  
12 application shall be made upon the proper filing officer in  
13 accordance with the School Election Law and the Election Code.

14 G. If a majority of the registered voters of a  
15 school district votes to reject the ballot question, the next  
16 local option school election may be held no sooner than the  
17 regular school district election four years after the election  
18 in which the registered voters rejected the ballot question."

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

21 "[NEW MATERIAL] SHORT TITLE. -- Sections 10 through 19 of  
22 this act may be cited as the "Site-Based Management Schools  
23 Act". "

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

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1 " [NEW MATERIAL] PURPOSE. -- The purpose of the Site-Based  
2 Management Schools Act is to provide a governance system for  
3 public schools in those school districts in which the  
4 registered voters have voted to implement site-based  
5 decision-making. "

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

8 " [NEW MATERIAL] DEFINITIONS. -- As used in the Site-Based  
9 Management Schools Act:

10 A. "principal" means the principal of a site-based  
11 school;

12 B. "school council" means the governing body of a  
13 site-based school;

14 C. "site-based school" means a public school  
15 governed by a school council implementing site-based decision-  
16 making pursuant to the provisions of the Site-Based Management  
17 Schools Act; and

18 D. "teacher" means a teacher employed at a site-  
19 based school. "

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

22 " [NEW MATERIAL] SITE-BASED SCHOOLS-- DUTIES-- POWERS--  
23 OPERATION. --

24 A. A site-based school shall annually develop a  
25 plan for student achievement that shall be submitted to the

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1 department of education and shall be made available at the  
2 school for public inspection. The plan shall include:

3 (1) a mission statement for the site-based  
4 school;

5 (2) the plan of the site-based school relating  
6 to meeting performance standards, content standards and  
7 benchmarks and a method of measuring student achievement;

8 (3) a description of the ways in which the  
9 site-based school's education program will meet student needs,  
10 including the needs of its at-risk students;

11 (4) a financial plan and evidence that the  
12 plan is economically sound and complies with applicable federal  
13 and state laws relating to fiscal procedures; and

14 (5) the employment and student discipline  
15 policies of the site-based school.

16 B. A site-based school shall:

17 (1) be subject to all federal and state laws  
18 and constitutional provisions prohibiting discrimination on the  
19 basis of disability, race, creed, color, gender, national  
20 origin, religion, ancestry or need for special education  
21 services;

22 (2) be accredited by the department of  
23 education and accountable to the department for purposes of  
24 ensuring compliance with applicable laws and rules;

25 (3) be subject to the educational standards

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set for all public schools;

(4) be responsible for the accountability report required by Section 22-1-6 NMSA 1978 to ensure that relevant data is provided annually to parents, students, educators, policymakers, legislators, the governor and business and economic development organizations;

(5) be a nonsectarian and nonreligious public school and shall not charge tuition or have admission requirements;

(6) comply with all state and federal health and safety requirements applicable to public schools;

(7) participate in the public school insurance authority;

(8) be administered and governed by a school council in accordance with the law;

(9) contract with a regional service center for payroll, accounting and food services and for the transportation of students;

(10) submit to an annual financial audit to be conducted in a manner determined by the state superintendent; and

(11) be responsible for its operation, including contracting for services and human resources.

C. A site-based school may:

(1) negotiate or contract with a regional

1 service center or other entity for the provision of a service  
2 or activity necessary for the site-based school to carry out  
3 its education program; and

4 (2) acquire and dispose of property, other  
5 than real property, belonging to the site-based school.

6 D. A site-based school shall not be subject to the  
7 state board's requirements relating to individual class load  
8 and teaching load, length of the school day, staffing patterns,  
9 subject areas and the purchase of instructional material."

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

12 "[NEW MATERIAL] SCHOOL COUNCIL-- ESTABLISHMENT--  
13 MEMBERSHIP-- TERMS-- ELECTIONS-- MANDATORY TRAINING. --

14 A. A site-based school shall establish its  
15 governing body known as a "school council".

16 B. The membership of a school council shall consist  
17 of the principal, two teachers employed at the site-based  
18 school, two parents, each of whom has at least one child  
19 enrolled in the site-based school, and one member of the local  
20 community who is a registered voter of the school district.  
21 The teacher representatives shall be elected by a majority vote  
22 of the teaching staff of the site-based school. The parent  
23 representatives shall be elected by a majority vote of the  
24 school's parent organization, or, if there is no parent  
25 organization, by another method determined by the principal.

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1 If there are not enough parent representatives to serve on the  
2 school council, a member of the local community may serve in  
3 the place of a parent; provided no more than two members of the  
4 community shall serve at one time. Any community  
5 representative shall be elected by a majority vote of the  
6 parents whose children are enrolled in the site-based school  
7 and the teachers who are employed at the site-based school.

