

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 81, 609 & 706

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

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING PUBLIC SCHOOL REFORMS;
PROVIDING FOR MORE STRINGENT COMPETENCY REQUIREMENTS FOR
TEACHERS AND SCHOOL PRINCIPALS; PROVIDING FOR LICENSURE OF
CERTAIN SCHOOL EMPLOYEES; CHANGING CERTAIN GOVERNANCE
STRUCTURES; PRESCRIBING POWERS AND DUTIES; PROVIDING FOR
REGIONAL SERVICE CENTERS; PROVIDING FOR SCHOOL COUNCILS;
INCREASING RETIREMENT BENEFITS FOR SERVICE OVER TWENTY-FIVE
YEARS; PROVIDING FOR RETURN TO EMPLOYMENT OF CERTAIN RETIREES;
CREATING COMMITTEES, TASK FORCES AND COUNCILS; AMENDING,
REPEALING, ENACTING AND RECOMPILING SECTIONS OF THE NMSA 1978;
DECLARING AN EMERGENCY.

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

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

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1 "22-1-1. PUBLIC SCHOOL CODE. -- Chapter [~~77-NMSA-1953~~] 22
2 NMSA 1978 may be cited as the "Public School Code". "

3 Section 2. A new Section 22-1-1.2 NMSA 1978 is enacted
4 to read:

5 "22-1-1.2. [NEW MATERIAL] LEGISLATIVE FINDINGS AND
6 PURPOSE. --

7 A. The legislature finds that no education system
8 can be sufficient for the education of all children unless it
9 is founded on the sound principle that every child can learn
10 and succeed, and the system must meet the needs of all
11 children by recognizing that student success for every child
12 is the fundamental goal.

13 B. The legislature finds further that the key to
14 student success in New Mexico is an education system that
15 attracts and retains quality teachers for schools; that holds
16 teachers, students, schools and school districts accountable;
17 and that elevates the importance of public education in the
18 state by clarifying the governance structure at different
19 levels.

20 C. The legislature finds further that the teacher
21 shortage in this country has affected the ability of New
22 Mexico to compete for the best teachers, and that unless the
23 state and school districts find ways to mentor beginning
24 teachers, intervene with teachers while they still show
25 promise, improve the job satisfaction of quality teachers and

1 elevate the teaching profession by shifting to a professional
2 educator licensing and salary system, schools will be unable
3 to recruit and retain the highest quality teachers in the
4 teaching profession in New Mexico.

5 D. The legislature finds further that a well-
6 designed, well-implemented and well-maintained assessment and
7 accountability system is the linchpin of public school reform
8 and must ensure that:

9 (1) students who do not meet or exceed
10 expectations will be given individual attention and assistance
11 through extended learning programs and individualized
12 tutoring;

13 (2) teachers who do not meet performance
14 standards must improve their skills or they will not continue
15 to be employed as teachers; and

16 (3) school districts and the state are
17 prepared to actively intervene and improve failing schools.

18 E. The legislature finds further that improving
19 children's reading and writing abilities and literacy must
20 remain a priority of the state.

21 F. The legislature finds further that the public
22 school governance structure needs to change to provide
23 accountability from the bottom up instead of from the top
24 down. Each school principal, with the help of school councils
25 made up of parents and teachers, must be the instructional

1 leader in the school, motivating and holding accountable both
2 teachers and students. Each local superintendent must
3 function as the school district's chief executive officer and
4 have responsibility for the day-to-day operations of the
5 school district, including personnel and student disciplinary
6 decisions. Local school boards, which do not serve full time,
7 need to focus on educational policy for the school district
8 and need to be relieved of personnel and student disciplinary
9 decisions. Many department of education duties need to
10 devolve to regional service centers so that state technical
11 assistance and some accountability functions may be closer to
12 the school districts, thus offering more immediate help in
13 improving performance and efficiency.

14 G. It is the purpose of this 2001 public school
15 reform legislation to provide the framework to implement the
16 legislative findings to ensure student success in New Mexico. "

17 Section 3. Section 22-1-2 NMSA 1978 (being Laws 1967,
18 Chapter 16, Section 2, as amended) is repealed and a new
19 Section 22-1-2 NMSA 1978 is enacted to read:

20 "22-1-2. [NEW MATERIAL] DEFINITIONS. --As used in the
21 Public School Code:

22 A. "commercial advertiser" means a person who
23 advertises a product or service for profit or not for profit
24 and has a permitted advertisement;

25 B. "department" means the state department of

1 public education;

2 C. "forty-day report" means the report of
3 qualified student membership of each school district and of
4 those eligible to be qualified students but enrolled in a
5 private school or a home school for the first forty days of
6 school;

7 D. "home school" means the operation by the parent
8 of a school-age person of a home study program of instruction
9 that provides a basic academic educational program, including
10 reading, language arts, mathematics, social studies and
11 science;

12 E. "instructional support provider" means a person
13 who is employed to support the instructional program of a
14 school district, including educational assistant, librarian,
15 school counselor, social worker, school nurse, speech-language
16 pathologist, psychologist, physical therapist, occupational
17 therapist, recreational therapist, interpreter for the deaf
18 and diagnostician;

19 F. "licensed school employee" means teachers,
20 school administrators and instructional support providers;

21 G. "local school board" means the policy-setting
22 body of a school district;

23 H. "local superintendent" means the chief
24 executive officer of a school district;

25 I. "parent" includes a guardian or other person

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1 having custody and control of a school-age person;

2 J. "private school" means a school, other than a
3 home school, that offers on-site programs of instruction and
4 that is not under the control, supervision or management of a
5 local school board;

6 K. "public school" means that part of a school
7 district that is a single attendance center where instruction
8 is offered by one or more teachers and is discernible as a
9 building or group of buildings generally recognized as either
10 an elementary, middle, junior high or high school or any
11 combination of those;

12 L. "school" means any supervised program of
13 instruction designed to educate a student in a particular
14 place, manner and subject area;

15 M. "school administrator" means a person licensed
16 to administer in a school district and includes school
17 principals and central district administrators;

18 N. "school-age person" means a person who is at
19 least five years of age prior to 12:01 a.m. on September 1 of
20 the school year and who has not received a high school diploma
21 or its equivalent. A maximum age of twenty-one shall be used
22 for a person who is classified as special education membership
23 as defined in Section 22-8-2 NMSA 1978 or as a resident of a
24 state institution;

25 O. "school building" means a public school, an

1 administration building and related school structures or
2 facilities, including teacher housing, that is owned, acquired
3 or constructed by the school district as necessary to carry
4 out the functions of the school district;

5 P. "school bus private owner" means a person,
6 other than a school district, the department, the state or any
7 other political subdivision of the state, that owns a school
8 bus;

9 Q. "school district" means an area of land
10 established as a political subdivision of the state for the
11 administration of public schools and segregated geographically
12 for taxation and bonding purposes;