8 C. The parent, teacher and community  
9 representatives shall serve staggered two-year terms, except  
10 for the first year when one parent, one teacher and the  
11 community representative shall each serve a one-year term.  
12 Thereafter, all parent, teacher and community representative  
13 terms shall be for two years. A term shall begin on July 1 and  
14 end on June 30.

15 D. Elections for membership on the school council  
16 shall be held in May. Notice of the election and candidate  
17 nominations shall be given to all interested parties, as  
18 determined by the principal, in April prior to the election.

19 E. In the event of a vacancy on the school council,  
20 the principal shall call for an election at an appropriate time  
21 and the vacancy shall be filled in the same manner as the  
22 vacant seat was originally filled. The member filling the  
23 vacancy shall serve the remainder of the unexpired term.

24 F. Members of a school council shall attend  
25 training courses developed and provided by the school



1 district's regional service center. Attendance at the training  
2 shall be mandatory, and the introductory portion of the  
3 training shall be completed within sixty days of the election  
4 of a member of the school council. The introductory training  
5 courses shall include information in the areas of state and  
6 federal laws and rules applicable to public education; fiscal  
7 management, including preparing a budget; the School Personnel  
8 Act; the Procurement Code; and team building."

9 Section 15. A new section of the Public School Code is  
10 enacted to read:

11 "[NEW MATERIAL] SCHOOL COUNCIL-- DUTIES-- POWERS. --

12 A. A school council shall:

13 (1) employ a principal for the site-based  
14 school, who shall serve at the pleasure of the school council,  
15 and fix his salary;

16 (2) delegate administrative and supervisory  
17 functions of the site-based school to the principal;

18 (3) supervise and control its site-based  
19 school and all property, other than real property, belonging to  
20 or in the possession of the site-based school;

21 (4) subject to the provisions of law and upon  
22 the recommendation of the principal, approve or disapprove the  
23 employment, termination or discharge of all school employees  
24 and certified school personnel of the site-based school;

25 (5) upon the recommendation of the principal,

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1 approve the budget of the site-based school and submit the  
2 budget to the department of education in accordance with  
3 Section 22-8-6 NMSA 1978; and

4 (6) provide for the repair and maintenance of  
5 all property, other than real property, belonging to the site-  
6 based school.

7 B. A school council may:

8 (1) sue and be sued; and

9 (2) accept or reject a charitable gift, grant,  
10 devise or bequest. A gift, grant, devise or bequest accepted  
11 shall be an asset of the site-based school.

12 C. A student who is suspended or expelled from a  
13 site-based school shall be deemed suspended or expelled only  
14 from that site-based school and not from other site-based  
15 schools within the school district boundaries in which the  
16 student resides."

17 Section 16. A new section of the Public School Code is  
18 enacted to read:

19 "[NEW MATERIAL] SITE-BASED SCHOOLS--EMPLOYMENT. --

20 Notwithstanding the provisions of Section 22-5-4 NMSA 1978, a  
21 site-based school shall hire its own employees. The provisions  
22 of the School Personnel Act shall apply to the employees of  
23 site-based schools."

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

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1 " [NEW MATERIAL] SITE-BASED SCHOOLS ENROLLMENT PROCEDURES. -

2 -  
3 A. A site-based school shall give enrollment  
4 preference to a student who is enrolled in the public school at  
5 the time it is converted to a site-based school and to siblings  
6 of students enrolled in the site-based school. A site-based  
7 school may enroll all other students on a first-come, first-  
8 served basis or, if the total number of applicants exceeds the  
9 number of spaces available at the site-based school, through a  
10 lottery selection process.

11 B. In the subsequent years of its operation, a  
12 site-based school shall give enrollment preference to:

13 (1) students who have been enrolled in the  
14 site-based school and remain enrolled through subsequent  
15 grades; and

16 (2) siblings of students already enrolled in  
17 the site-based school."

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

20 " [NEW MATERIAL] SITE-BASED SCHOOL FINANCING. --

21 A. The amount of funding allocated to a site-based  
22 school shall be one hundred percent of the school-generated  
23 program cost.

24 B. That portion of money from state or federal  
25 programs generated by students enrolled in a site-based school

1 shall be allocated to the site-based schools serving students  
2 eligible for that aid."

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

5 "[NEW MATERIAL] LOCAL SCHOOL BOARD-- POWERS-- DUTIES--  
6 STAFF. --

7 A. In school districts governed pursuant to the  
8 Site-Based Management Schools Act, the powers and duties of the  
9 local school board shall be limited to:

10 (1) issuing general obligation bonds of the  
11 school district;

12 (2) acquiring and disposing of real property;

13 (3) acquiring property by eminent domain  
14 pursuant to the procedures provided in the Eminent Domain Code;

15 (4) providing for the repair and maintenance  
16 of all real property belonging to the district; and

17 (5) setting school bus routes for the  
18 transportation of students.

19 B. By July 1 of the year following the regular  
20 school district election in which the registered voters of a  
21 school district vote affirmatively to implement site-based  
22 decision-making, the local school board of the school district  
23 shall provide for the disposition, sale, lease or transfer of  
24 money, records, furniture, equipment and other property, other  
25 than real property, of the district. Property needed for use

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1 by a site-based school within the school district shall be  
2 transferred to the site-based school. The proceeds from the  
3 sale of property, other than real property, shall be  
4 distributed to the site-based schools in the district from  
5 which the property originated on a pro-rata basis. "

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

8 "[NEW MATERIAL] SHORT TITLE. --Sections 20 through 24 of  
9 this act may be cited as the "Regional Service Center Act". "

10 Section 21. A new section of the Public School Code is  
11 enacted to read:

12 "[NEW MATERIAL] PURPOSE. --The purpose of the Regional  
13 Service Center Act is to centralize, at a regional level,  
14 functions of school districts that may be offered more  
15 efficiently, economically and effectively by a single entity. "

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

18 "[NEW MATERIAL] DEFINITIONS. --As used in the Regional  
19 Service Center Act:

20 A. "coordinating council" means the members of an  
21 advisory council of a service center;

22 B. "school council" means the governing body of a  
23 site-based school;

24 C. "service center" means a regional service  
25 center, established by the state superintendent, that provides

1 support, including technical, administrative and training  
2 services, to school districts and site-based schools within its  
3 region;

4 D. "service center director" means the director of  
5 a service center; and

6 E. "site-based school" means a public school  
7 governed by a school council implementing site-based decision-  
8 making pursuant to the provisions of the Site-Based Management  
9 Schools Act. "

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

12 "[NEW MATERIAL] REGIONAL SERVICE CENTERS CREATED--  
13 COORDINATING COUNCIL CREATED-- DIRECTOR. --

14 A. The state superintendent shall establish, by  
15 creating new service centers or by converting regional  
16 education cooperatives, five "regional service centers" to  
17 provide support services designed to help school districts and  
18 site-based schools improve their performance and operate more  
19 efficiently and economically. There shall be only one service  
20 center in each of five regions. The state superintendent shall  
21 determine the regions and sites for locating the service  
22 centers by June 30, 2002; provided that of the five service  
23 centers, one service center shall be created in the northwest  
24 region of the state and two existing regional education  
25 cooperatives shall be converted into service centers. The

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1 state superintendent, in consultation with local school  
2 districts and other interested parties, shall determine the  
3 service region of each service center. A service center shall  
4 begin the start-up of its operations on July 1, 2002 and shall  
5 be fully operational by July 1, 2003. The state superintendent  
6 may change the regional boundaries of the service centers as he  
7 deems necessary.

8 B. The state superintendent shall appoint a  
9 "service center director" for each service center. The service  
10 center director shall hold an advanced degree.

11 C. The service center director, in consultation  
12 with a coordinating council, shall adopt a budget and  
13 administrative guidelines as necessary to carry out the  
14 purposes of the service center.

15 D. The service center director shall appoint such  
16 professional, technical and clerical support as necessary to  
17 carry out the powers and duties of the service center.

18 E. The state superintendent shall establish an  
19 advisory coordinating council made up of the superintendents  
20 from each school district in the region and, if the region  
21 contains a district consisting of site-based schools, a  
22 principal from each such district. The principal  
23 representative from a district consisting of site-based schools  
24 shall be elected by a majority vote of all of the principals in  
25 the district. The coordinating council shall advise the

1 service center director on services to be provided by the  
2 service center and on other matters as requested by the service  
3 center director.

4 F. The coordinating council shall meet annually to  
5 evaluate and review how well the service center is satisfying  
6 the needs of the school districts and site-based schools; to  
7 discuss new program development; and to make recommendations on  
8 services to be provided. The coordinating council may meet  
9 more often as requested by the service center director or the  
10 state superintendent."

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

13 "[NEW MATERIAL] SERVICE CENTERS-- POWERS AND DUTIES--  
14 TRAINING COURSES.--

15 A. A service center shall provide training,  
16 administrative services and technical support to school  
17 districts and site-based schools within its region. A service  
18 center shall contract with site-based schools to develop and  
19 conduct training courses, including an introductory training  
20 course, for members of school councils. The introductory  
21 training course shall include information in the following  
22 areas:

23 (1) state board rules and state and federal  
24 laws applicable to public education;

25 (2) fiscal management, including financial

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- 1 accountability, planning, budgeting and accounting;
- 2 (3) human resource management, including the
- 3 School Personnel Act;
- 4 (4) contracting, including rules pertaining to
- 5 the Procurement Code; and
- 6 (5) team-building skills.