13 R. "school employee" includes licensed and
14 nonlicensed employees of a school district;

15 S. "school principal" means the chief
16 instructional leader and administrative head of a public
17 school;

18 T. "school year" means the total number of
19 contract days offered by public schools in a school district
20 during a period of twelve consecutive months;

21 U. "state agency" or "state institution" means the
22 New Mexico military institute, New Mexico school for the
23 visually handicapped, New Mexico school for the deaf, New
24 Mexico boys' school, girls' welfare home, New Mexico youth
25 diagnostic and development center, Sequoyah adolescent

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1 treatment center, Carrie Tingley crippled children's hospital,
2 Las Vegas medical center and any other state agency
3 responsible for educating resident children;

4 V. "state board" means the state board of
5 education;

6 W. "state educational institution" means an
7 institution enumerated in Article 12, Section 11 of the
8 constitution of New Mexico;

9 X. "state superintendent" means the superintendent
10 of public instruction;

11 Y. "substitute teacher" means a person who holds a
12 certificate to substitute for a teacher in the classroom;

13 Z. "teacher" means a person who holds a level one,
14 two or three-A license and whose primary duty is classroom
15 instruction or the supervision, below the school principal
16 level, of an instructional program;

17 AA. "certified school instructor" means a teacher
18 or instructional support provider;

19 BB. "certified school employee" or "certified
20 school personnel" means a licensed school employee;

21 CC. "consolidated school district" means a school
22 district created by order of the state board through the
23 consolidation of one or more existing school districts; and

24 DD. "consolidation" means the combination of part
25 or all of the geographical area of an existing school district

1 with part or all of the geographical areas of one or more
2 contiguous existing school districts."

3 Section 4. Section 22-1-6 NMSA 1978 (being Laws 1989,
4 Chapter 308, Section 1, as amended) is amended to read:

5 "22-1-6. TESTS AND ASSESSMENTS--ANNUAL SCHOOL DISTRICT
6 ACCOUNTABILITY REPORT REQUIRED. --

7 A. School districts [~~shall be~~] are required to
8 publish an annual school district accountability report to
9 provide district-wide data for the previous school year. The
10 state board shall establish the format for the accountability
11 reports and ensure that the relevant data is provided annually
12 to parents, students, educators, policymakers, legislators,
13 the governor and business and economic development
14 organizations. The department [~~of education~~] shall establish
15 the following [~~five~~] six indices through which public school
16 performance shall be measured and reported to school
17 districts:

18 (1) student achievement as measured by a
19 nationally norm-referenced test approved by the department [~~of~~
20 ~~education~~] or a criterion-referenced test or through a
21 performance-based instrument to measure proficiency;

22 (2) school safety;

23 (3) the dropout rate;

24 (4) the graduation rate;

25 [~~(4)~~] (5) attendance; and

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1 [~~(5)~~] (6) parent and community involvement.

2 The department [~~of education~~] shall establish the
3 methodology for measuring each of the [~~five~~] six indices.

4 B. [~~Effective July 1, 1999~~] School districts shall
5 annually administer a developmentally appropriate nationally
6 norm-referenced test, criterion-referenced test or [a
7 ~~standards-based~~] performance-based assessment to all students
8 enrolled in [a] public [~~school in grades three through nine.~~
9 ~~only~~] schools. Students with disabilities deemed incapable of
10 taking the test as determined on their individual educational
11 [~~program~~] programs shall [~~be exempted from this requirement~~]
12 participate in the state's alternate assessment.

13 [~~Additionally~~] Students who have been assessed as non-English
14 or [~~limited English proficient~~] English language learner using
15 state-approved language assessments and meeting required
16 thresholds shall be exempted from this test and provided an
17 alternative norm-referenced test, criterion-referenced test or
18 [~~standards-based~~] performance-based assessment in their
19 primary language. School districts shall report the following
20 to the department [~~of education~~]:

21 (1) the results of the norm-referenced test,
22 criterion-referenced test or [~~standards-based~~] performance-
23 based assessment;

24 (2) the results of the writing assessment;

25 [~~(2)~~] (3) the number of enrolled students who

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1 did not take the test, the school in which they are enrolled
 2 and the reason for [~~the exemption from~~] not participating
 3 in the test; and

4 [~~3~~] (4) separately and as part of the
 5 aggregate report, the results of assessments of students
 6 enrolled in special education class A, B, C and D programs who
 7 took the test and the school in which they are enrolled,
 8 except in cases where the number of students being reported is
 9 less than ten.

10 C. School districts shall set two-, four- and six-
 11 year benchmarks in each of the [~~five~~] six indices for each
 12 public school. Local school boards may establish additional
 13 indices, if reviewed by the department [~~of education~~], through
 14 which to measure the school district's performance in other
 15 areas.

16 D. School districts shall administer and report
 17 department-approved criterion-referenced end-of-course tests
 18 for the following designated core of high school courses that
 19 are required for graduation:

20 (1) algebra 1;

21 (2) geometry;

22 (3) English 10;

23 (4) United States history; and

24 (5) biology.

25 [~~D.~~] E. The annual accountability report shall

1 also include the results of a survey of parents' views of the
2 quality of their children's school. The survey shall be
3 conducted each year in time to include the results in the
4 annual accountability report. The survey shall compile the
5 results of a written questionnaire that shall be sent home
6 with the students to be given to their parents. The survey
7 may be completed anonymously. The survey shall be no more
8 than one page, shall be clearly and concisely written and
9 shall include not more than twenty questions that shall be
10 answered with options of a simple sliding scale ranging from
11 "strongly agree" to "strongly disagree" and shall include the
12 optional response "don't know". The survey shall also include
13 a request for optional written comments, which may be written
14 on the back of the questionnaire form. The questionnaire
15 shall include questions in the following areas:

- 16 (1) parent-teacher-school relationship and
17 communication;
- 18 (2) quality of educational and
19 extracurricular programs;
- 20 (3) instructional practices and techniques;
- 21 (4) resources;
- 22 (5) school personnel, including the school
23 principal; and
- 24 (6) parents' view of teaching staff
25 expectations for the students.

1 F. The state board shall develop no more than ten
 2 of the survey questions, which shall be reviewed by the
 3 legislative education study committee prior to implementation.
 4 No more than five survey questions shall be developed by the
 5 local school board, and no more than five survey questions
 6 shall be developed by the staffs of each [~~individual~~] public
 7 school [~~site~~]; provided that at least [~~half~~] one-half of those
 8 questions [~~are~~] shall be developed by teachers rather than
 9 school administrators, in order to gather information that is
 10 specific to the particular ~~community~~ surveyed. The
 11 questionnaires shall indicate the public school site and shall
 12 be tabulated by the department [~~of education~~] within thirty
 13 days of receipt and shall be returned to the respective
 14 schools to be disseminated to all parents.