7 B. A service center shall provide the following  
8 services for purchase by school districts and site-based  
9 schools within its region:

- 10 (1) payroll, accounting and finance functions,
- 11 including handling federal flow-through funds;
- 12 (2) administrative services, including serving
- 13 as central purchasing agent and providing centralized
- 14 purchasing of instructional materials;
- 15 (3) special education and other educational
- 16 services;
- 17 (4) grant research and writing services;
- 18 (5) technology support services;
- 19 (6) legal services;
- 20 (7) transportation services;
- 21 (8) food service;
- 22 (9) background checks as provided in Section
- 23 22-10-3.3 NMSA 1978; and

- 24 (10) other programs, goods or services
- 25 requested by the coordinating council within the constraints of

1 budgetary resources.

2 C. A service center shall be an archive for resumes  
3 of persons seeking positions in schools across the state,  
4 including principals and teachers.

5 D. A service center may:

6 (1) sue and be sued; and

7 (2) accept or reject a charitable gift, grant,  
8 devise or bequest. A gift, grant, devise or bequest accepted  
9 shall be an asset of the service center to which it is  
10 accepted. "

11 Section 25. Section 22-1-2 NMSA 1978 (being Laws 1967,  
12 Chapter 16, Section 2, as amended) is amended to read:

13 "22-1-2. DEFINITIONS. -- As used in the Public School Code:

14 A. "state board" means the state board of  
15 education;

16 B. "state superintendent" means the superintendent  
17 of public instruction;

18 C. "department of education" means the state  
19 department of public education;

20 D. "certified school instructor" means [~~any~~] a  
21 person holding a valid certificate authorizing the person to  
22 teach, supervise an instructional program, counsel or provide  
23 special instructional services in the public schools of the  
24 state;

25 E. "certified school administrator" means [~~any~~] a

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1 person holding a valid certificate authorizing the person to  
2 administer in the public schools of the state;

3 F. "certified school employee" or "certified school  
4 personnel" means [~~any~~] an employee who is either a certified  
5 school instructor or a certified school administrator or both;

6 G. "non-certified school employee" means [~~any~~] an  
7 employee who is not a certified school employee;

8 H. "certificate" means a certificate issued by the  
9 state board authorizing a person to teach, supervise an  
10 instructional program, counsel, provide special instructional  
11 services or administer in the public schools of the state;

12 I. "chief" or "director" means the state  
13 superintendent or his designee unless the context clearly  
14 indicates otherwise;

15 J. "private school" means a school offering on-site  
16 programs of instruction not under the control, supervision or  
17 management of a local school board, exclusive of a site-based  
18 school or home instruction offered by the parent, guardian or  
19 one having custody of the student;

20 K. "school district" means an area of land  
21 established as a political subdivision of the state for the  
22 administration of public schools and segregated geographically  
23 for taxation and bonding purposes;

24 L. "local school board" means the governing body of  
25 a school district except for school districts governed pursuant

1 to the Site-Based Management Schools Act;

2 M "public school" means that part of a school  
3 district that is a single attendance center where instruction  
4 is offered by a certified school instructor or a group of  
5 certified school instructors and is discernible as a building  
6 or group of buildings generally recognized as either an  
7 elementary, secondary, junior high or high school or any  
8 combination thereof;

9 N. "school year" means the total number of teaching  
10 days offered by public schools in a school district during a  
11 period of twelve consecutive months;

12 O. "consolidation" means the combination of part or  
13 all of the geographical area of an existing school district  
14 with part or all of the geographical area of one or more  
15 contiguous existing school districts;

16 P. "consolidated school district" means a school  
17 district created by order of the state board by combining part  
18 or all of the geographical area of an existing school district  
19 with part or all of the geographical area of one or more  
20 contiguous existing school districts;

21 Q. "state institution" means the New Mexico  
22 military institute, the New Mexico school for the visually  
23 handicapped, the New Mexico school for the deaf, the New Mexico  
24 boys' school, the New Mexico youth diagnostic and development  
25 center, the Los Lunas medical center, the Fort Stanton

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1 hospital, the Las Vegas medical center or the Carrie Tingley  
2 crippled children's hospital;

3 R. "state educational institution" means an  
4 institution enumerated in Article 12, Section 11 of the  
5 constitution of New Mexico;

6 S. "forty-day report" means the report of qualified  
7 student membership of each school district and of those  
8 eligible to be qualified students but enrolled in a private  
9 school or a home school for the first forty days of school;

10 T. "school" means [~~any~~] a supervised program of  
11 instruction designed to educate a person in a particular place,  
12 manner and subject area;

13 U. "school-age person" means [~~any~~] a person who is  
14 at least five years of age prior to 12:01 a.m. on September 1  
15 of the school year and who has not received a high school  
16 diploma or its equivalent. A maximum age of twenty-one shall  
17 be used for persons who are classified as special education  
18 membership as defined in Section 22-8-2 NMSA 1978 or as  
19 residents of state institutions;

20 V. "home school" means the operation by a parent,  
21 guardian or other person having custody of a school-age person  
22 who instructs a home study program that provides a basic  
23 academic educational program, including [~~but not limited to~~]  
24 reading, language arts, mathematics, social studies and  
25 science;