15 ~~[E.]~~ G. The annual accountability report for each
 16 school district shall be adopted by the local school board,
 17 may be published no later than November 15 of each year and
 18 may be published at least once each school year in a newspaper
 19 of general circulation in the county where the school district
 20 is located. In publication, the report shall be titled "The
 21 School District Report Card" and disseminated in accordance
 22 with guidelines established by the state board to ensure
 23 effective ~~communication~~ with parents, students, educators,
 24 local policymakers and business and ~~community~~ organizations.

25 H. The accountability report shall include the

1 names of those local school board members who failed to attend
2 mandatory training.

3 [F.] I. The department [of education] shall create
4 an accountability data system through which data from each
5 public school and each school district may be compiled and
6 reviewed. The department [of education] shall provide the
7 resources to train school district personnel in the use of the
8 accountability data system.

9 [G.] J. The department [of education] shall verify
10 data submitted by the school districts.

11 [H.] K. The state board shall measure the
12 performance of every public school in New Mexico. Public
13 schools achieving the highest level of performance shall be
14 eligible for supplemental incentive funding. The state board
15 shall establish the corrective actions and interventions
16 necessary for public schools whose performance level is low.

17 [~~I. Appropriation is contingent upon inclusion of~~
18 ~~one million four hundred thirty three thousand dollars~~
19 ~~(\$1,433,000) in the general appropriation act to meet the~~
20 ~~provisions of this act.]"~~

21 Section 5. Section 22-1-7 NMSA 1978 (being Laws 1989,
22 Chapter 344, Section 2) is amended to read:

23 "22-1-7. PUBLIC SCHOOLS-- VIOLENCE-- VANDALISM--
24 REPORTING.--

25 A. [Any public] A school administrator, teacher or

1 other school employee [~~of a local school board~~] who observes
 2 or has direct knowledge from a participant or victim of an act
 3 of violence upon a [~~public~~] school administrator, teacher or
 4 other school employee of a local school board in the lawful
 5 discharge of his duties or vandalism to public school property
 6 shall file a report with the local superintendent describing
 7 the incident pursuant to procedures established by the [~~state~~]
 8 department [~~of public education~~].

9 B. [~~Any~~] A person who files an incident report
 10 pursuant to this section shall not be discriminated against in
 11 any manner or discharged by a local [~~school board~~]
 12 superintendent because he has filed that report.

13 C. The [~~state~~] department [~~of public education~~]
 14 shall establish uniform reporting procedures for incidents of
 15 violence or vandalism described in Subsection A of this
 16 section. The procedures shall include requirements for:

17 (1) incidents to be reported, incident
 18 description and report on action taken in response to the
 19 reported incident;

20 (2) annual reports by local [~~school~~]
 21 superintendents of all reported incidents [~~to local school~~
 22 ~~boards~~];

23 (3) annual reports by local school boards of
 24 all reported incidents to the state superintendent [~~of public~~
 25 ~~instruction~~]; and

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1 (4) annual reports by the state
2 superintendent [~~of public instruction~~] of all reported
3 incidents to the state board [~~of education~~]. The report filed
4 with [~~that~~] the state board shall be summarized and submitted
5 to an appropriate interim committee of the legislature with
6 recommendations to decrease the incidence of violence and
7 vandalism in the public schools. "

8 Section 6. A new section of Chapter 22, Article 1 NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] ADVISORY SCHOOL COUNCILS-- CREATION--
11 DUTIES. --

12 A. A public school shall create an advisory
13 "school council" to assist the school principal with school-
14 based decision-making and to involve parents in their
15 children's education.

16 B. A school council shall be created and its
17 membership provided for in accordance with local school board
18 rule. School council membership shall reflect an equitable
19 balance between school employees and parents and community
20 members. At least one community member shall represent the
21 business community, if such person is available. The school
22 principal may serve as chairman.

23 C. The school council shall:

24 (1) work with the school principal and give
25 advice, consistent with state and district rules and policies,

1 on policies relating to instructional issues and curricula;

2 (2) develop creative ways to involve parents
3 in the schools;

4 (3) where appropriate, coordinate with any
5 existing work force development boards or vocational education
6 advisory councils to connect students and school academic
7 programs to business resources and opportunities; and

8 (4) serve as the champion for students in
9 building community support for schools and encouraging greater
10 community participation in the public schools. "

11 Section 7. Section 22-2-2 NMSA 1978 (being Laws 1967,
12 Chapter 16, Section 5, as amended) is amended to read:

13 "22-2-2. STATE BOARD--DUTIES.--Without limiting those
14 powers granted to the state board pursuant to Section 22-2-1
15 NMSA 1978, the state board shall perform the following duties:

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

18 B. determine policy for the operation of all
19 public schools and vocational education programs in the state,
20 including vocational programs that are part of a juvenile
21 construction industries initiative for juveniles who are
22 committed to the custody of the children, youth and families
23 department;

24 C. appoint a state superintendent;

25 D. purchase and loan instructional material to

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1 students pursuant to the Instructional Material Law and adopt
2 rules relating to the use and operation of instructional
3 material depositories in the instructional material
4 distribution process;

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

7 F. assess and evaluate all state institutions and
8 those private schools that desire state accreditation;

9 G. determine the qualifications for and issue a
10 [~~certificate~~] license to [~~any person teaching, assisting~~
11 ~~teachers, supervising an instructional program, counseling,~~
12 ~~providing special instructional services or administering in~~
13 ~~public schools~~] teachers, instructional support providers and
14 school administrators according to law and according to a
15 system of classification adopted and published by the state
16 board;

17 H. suspend or revoke a [~~certificate held by a~~
18 ~~certified school instructor or certified school administrator~~]
19 license according to law for incompetency, immorality or any
20 other good and just cause;

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

23 J. prescribe courses of instruction, requirements
24 for graduation and standards for all public schools, for
25 private schools seeking state accreditation and for the

1 educational programs conducted in state institutions other
2 than the New Mexico military institute;

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

5 L. require periodic reports on forms prescribed by
6 it from all public schools and attendance reports from private
7 schools;

8 M authorize adult educational programs to be
9 conducted in schools under its jurisdiction and adopt and
10 promulgate rules governing all such adult educational
11 programs;

12 N. require [~~any~~] a public school under its
13 jurisdiction that sponsors athletic programs [~~involving~~
14 ~~sports~~] to mandate that the participating student obtain
15 catastrophic health and accident insurance coverage, such
16 coverage to be offered through the school and issued by an
17 insurance company duly licensed pursuant to the laws of New
18 Mexico;

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

21 P. accept and receive all grants of money from the
22 federal government or any other agency for public school
23 purposes and disburse the money in the manner and for the
24 purpose specified in the grant;

25 Q. require prior approval for [~~any~~] an educational

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1 program in a public school that is to be conducted, sponsored,
2 carried on or caused to be carried on by a private
3 organization or agency;

4 R. approve or disapprove all rules promulgated by
5 [~~any~~] an association or organization attempting to regulate
6 [~~any~~] a public school activity and invalidate any rule in
7 conflict with [~~any~~] a rule promulgated by the state board.
8 The state board shall require [~~any~~] an association or
9 organization attempting to regulate [~~any~~] a public school
10 activity to comply with the provisions of the Open Meetings
11 Act and be subject to the inspection of the Public Records
12 Act. The state board may require performance and financial
13 audits of [~~any~~] an association or organization attempting to
14 regulate [~~any~~] a public school activity. The state board
15 shall have no power or control over the rules or the bylaws
16 governing the administration of the internal organization of
17 the association or organization;

18 S. review decisions made by the governing board or
19 officials of [~~any~~] an organization or association regulating
20 any public school activity, and [~~any~~] a decision of the state
21 board shall be final in respect thereto;

22 T. accept or reject [~~any~~] a charitable gift,
23 grant, devise or bequest. The particular gift, grant, devise
24 or bequest accepted shall be considered an asset of the state;

25 [~~U. establish and maintain regional centers at its~~

1 ~~discretion, for conducting cooperative services between public~~
 2 ~~schools and school districts within and among those regions~~
 3 ~~and to facilitate regulation and evaluation of school~~
 4 ~~programs;~~

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

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

24 ~~[X.-] W.~~ W. establish and implement a plan that
 25 provides for technical assistance to local school boards

1 through workshops and other in-service training methods;
2 [~~provided, however, that no plan shall require mandatory~~
3 ~~attendance by any member of a local school board;~~

4 ~~Y.]~~ X. submit a plan applying for funds available
5 under Public Law 94-142 and disburse these funds in the manner
6 and for the purposes specified in the plan;

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

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

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

23 (2) guidelines for developing extensive
24 professional development activities for school districts,
25 including teaching strategies, curriculum materials, distance

1 learning networks and web sites, to ensure that the state
2 board's rules pertaining to content standards and benchmarks
3 are used by New Mexico teachers. "

4 Section 8. Section 22-2-6 NMSA 1978 (being Laws 1967,
5 Chapter 16, Section 9, as amended) is amended to read:

6 "22-2-6. DEPARTMENT [~~OF EDUCATION~~]- - DUTIES. -- Subject to
7 the policies of the state board and the supervision and
8 direction of the state superintendent, the department [~~of~~
9 ~~education~~] shall have the following duties:

10 A. supervise all schools and school officials
11 coming under the jurisdiction of the state board, including
12 taking over the control and management of a public school or
13 school district that has failed to meet requirements of law or
14 state board rules or standards;

15 B. advise boards of regents of state educational
16 institutions on matters concerning the Public School Code;

17 C. prescribe, print and distribute forms to carry
18 out the duties of the state board pursuant to the Public
19 School Code;

20 D. annually, prior to December 1, prepare and
21 publish a report on public and private education in the state
22 and distribute the report to the governor and the legislature;

23 E. keep accurate records of all money received by
24 the state superintendent or the department [~~of education~~];

25 F. publish and distribute copies of the Public

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1 School Code and ~~[regulations]~~ rules promulgated by the state
2 board to local school boards in the state;

3 G. confer with local school boards and ~~[certified~~
4 ~~school personnel]~~ licensed school employees on matters
5 concerning education in the state;

6 H. prepare and distribute patriotic material to
7 schools in the state; and

8 I. evaluate all educational programs in state
9 institutions under the authority of the secretary of ~~[the]~~
10 health ~~[and environment department]~~. "

11 Section 9. Section 22-2-6.11 NMSA 1978 (being Laws 2000
12 (2nd S.S.), Chapter 14, Section 1) is amended to read:

13 "22-2-6.11. READING INITIATIVE--DESIGN.--

14 A. The ~~[state]~~ department ~~[of public education]~~
15 shall design and implement a statewide reading initiative to
16 improve reading proficiency in the state. The design of the
17 reading initiative shall be based ~~[upon]~~ on quality, research-
18 based reading programs shown to improve reading proficiency
19 and shall include the following:

20 (1) consistent assessment and evaluation of
21 student reading levels;

22 (2) appropriate professional staff
23 development to assist ~~[classroom certified instructional~~
24 ~~staff]~~ licensed school employees in the instruction of reading
25 ~~[programs]~~;

1 (3) extra time in the student's day or year
2 for implementation of reading programs; and

3 (4) rewards provided to [~~certified school~~
4 ~~instructors~~] teachers and other applicable licensed school
5 employees in schools that improve student reading proficiency.

6 B. The [state] department [~~of public education~~]
7 shall use national experts to work with [~~the department~~] it to
8 develop an immediate reading initiative and a long-term plan
9 for sustained reading improvement.

10 C. The [state] department [~~of public education~~]
11 shall involve [~~local~~] school district personnel, especially
12 [~~certified~~] licensed elementary reading specialists, parents
13 and other interested persons in the design of the reading
14 initiative. "

15 Section 10. Section 22-2-8 NMSA 1978 (being Laws 1967,
16 Chapter 16, Section 11) is amended to read:

17 "22-2-8. EDUCATIONAL CONTENT AND PERFORMANCE
18 STANDARDS. --The state board shall prescribe minimum
19 educational content and performance standards for all public
20 schools in the state. A copy of these [~~educational~~] standards
21 shall be furnished by the department [~~of education~~] to each
22 local school board, local superintendent and school principal.
23 The [~~educational~~] standards shall include minimum standards
24 for the following areas:

25 A. curriculum, including content standards and

1 benchmarks;

2 B. organization and administration of education;

3 C. the keeping of records, other than financial
4 records prescribed by the [~~chief~~] state superintendent;

5 D. membership accounting;

6 E. teacher preparation;

7 F. the physical condition of public school
8 buildings and grounds; and

9 G. educational facilities of public schools,
10 including laboratories and libraries. "

11 Section 11. Section 22-2-8.2 NMSA 1978 (being Laws 1986,
12 Chapter 33, Section 3, as amended) is amended to read:

13 "22-2-8.2. STAFFING PATTERNS--CLASS LOAD--TEACHING
14 LOAD.--

15 A. The individual class load for elementary school
16 teachers shall not exceed twenty students for kindergarten;
17 provided that any teacher in kindergarten with a class load of
18 fifteen to twenty students shall be entitled to the assistance
19 of an educational assistant.

20 B. The average class load for elementary school
21 teachers at an individual school shall not exceed twenty-two
22 students when averaged among grades one, two and three;
23 provided that any teacher in grade one with a class load of
24 twenty-one or more shall be entitled to the full-time
25 assistance of an educational assistant.