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W. "school building" means a public school, an administration building and related school structure or facilities, including teacher housing, as may be owned, acquired or constructed by the local school board and as necessary to carry out the powers and duties of the local school board;

X. "commercial advertiser" means a person who advertises a product or service for profit or not for profit and has a permitted advertisement; [~~and~~]

Y. "school bus private owner" means a person who owns a school bus, other than a [~~local~~] school district, the department of education, the state or any other political subdivision of the state;

Z. "school council" means the governing body of a site-based school;

AA. "service center" means a regional service center, established by the state superintendent, that provides support, including technical, administrative and training services, to school districts and site-based schools within its region; and

BB. "site-based school" means a public school governed by a school council implementing site-based decision-making pursuant to the provisions of the Site-Based Management Schools Act. "

Section 26. Section 22-2-2 NMSA 1978 (being Laws 1967, . 136445. 1

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1 Chapter 16, Section 5, as amended) is amended to read:

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

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

7 B. determine policy for the operation of [aH]  
8 public schools and vocational education programs in the state,  
9 including vocational programs that are part of a juvenile  
10 construction industries initiative for juveniles who are  
11 committed to the custody of the children, youth and families  
12 department;

13 C. appoint a state superintendent;

14 D. purchase and loan instructional material to  
15 students pursuant to the Instructional Material Law and adopt  
16 rules relating to the use and operation of instructional  
17 material depositories in the instructional material  
18 distribution process;

19 E. designate courses of instruction to be taught in  
20 [aH] public schools in the state;

21 F. assess and evaluate [aH] state institutions and  
22 those private schools that desire state accreditation;

23 G. determine the qualifications for and issue a  
24 certificate to [any] a person teaching, assisting teachers,  
25 supervising an instructional program, counseling, providing

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1 special instructional services or administering in public  
2 schools according to law and according to a system of  
3 classification adopted and published by the state board;

4 H. suspend or revoke a certificate held by a  
5 certified school instructor or certified school administrator  
6 according to law for incompetency, immorality or any other good  
7 and just cause;

8 I. make full and complete reports on consolidation  
9 of school districts to the legislature;

10 J. prescribe courses of instruction, requirements  
11 for graduation and standards for [a++ ] public schools, for  
12 private schools seeking state accreditation and for the  
13 educational programs conducted in state institutions other than  
14 the New Mexico military institute;

15 K. adopt rules for the administration of [a++ ]  
16 public schools and bylaws for its own administration;

17 L. require periodic reports on forms prescribed by  
18 it from [a++ ] public schools and attendance reports from  
19 private schools;

20 M. authorize adult educational programs to be  
21 conducted in schools under its jurisdiction and adopt and  
22 promulgate rules governing [a++ ] such adult educational  
23 programs;

24 N. require [any] a school under its jurisdiction  
25 that sponsors athletic programs involving sports to mandate



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1 that ~~the~~ a participating student obtain catastrophic health  
2 and accident insurance coverage, such coverage to be offered  
3 through the school and issued by an insurance company duly  
4 licensed pursuant to the laws of New Mexico;

5 0. require ~~all~~ accrediting agencies for public  
6 schools in the state to act with its approval;

7 P. accept and receive ~~all~~ grants of money from  
8 the federal government or any other agency for public school  
9 purposes and disburse the money in the manner and for the  
10 purpose specified in the grant;

11 Q. require prior approval for ~~any~~ an educational  
12 program in a public school that is to be conducted, sponsored,  
13 carried on or caused to be carried on by a private organization  
14 or agency;

15 R. approve or disapprove ~~all~~ rules promulgated by  
16 ~~any~~ an association or organization attempting to regulate  
17 ~~any~~ a public school activity and invalidate any rule in  
18 conflict with ~~any~~ a rule promulgated by the state board. The  
19 state board shall require ~~any~~ an association or organization  
20 attempting to regulate ~~any~~ a public school activity to comply  
21 with the provisions of the Open Meetings Act and be subject to  
22 the inspection of the Public Records Act. The state board may  
23 require performance and financial audits of ~~any~~ an  
24 association or organization attempting to regulate ~~any~~ a  
25 public school activity. The state board shall have no power or

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1 control over the rules or the bylaws governing the  
2 administration of the internal organization of the association  
3 or organization;

4 S. review decisions made by the governing board or  
5 officials of [any] an organization or association regulating  
6 [any] a public school activity, and [any] a decision of the  
7 state board shall be final in respect thereto;

8 T. accept or reject [any] a charitable gift, grant,  
9 devise or bequest. The [particular] gift, grant, devise or  
10 bequest accepted shall be [considered] an asset of the state;

11 ~~U. establish and maintain regional centers, at its~~  
12 ~~discretion, for conducting cooperative services between public~~  
13 ~~schools and school districts within and among those regions and~~  
14 ~~to facilitate regulation and evaluation of school programs;~~

15 V.] U. assess and evaluate for accreditation  
16 purposes at least one-third of all public schools each year  
17 through visits by department of education personnel to  
18 investigate the adequacy of pupil gain in standard required  
19 subject matter, adequacy of pupil activities, functional  
20 feasibility of public school and school district organization,  
21 adequacy of staff preparation and other matters bearing upon  
22 the education of the students;

23 [W.] V. provide for management and other necessary  
24 personnel to operate [any] a public school or school district  
25 that has failed to meet requirements of law, state board

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1 standards or state board rules; provided that the operation of  
2 the public school or school district shall not include [~~any~~]  
3 consolidation or reorganization without the approval of the  
4 local board or school council of that school district. Until  
5 such time as requirements of law, standards or rules have been  
6 met and compliance is assured, the powers and duties of the  
7 local school board or school council shall be suspended;

8 [~~X.-~~] W. establish and implement a plan that  
9 provides for technical assistance to local school boards  
10 through workshops and other in-service training methods;  
11 provided, however, that no plan shall require mandatory  
12 attendance by [~~any~~] a member of a local school board;

13 [~~Y.-~~] X. submit a plan applying for funds available  
14 under Public Law 94-142 and disburse these funds in the manner  
15 and for the purposes specified in the plan;

16 [~~Z.-~~] Y. enforce requirements for home schools.  
17 Upon finding that a home school is not in compliance with law,  
18 the state board has authority to order that a student attend a  
19 public school or a private school; and

20 [~~AA.-~~] Z. develop a systemic framework for  
21 professional development that provides training to ensure  
22 quality teachers and principals and that improves and enhances  
23 student achievement. The state board shall work with public  
24 school educators, the commission on higher education and  
25 institutions of higher education to establish the framework.

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1 The framework shall include:

2 (1) the criteria for school districts to apply  
3 for professional development funds, including an evaluation  
4 component that will be used by the department of education in  
5 approving local school district professional development plans;  
6 and

7 (2) guidelines for developing extensive  
8 professional development activities for school districts,  
9 including teaching strategies, curriculum materials, distance  
10 learning networks and web sites to ensure that the state  
11 board's rules pertaining to content standards and benchmarks  
12 are used by New Mexico teachers."

13 Section 27. Section 22-2-14 NMSA 1978 (being Laws 1978,  
14 Chapter 129, Section 1, as amended) is amended to read:

15 "22-2-14. EDUCATION REQUIREMENTS-- ENFORCEMENT--  
16 PROCEDURES.--

17 A. Money budgeted by a school district or site-  
18 based school shall be spent first to attain and maintain the  
19 requirements for a school district or site-based school as  
20 prescribed by law and by standards and regulations as  
21 prescribed by the state board. The state superintendent shall  
22 give written notification to a local school board or school  
23 council of [~~any~~] a failure to meet requirements by any part of  
24 the school district under the control of the local school board  
25 or a school council. The notice shall specify the deficiency.

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1 Instructional units or administrative functions may be  
2 disapproved for such deficiencies. The state superintendent  
3 shall disapprove instructional units or administrative  
4 functions which he determines to be detrimental to the  
5 educational process.

6 B. Within thirty days after receipt of the notice  
7 of failure to meet requirements, the local school board or  
8 school council shall:

9 (1) comply with the specific and attendant  
10 requirements in order to remove the cause for disapproval; or

11 (2) submit plans satisfactory to the state  
12 superintendent to meet requirements and remove the cause for  
13 disapproval.

14 C. The state board shall suspend from authority and  
15 responsibility [~~any~~] a local school board [~~which~~] or school  
16 council that has had notice of disapproval and fails to comply  
17 with procedures of Subsection B of this section. The state  
18 superintendent shall act in lieu of the suspended local school  
19 board or school council until the state board removes the  
20 suspension.

21 D. To suspend a local school board or school  
22 council, the state board shall deliver to the local school  
23 board or school council an alternative order of suspension,  
24 stating the cause for the suspension and the effective date and  
25 time the suspension will begin. The alternative order shall

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1 also contain notice of a time, date and place for a public  
2 hearing, prior to the beginning of suspension, to be held by  
3 the state board, at which the local school board or school  
4 council may appear and show cause why it should not be  
5 suspended. Within five days after the hearing, the state board  
6 shall make permanent, modify or withdraw the alternative order.

7 E. The state superintendent may suspend a local  
8 school board or school council pending a hearing before the  
9 state board when the local school board or school council has  
10 been notified of disapproval and when the state superintendent  
11 has sufficient reason to believe that the educational process  
12 in the school district or site-based school has been severely  
13 impaired or halted as a result of deficiencies so severe as to  
14 warrant disapproved status before the question of suspension  
15 can be presented to the state board for a hearing.