1 C. ~~[Effective with the 1994-95 school year]~~ The
2 average class load for an elementary school teacher at an
3 individual school shall not exceed twenty-four students when
4 averaged among grades four, five and six.

5 D. The daily teaching load per teacher for grades
6 seven through twelve shall not exceed one hundred sixty
7 students, except the daily teaching load for teachers of
8 required English courses in grades seven and eight shall not
9 exceed one hundred thirty-five with a maximum of twenty-seven
10 students per class and the daily teaching load for teachers of
11 required English courses in grades nine through twelve shall
12 not exceed one hundred fifty students with a maximum of thirty
13 students per class.

14 E. Students receiving special education services
15 integrated into a regular classroom for any part of the day
16 shall be counted in the calculation of class load averages.
17 Students receiving special education services not integrated
18 into the regular classroom shall not be counted in the
19 calculation of class load averages. Only classroom teachers
20 charged with responsibility for the regular classroom
21 instructional program shall be counted in determining average
22 class loads. In elementary schools offering only one grade
23 level, average class loads may be calculated by averaging
24 appropriate grade levels between schools in the school
25 district.

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1 F. Class load limits provided for in this section
2 do not apply to band or music classes or athletics electives.

3 [~~F.~~] G. The state superintendent may waive the
4 individual school class load requirements established in this
5 section. Waivers shall be applied for annually and a waiver
6 shall not be granted for more than two consecutive years.

7 Waivers may only be granted if a school district demonstrates:

8 (1) no portable classrooms are available;

9 (2) no other available sources of funding
10 exist to meet its need for additional classrooms;

11 (3) the district is planning alternatives to
12 increase building capacity for implementation within one year;
13 and

14 (4) the parents of all children affected by
15 the waiver have been notified in writing:

16 (a) of the statutory class load
17 requirements;

18 (b) that the school district has made a
19 decision to deviate from these class load requirements; and

20 (c) of the school district plan to
21 achieve compliance with the class load requirements.

22 [~~G.~~] H. If a waiver is granted pursuant to
23 Subsection [~~F.~~] G. of this section to an individual school, the
24 average class load for elementary school teachers at that
25 school shall not exceed twenty students in grade one and shall

1 not exceed twenty-five students when averaged among grades
2 two, three, four, five and six.

3 ~~[H.]~~ I. Each school district shall report to the
4 department ~~[of education]~~ the size and composition of classes
5 subsequent to the fortieth day and the December 1 count.

6 Failure to meet class load requirements within two years shall
7 be justification for the disapproval of the school district's
8 budget by the state superintendent.

9 ~~[I.]~~ J. The department ~~[of education]~~ shall report
10 to the legislative education study committee by November 30 of
11 each year regarding each school district's ability to meet
12 class load requirements imposed by law.

13 ~~[J.]~~ K. Notwithstanding the provisions of
14 Subsection ~~[F]~~ G of this section, the state board may waive
15 the individual class load and teaching load requirements
16 established in this section upon a demonstration of a viable
17 alternative curricular plan and a finding by the state ~~[board]~~
18 superintendent that the plan is in the best interest of the
19 school district and that, on an annual basis, the plan has
20 been presented to and is supported by the affected ~~[teaching~~
21 ~~staff]~~ teachers. The department ~~[of education]~~ shall evaluate
22 the impact of each alternative curricular plan annually.
23 Annual reports shall be made to the legislative education
24 study committee.

25 ~~[K. Effective with the 1987-88 school year,~~

1 ~~certified school instructors]~~

2 L. Teachers shall not be required to perform
3 noninstructional duties except in emergency situations as
4 defined by the state board. For purposes of this subsection,
5 "noninstructional duties" means noon hall duty, noon ground
6 duty and noon cafeteria duty."

7 Section 12. Section 22-2-8.3 NMSA 1978 (being Laws 1986,
8 Chapter 33, Section 4, as amended) is amended to read:

9 "22-2-8.3. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
10 REQUIRED--ACCREDITATION.--

11 A. The state board shall require [~~instruction~~]
12 public schools to address state board-approved content
13 standards, benchmarks and performance standards when
14 instructing in specific state board-required subject areas as
15 provided in Subsections B through [F] E of this section.
16 [Any] A public school or school district failing to meet these
17 minimum requirements shall not be accredited by the state
18 board.

19 B. All first, [~~and~~] second and third grade classes
20 shall provide daily instruction in language arts skills,
21 including [~~phonics~~] phonemic and phonological skills and
22 mathematics.

23 [~~C. All third grade classes shall provide daily~~
24 ~~instruction in language arts skills and mathematics.~~

25 ~~D. All fourth, fifth and sixth grade classes shall~~

1 ~~provide instruction in language arts skills, with an emphasis~~
 2 ~~on writing and editing; mathematics; science; and social~~
 3 ~~studies, including geography. The following subject areas~~
 4 ~~shall be offered in the remaining instructional time: art;~~
 5 ~~music; physical education; health; and computer literacy,~~
 6 ~~including a general familiarization with computers and support~~
 7 ~~in the areas of mathematics and writing through word~~
 8 ~~processing.~~

9 ~~E. All seventh grade classes shall provide~~
 10 ~~instruction in English, with an emphasis on grammar and~~
 11 ~~writing; communication skills or science; New Mexico history~~
 12 ~~and geography; mathematics; and physical fitness. Remaining~~
 13 ~~instructional time may be used for electives listed in~~
 14 ~~Subsection G of this section.~~

15 ~~F. All eighth grade classes shall provide~~
 16 ~~instruction in English, mathematics, United States history,~~
 17 ~~and science. Remaining instructional time may be used for~~
 18 ~~electives listed in Subsection G of this section.~~

19 ~~G. The electives authorized in Subsections E and F~~
 20 ~~of this section are art, industrial arts, chorus, band, home~~
 21 ~~economics, typing, creative writing, speech, drama, Spanish,~~
 22 ~~computer literacy, American sign language and other electives~~
 23 ~~approved by the state board.]~~

24 C. All first, second and third grade classes shall
 25 provide instruction in art, music and a language other than

1 English.

2 D. In fourth through eighth grades, instruction
3 that meets content standards, benchmarks and performance
4 standards shall be provided in the following subject areas:

5 (1) language arts skills, with an emphasis on
6 writing and editing at least one year and an emphasis on
7 grammar and writing at least one year;

8 (2) mathematics;

9 (3) language other than English;

10 (4) communication skills;

11 (5) science;

12 (6) art;

13 (7) music;

14 (8) social studies;

15 (9) New Mexico history;

16 (10) United States history;

17 (11) geography; and

18 (12) physical fitness.