16 F. The state superintendent, while acting in lieu  
17 of a suspended local school board or school council, shall  
18 execute all the legal authority of the local school board or  
19 school council and assume all the responsibilities of that  
20 board or school council.

21 G. The provisions of this section shall be invoked  
22 at any time the state superintendent finds the school district  
23 or site-based school has failed to attain and maintain the  
24 requirements of law or state board standards and regulations. "

25 Section 28. Section 22-2-15 NMSA 1978 (being Laws 1978,  
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1 Chapter 129, Section 2, as amended) is amended to read:

2 "22-2-15. HEARINGS--SUSPENSION CONTINUANCE AND  
3 DISCONTINUANCE--APPEALS. --

4 A. Within ten days after suspension, or within a  
5 reasonable time as the suspended local school board or school  
6 council may request, the state board shall give a hearing to  
7 the local school board or school council. At this hearing, the  
8 local school board or school council may appear and show cause  
9 why the suspension should not be continued. The state board  
10 employees who conducted evaluations upon which the suspension  
11 was based shall appear and give testimony.

12 B. After the hearing, the state board shall  
13 continue or discontinue the suspension of the local school  
14 board or school council.

15 C. [~~Any~~] A local school board or school council  
16 aggrieved by the decision of the state board may appeal to the  
17 district court pursuant to the provisions of Section 39-3-1.1  
18 NMSA 1978. "

19 Section 29. Section 22-8-6 NMSA 1978 (being Laws 1967,  
20 Chapter 16, Section 60, as amended by Laws 1999, Chapter 281,  
21 Section 21 and also by Laws 1999, Chapter 291, Section 2) is  
22 amended to read:

23 "22-8-6. BUDGETS--SUBMISSION--FAILURE TO SUBMIT. --

24 A. Prior to April 15 of each year, each local  
25 school board or site-based school shall submit to the

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1 department an operating budget for the school district or site-  
2 based school for the ensuing fiscal year. Upon written  
3 approval of the state superintendent, the date for the  
4 submission of the operating budget as required by this section  
5 may be extended to a later date fixed by the state  
6 superintendent.

7 B. The operating budget required by this section  
8 may include:

9 (1) estimates of the cost of insurance  
10 policies for periods up to five years if a lower rate may be  
11 obtained by purchasing insurance for the longer term; or

12 (2) estimates of the cost of contracts for the  
13 transportation of students for terms extending up to four  
14 years.

15 C. The operating budget required by this section  
16 shall include a proposed breakdown for charter schools in the  
17 school district, by individual charter school, of the  
18 membership projected for each charter school, the total program  
19 units generated at that charter school and approximate  
20 anticipated disbursements and expenditures at each charter  
21 school.

22 D. If a local school board or school council fails  
23 to submit a budget pursuant to this section, the department  
24 shall prepare the operating budget for the school district for  
25 the ensuing fiscal year. A local school board or school



1 council shall be considered as failing to submit a budget  
2 pursuant to this section if the budget submitted exceeds the  
3 total projected resources of the school district or site-based  
4 school or if the budget submitted does not comply with the law  
5 or with rules and procedures of the department. "

6 Section 30. Section 22-10-3.3 NMSA 1978 (being Laws 1997,  
7 Chapter 238, Section 1, as amended) is amended to read:

8 "22-10-3.3. BACKGROUND CHECKS. --

9 A. An applicant for initial certification shall be  
10 fingerprinted and shall provide two fingerprint cards or the  
11 equivalent electronic fingerprints to the department of  
12 education to obtain the applicant's federal bureau of  
13 investigation record. Convictions of felonies or misdemeanors  
14 contained in the federal bureau of investigation record shall  
15 be used in accordance with the Criminal Offender Employment  
16 Act. Other information contained in the federal bureau of  
17 investigation record, if supported by independent evidence, may  
18 form the basis for the denial, suspension or revocation of a  
19 certificate for good and just cause. Records and [any] related  
20 information shall be privileged and shall not be disclosed to a  
21 person not directly involved in the certification or employment  
22 decisions affecting the specific applicant. The applicant for  
23 initial certification shall pay for the cost of obtaining the  
24 federal bureau of investigation record.