19 E. In fourth through eighth grades, school
20 districts shall offer electives that contribute to academic
21 growth and skill development and provide career and technical
22 education. "

23 Section 13. Section 22-2-8.4 NMSA 1978 (being Laws 1986,
24 Chapter 33, Section 5, as amended) is amended to read:

25 "22-2-8.4. GRADUATION REQUIREMENTS. --

1 A. At the end of the eighth grade or during the
 2 ninth grade, each student shall prepare an individual program
 3 of study for grades nine through twelve. The program of study
 4 shall be signed by a student's parent [~~or guardian~~].

5 B. [~~Beginning with students entering the ninth~~
 6 ~~grade in the 1986-87 school year~~] Successful completion of a
 7 minimum of twenty-three units shall be required for
 8 graduation. These units shall be as follows:

9 (1) four units in English, with major
 10 emphasis on grammar and literature;

11 (2) three units in mathematics, at least one
 12 of which is at the algebra 1 level or higher;

13 (3) two units in science, one of which shall
 14 have a laboratory component;

15 (4) three units in social science, which
 16 shall include United States history and geography, world
 17 history and geography, and government and economics;

18 (5) one unit in physical fitness;

19 (6) one unit in communication skills, with
 20 major emphasis on writing and speaking, which may include a
 21 language other than English; and

22 (7) nine elective units [~~only the following~~
 23 ~~elective units shall be counted toward meeting the~~
 24 ~~requirements for graduation: fine arts, i.e. music, band,~~
 25 ~~chorus and art; practical arts; physical education; languages~~

underscored material = new
 [bracketed material] = delete

1 ~~other than English; speech; drama; vocational education;~~
2 ~~mathematics; science; English; R. O. T. C.; social science;~~
3 ~~computer science; health education; American sign language;~~
4 ~~and other electives approved by the state board] that meet~~
5 ~~state board content standards, benchmarks and performance~~
6 ~~standards. Student service learning shall be offered as an~~
7 ~~elective.~~ With the approval of the local school board,
8 participation on an athletic team or in an athletic sport
9 during the school day may count toward fulfillment of the
10 physical education required unit.

11 C. Final examinations shall be administered to all
12 students in all classes offered for credit.

13 D. ~~[Beginning with students entering the ninth~~
14 ~~grade in the 1986-87 school year, no]~~ A student shall not
15 receive a high school diploma ~~[who]~~ if he has not passed a
16 state competency examination in the subject areas of ~~[reading]~~
17 language arts, writing, English, [math] mathematics, science
18 and social science ~~[Beginning with the 1996-97 school year]~~.
19 The state competency ~~[examinations]~~ examination on social
20 science shall include a section on the constitution of the
21 United States and the constitution of New Mexico. If a
22 student exits from the school system at the end of grade
23 twelve without having passed a state competency examination,
24 he shall receive an appropriate state certificate indicating
25 the number of credits earned and the grade completed. If

1 within five years after a student exits from the school system
2 he takes and passes the state competency examination, he may
3 receive a high school diploma.

4 E. The state board may establish a policy to
5 provide for administrative interpretations to clarify
6 curricular and testing provisions of the Public School Code. "

7 Section 14. Section 22-2-8.5 NMSA 1978 (being Laws 1986,
8 Chapter 33, Section 6, as amended) is amended to read:

9 "22-2-8.5. [~~ADDITIONAL STATEWIDE~~] READING ASSESSMENTS
10 AND WRITING PRODUCTION TESTING-- WRITING PORTFOLIO. --

11 A. The state board shall expand the program of
12 educational accountability established through its educational
13 standards by adding reading assessments and writing production
14 tests to its existing uniform statewide system of assessment
15 to determine [~~pupil~~] student status, progress and degree of
16 achievement of basic skills and of essential educational
17 competencies.

18 B. The department [~~of education~~] shall involve
19 [~~local~~] school district personnel, especially [~~certified~~]
20 licensed elementary reading specialists, in the development of
21 methods on a statewide basis to measure student reading
22 performance in order to assist school districts in the
23 assessment of student problem areas in the first and second
24 grades.

25 C. The department [~~of education~~] shall involve

1 ~~[local]~~ school district personnel, especially ~~[certified~~
2 ~~school instructors]~~ teachers, in the ~~[fourth and sixth grades,~~
3 ~~in the]~~ development or selection of a uniform statewide on-
4 demand writing production test for school districts, which
5 shall be administered in grades four, ~~[and]~~ six, eight and ten
6 to measure student writing performance in order to assist
7 school districts in the assessment of student problem areas.

8 D. The state board shall require an annual writing
9 portfolio for each student in all grades. For purposes of
10 this subsection, "writing portfolio" means two on-demand
11 writing pieces scored by the school district in accordance
12 with the language arts performance standard rubric or the New
13 Mexico writing assessment program rubric."

14 Section 15. Section 22-2-14 NMSA 1978 (being Laws 1978,
15 Chapter 129, Section 1, as amended) is amended to read:

16 "22-2-14. ~~[EDUCATION REQUIREMENTS--ENFORCEMENT]~~ LOCAL
17 SCHOOL BOARDS--PUBLIC SCHOOLS--SUSPENSION--PROCEDURES.--

18 A. Money budgeted by a school district shall be
19 spent first to attain and maintain the requirements for a
20 school district as prescribed by law and by standards and
21 ~~[regulations]~~ rules as prescribed by the state board. The
22 state superintendent shall give written notification to a
23 local school board, the local superintendent and a school
24 principal, if applicable, of any failure to meet requirements
25 by any part of the school district under the control of the

1 local school board. The notice shall specify the deficiency.
 2 Instructional units or administrative functions may be
 3 disapproved for such deficiencies. The state superintendent
 4 shall disapprove instructional units or administrative
 5 functions [~~which~~] that he determines to be detrimental to the
 6 educational process.

7 B. Within thirty days after receipt of the notice
 8 of failure to meet requirements, the local school board, local
 9 superintendent and school principal, if applicable, shall:

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

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

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

22 D. To suspend a local school board, local
 23 superintendent or school principal, the state board shall
 24 deliver to the local school board an alternative order of
 25 suspension, stating the cause for the suspension and the

1 effective date and time the suspension will begin. The
2 alternative order shall also contain notice of a time, date
3 and place for a public hearing, prior to the beginning of
4 suspension, to be held by the state board, at which the local
5 school board, local superintendent or school principal may
6 appear and show cause why ~~[it should not be suspended]~~
7 suspension should not be put into effect. Within five days
8 after the hearing, the state board shall make permanent,
9 modify or withdraw the alternative order.

10 E. The state superintendent may suspend a local
11 school board, local superintendent or school principal pending
12 a hearing before the state board when the local school board,
13 local superintendent or school principal has been notified of
14 disapproval and when the state superintendent has sufficient
15 reason to believe that the educational process in the school
16 district or public school has been severely impaired or halted
17 as a result of deficiencies so severe as to warrant
18 disapproved status before the question of suspension can be
19 presented to the state board for a hearing.

20 F. The state superintendent, while acting in lieu
21 of a suspended local school board, local superintendent or
22 school principal, shall execute all the legal authority of the
23 local school board, local superintendent or school principal
24 and assume all the responsibilities of ~~[that board]~~ the local
25 school board, local superintendent or school principal.

1 G. The provisions of this section shall be invoked
2 at any time the state superintendent finds the school district
3 or public school has failed to attain and maintain the
4 requirements of law or state board standards and [~~regulations~~]
5 rules. "

6 Section 16. Section 22-2-15 NMSA 1978 (being Laws 1978,
7 Chapter 129, Section 2, as amended) is amended to read:

8 "22-2-15. HEARINGS--SUSPENSION CONTINUANCE AND
9 DISCONTINUANCE--APPEALS. --

10 A. Within ten days after suspension, or within a
11 reasonable time as the suspended local school board, local
12 superintendent or school principal may request, the state
13 board shall give a hearing to the local school board, local
14 superintendent or school principal. At this hearing, the
15 local school board, local superintendent or school principal
16 may appear and show cause why the suspension should not be
17 continued. The [~~state board~~] department employees who
18 conducted the evaluations upon which the suspension was based
19 shall appear and give testimony.

20 B. After the hearing, the state board shall
21 continue or discontinue the suspension of the local school
22 board, local superintendent or school principal.

23 C. [~~Any~~] A local school board, local
24 superintendent or school principal aggrieved by the decision
25 of the state board may appeal to the district court pursuant

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1 to the provisions of Section 39-3-1.1 NMSA 1978. "

2 Section 17. Section 22-2-19 NMSA 1978 (being Laws 2000,
3 Chapter 107, Section 3) is amended to read:

4 "22-2-19. FULL-DAY KINDERGARTEN PROGRAMS. --

5 A. The state board shall adopt rules for the
6 development and implementation of child-centered and
7 developmentally appropriate full-day kindergarten programs.
8 [~~Establishment of full-day kindergarten programs shall be~~
9 ~~voluntary on the part of school districts and~~] Student
10 participation in full-day kindergarten shall be voluntary on
11 the part of parents.

12 B. The department [~~of education~~] shall require
13 schools with full-day kindergarten programs to conduct age-
14 appropriate assessments to determine the placement of students
15 at instructional level and the effectiveness of child-
16 centered, developmentally appropriate kindergarten.

17 C. The department [~~of education~~] shall monitor
18 full-day kindergarten programs and ensure that they serve the
19 children most in need based upon indicators in the at-risk
20 [~~factor~~] index. If the department [~~of education~~] determines
21 that a program is not meeting the benchmarks necessary to
22 ensure the progress of students in the program, the department
23 [~~of education~~] shall notify the school district that failure
24 to meet the benchmarks shall result in the cessation of
25 funding for the following school year. The department [~~of~~

1 ~~education~~] shall compile the program results submitted by the
2 school districts and make an annual report to the legislative
3 education study committee and the legislature.

4 D. Full-day kindergarten programs shall be phased
5 in over a ~~[five-year]~~ three-year period as follows ~~[with~~
6 ~~priority given to those districts that serve children in~~
7 ~~schools with the highest proportion of students most in need~~
8 ~~based upon indicators in the at-risk factor]~~:

9 (1) effective with the 2000-2001 school year,
10 ~~[one-fifth]~~ twenty percent of New Mexico's kindergarten
11 classes may be full day;

12 (2) effective with the 2001-2002 school year,
13 ~~[two-fifths of New Mexico's]~~ sixty percent of kindergarten
14 classes may be full day; and

15 (3) effective with the 2002-2003 school year,
16 ~~[three-fifths of New Mexico's]~~ all kindergarten classes may be
17 full day.

18 ~~[(4) effective with the 2003-2004 school~~
19 ~~year, four-fifths of New Mexico's kindergarten classes may be~~
20 ~~full day; and~~

21 ~~(5) effective with the 2004-2005 school year,~~
22 ~~all of New Mexico's kindergarten classes may be full day]~~

23 E. A school district may apply to the department
24 for a waiver of accelerated full-day kindergarten if it can
25 demonstrate that it does not have adequate and appropriate

1 facilities or qualified teachers; provided, however, that
2 waivers shall not extend beyond the 2003-2004 school year.

3 ~~[E.]~~ F. During the phase-in period, school
4 districts shall apply to the department [of education] to
5 receive funding for full-day kindergarten programs. In
6 granting approval for funding of full-day kindergarten
7 programs, the department [of education] shall ensure that
8 full-day kindergarten programs are first implemented in
9 schools that have the highest proportion of students most in
10 need based upon the at-risk index and [to] in schools with
11 available classroom space. "

12 Section 18. A new Section 22-2C-1 NMSA 1978 is enacted
13 to read:

14 "22-2C-1. [NEW MATERIAL] SHORT TITLE. -- Chapter 22,
15 Article 2C NMSA 1978 may be cited as the "Regional Service
16 Center Act". "

17 Section 19. A new Section 22-2C-2 NMSA 1978 is enacted
18 to read:

19 "22-2C-2. [NEW MATERIAL] FINDINGS AND PURPOSE. -- The
20 purpose of the Regional Service Center Act is to decentralize
21 certain functions of the department and to centralize at the
22 regional level functions of school districts that may be
23 offered more efficiently, economically and effectively by a
24 single entity. Further, the purpose of that act is to move
25 most accountability, regulatory functions, technical

1 assistance and other services of the department to regional
2 service centers, thereby providing more immediate assistance
3 to local school districts to ensure that all school districts
4 in the state will meet or exceed state performance standards."

5 Section 20. A new Section 22-2C-3 NMSA 1978 is enacted
6 to read:

7 "22-2C-3. [NEW MATERIAL] DEFINITIONS. --As used in the
8 Regional Service Center Act:

- 9 A. "center" means a regional service center;
10 B. "director" means the director of a center; and
11 C. "enterprise activity" means the sale of goods
12 and services by a center that are not part of the center's
13 state accountability and accreditation functions."

14 Section 21. A new Section 22-2C-4 NMSA 1978 is enacted
15 to read:

16 "22-2C-4. [NEW MATERIAL] REGIONAL SERVICE CENTERS
17 CREATED--COORDINATING COUNCIL CREATED--DIRECTOR. --

- 18 A. The state superintendent shall create "regional
19 service centers" in no more than ten regions of the state to
20 help school districts improve their performance and operate
21 more efficiently and economically. Centers are organizational
22 units of the department. The state superintendent may phase
23 in the centers over a five-year period from July 1, 2002 and
24 shall determine the location and service area of each center
25 after consultation with school districts. When determining

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1 the location of a center, the state superintendent shall
2 consider the efficacy of locating on a campus of a state post-
3 secondary educational institution.