25 B. Local school boards and service centers shall

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develop policies and procedures to require background checks on an applicant who has been offered employment, a contractor or a contractor's employee with unsupervised access to students at a public school, including a charter school. An applicant for employment who has been initially certified within twelve months of applying for employment with a local school board, a service center or a charter school shall not be required to submit to another background check if the department of education has copies of his federal bureau of investigation records on file. An applicant who has been offered employment, a contractor or a contractor's employee with unsupervised access to students at a public school, including a charter school, shall provide two fingerprint cards or the equivalent electronic fingerprints to the local school board or service center to obtain his federal bureau of investigation record. The applicant who has been offered employment, contractor or contractor's employee with unsupervised access to students at a public school, including a charter school, may be required to pay for the cost of obtaining a background check. At the request of a local school board, service center or charter school, the department of education is authorized to release copies of federal bureau of investigation records that are on file with the department of education and that are not more than twelve months old. Convictions of felonies or misdemeanors contained in the federal bureau of investigation

1 record shall be used in accordance with the Criminal Offender  
2 Employment Act; provided that other information contained in  
3 the federal bureau of investigation record, if supported by  
4 independent evidence, may form the basis for the employment  
5 decisions for good and just cause. Records and [any] related  
6 information shall be privileged and shall not be disclosed to a  
7 person not directly involved in the employment decision  
8 affecting the specific applicant who has been offered  
9 employment, contractor or contractor's employee with  
10 unsupervised access to students at a public school, including a  
11 charter school.

12 C. The department of education shall implement the  
13 provisions of Subsection A of this section on or before July 1,  
14 1998. "

15 Section 31. TEMPORARY PROVISION--TRANSFER OF REGIONAL  
16 EDUCATION COOPERATIVES' APPROPRIATIONS, PROPERTY AND  
17 AGREEMENTS--DISPOSITION OF REGIONAL CENTER COOPERATIVES'  
18 PROPERTY. --

19 A. When the superintendent of public instruction  
20 converts a regional education cooperative to a regional service  
21 center, personnel, appropriations, money, records, furniture,  
22 equipment and other property of the regional education  
23 cooperative shall be transferred to the regional service center  
24 converted from the regional education cooperative. Contractual  
25 obligations of the regional education cooperative shall become

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1 contractual obligations of the regional service center.

2 B. If the superintendent of public instruction  
3 creates a regional service center in a region that has a  
4 regional center cooperative, the school districts that  
5 participate in the regional center cooperative shall disband  
6 that regional center cooperative. The school districts shall  
7 provide for the disposition of money, records, furniture,  
8 equipment and other property either as provided in the joint  
9 powers agreement that created the regional center cooperative  
10 or by transferring the property to the state department of  
11 public education.

12 Section 32. TEMPORARY PROVISION-- EDUCATION REGULATION  
13 REVIEW TASK FORCE CREATED.--The "education regulation review  
14 task force" is created. The task force shall function from the  
15 date of the appointment of its members until December 31, 2002.

16 Section 33. TEMPORARY PROVISION-- MEMBERSHIP-- VACANCIES--  
17 COMPENSATION.--

18 A. The education regulation review task force shall  
19 be composed of twelve members appointed as follows:

20 (1) six members shall be principals and four  
21 members shall be teachers from New Mexico public schools. The  
22 New Mexico legislative council shall appoint five members,  
23 including three principals and two teachers, and the governor  
24 shall appoint five members, including three principals and two  
25 teachers; and

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(2) there shall be one member representing the state department of public education and one member representing school district superintendents, both of whom shall be appointed by the superintendent of public instruction.

B. A vacancy on the education regulation review task force shall be filled by appointment and in the same manner as the vacant seat was originally filled. All members of the task force shall be appointed by July 31, 2001 and shall represent the geographic and cultural diversity of the state.

C. The state department of public education shall staff the education regulation review task force.

D. Members of the education regulation review task force shall be paid pursuant to the Per Diem and Mileage Act and shall receive no other perquisite, compensation or allowance.

Section 34. TEMPORARY PROVISION-- POWERS AND DUTIES.--

A. The education regulation review task force shall initially hold an organizational meeting to select a chairman and to develop a work plan. Thereafter, the task force shall meet as necessary to carry out its duties as provided in Subsection B of this section.

B. The education regulation review task force shall conduct a review of the rules and regulations governing primary and secondary education in New Mexico to identify those rules and regulations that unnecessarily burden administrators and

1 teachers at the school site and that prevent administrators and  
2 teachers at the school site from effectively performing their  
3 roles as instructional leaders and educators.

4 C. The education regulation review task force shall  
5 present its findings and recommendations no later than December  
6 31, 2002 to the state board of education, the governor and the  
7 legislative education study committee for further action in  
8 eliminating the identified rules or regulations that are found  
9 to be unnecessary and burdensome.

10 Section 35. APPROPRIATION.--Twenty thousand dollars  
11 (\$20,000) is appropriated from the general fund to the state  
12 department of public education for expenditure in fiscal year  
13 2002 to provide per diem and mileage for the members of the  
14 education regulation review task force. Any unexpended or  
15 unencumbered balance remaining at the end of the fiscal year  
16 2002 shall revert to the general fund.

17 Section 36. DELAYED REPEAL.--Sections 22-2B-1 through 22-  
18 2B-6 NMSA 1978 (being Laws 1993, Chapter 232, Sections 1  
19 through 6) are repealed effective July 1, 2003.

20 Section 37. EFFECTIVE DATE.--The effective date of the  
21 provisions of this act is July 1, 2001.

underscored material = new  
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