4 B. The state superintendent shall appoint an
5 advisory "coordinating council" made up of the local
6 superintendents from each school district in the region. The
7 coordinating council shall advise the director and the state
8 superintendent on services to be provided by the center and on
9 other matters as requested. The coordinating council shall
10 meet annually to evaluate and review how well the center is
11 satisfying the needs of the school districts and their
12 communities, to discuss new program development and to make
13 recommendations on services to be provided. The coordinating
14 council may meet more often as requested by the director or
15 the state superintendent.

16 C. The state superintendent shall appoint a
17 "director" for each center, who shall report to and work under
18 the general supervision of the state superintendent. The
19 director shall be appointed without regard to political
20 affiliation and solely on the ground of fitness to perform the
21 duties of his office. He shall be paid a salary fixed by the
22 state superintendent pursuant to a salary system adopted by
23 the state board.

24 D. The director shall appoint such professional,
25 technical and clerical support as may be necessary to carry

1 out the powers and duties of the center. "

2 Section 22. A new Section 22-2C-5 NMSA 1978 is enacted
3 to read:

4 "22-2C-5. [NEW MATERIAL] CENTERS-- POWERS AND DUTIES. --

5 A. A center shall:

6 (1) provide programmatic technical
7 assistance, including resource assistance to schools in need
8 of improvement;

9 (2) use the expertise of school district
10 personnel to provide technical assistance and input on issues
11 affecting the school districts in the service area;

12 (3) perform department accountability and
13 accreditation functions assigned to it by the state
14 superintendent, including:

15 (a) training school districts on and
16 enforcing the state assessment and accountability system;

17 (b) monitoring and ensuring that
18 curriculum, teaching and student assessment instruments are
19 aligned to state standards, benchmarks and performance
20 indicators;

21 (c) monitoring educational plans for
22 student success;

23 (d) performing departmental
24 accreditation services; and

25 (e) approving, monitoring and

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1 evaluating district program budgets to ensure that budgets are
2 tied to educational plans for student success; and

3 (4) perform other duties assigned to it by
4 the state superintendent.

5 B. A center may:

6 (1) develop and conduct professional
7 development and other education training courses for school
8 personnel and district administrators;

9 (2) provide accounting and finance functions,
10 including handling federal flow-through funds;

11 (3) provide administrative and legal
12 services, including serving as central purchasing agent and
13 providing centralized purchasing;

14 (4) provide technology support services;

15 (5) provide human resources management and
16 assistance, including training school principals in personnel
17 management;

18 (6) provide special education and other
19 educational services;

20 (7) assist schools with peer intervention;

21 (8) provide grant research and writing
22 services;

23 (9) provide truancy prevention support; and

24 (10) provide other programs or services
25 requested by school districts and approved by the state

1 superintendent. "

2 Section 23. Section 22-5-4 NMSA 1978 (being Laws 1967,
3 Chapter 16, Section 28, as amended) is amended to read:

4 "22-5-4. LOCAL SCHOOL BOARDS-- POWERS-- DUTIES. -- A local
5 school board shall have the following powers or duties:

6 A. subject to the [~~regulations~~] rules of the state
7 board, [~~supervise and control all public schools within the~~
8 ~~school district and all property belonging to or in the~~
9 ~~possession of the school district~~] develop educational
10 policies for the school district;

11 B. employ a local superintendent of schools for
12 the school district and fix his salary;

13 [~~C.— delegate administrative and supervisory~~
14 ~~functions of the local school board to the superintendent of~~
15 ~~schools;~~

16 D. ~~subject to the provisions of law, approve or~~
17 ~~disapprove the employment, termination or discharge of all~~
18 ~~employees and certified school personnel of the school~~
19 ~~district upon a recommendation of employment, termination or~~
20 ~~discharge by the superintendent of schools; provided that any~~
21 ~~employment relationship shall continue until final decision of~~
22 ~~the board. Any employment, termination or discharge without~~
23 ~~the prior recommendation of the superintendent is void;~~

24 E. ~~apply to the state board for a waiver of~~
25 ~~certain provisions of the Public School Code relating to~~

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1 ~~length of school day, staffing patterns, subject area or the~~
2 ~~purchase of instructional materials for the purpose of~~
3 ~~implementing a collaborative school improvement program for an~~
4 ~~individual school;~~

5 ~~F. fix the salaries of all employees and certified~~
6 ~~school personnel of the school district;~~

7 ~~G. contract, lease, purchase and sell for the~~
8 ~~school district;]~~

9 C. review and approve the school district budget;

10 [~~H.~~] D. acquire, lease and dispose of property;

11 [~~I.~~] E. have the capacity to sue and be sued;

12 [~~J.~~] F. acquire property by eminent domain [as]
13 pursuant to the procedures provided in the Eminent Domain
14 Code;

15 [~~K.~~] G. issue general obligation bonds of the
16 school district;

17 [~~L.~~] H. provide for the repair and [maintain]
18 maintenance of all property belonging to the school district;

19 [~~M.~~] I. for good cause and upon order of the
20 district court, subpoena witnesses and documents in connection
21 with a hearing concerning any powers or duties of the local
22 school boards;

23 [~~N.~~] J. except for expenditures for salaries,
24 contract for the expenditure of money according to the
25 provisions of the Procurement Code;

1 ~~[0-]~~ K. adopt ~~[regulations]~~ rules pertaining to
2 the administration of all powers or duties of the local school
3 board;

4 ~~[P-]~~ L. accept or reject any charitable gift,
5 grant, devise or bequest. The particular gift, grant, devise
6 or bequest accepted shall be considered an asset of the school
7 district or the public school to which it is given; and

8 ~~[0-]~~ M. offer and, upon compliance with the
9 conditions of such offer, pay rewards for information leading
10 to the arrest and conviction or other appropriate disciplinary
11 disposition by the courts or juvenile authorities of offenders
12 in case of theft, defacement or destruction of school district
13 property. All such rewards shall be paid from school district
14 funds in accordance with ~~[regulations that shall be]~~ rules
15 promulgated by the ~~[department of education]~~ state board. "

16 Section 24. A new Section 22-5-4.1 NMSA 1978 is enacted
17 to read:

18 "22-5-4.1. [NEW MATERIAL] LOCAL SUPERINTENDENT-- POWERS
19 AND DUTIES. --

20 A. The local superintendent is the chief executive
21 officer of the school district.

22 B. The local superintendent shall:

23 (1) carry out the educational policies and
24 rules of the state board and local school board;

25 (2) administer and supervise the school

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1 district;

2 (3) employ, fix the salaries of, assign,
3 terminate or discharge all employees of the school district;

4 (4) prepare the school district budget for
5 review and approval by the local school board and the
6 department; and

7 (5) perform other duties as required by law,
8 the department or the local school board.

9 C. The local superintendent may apply to the state
10 board for a waiver of certain provisions of the Public School
11 Code relating to length of school day, staffing patterns,
12 subject area or the purchase of instructional materials for
13 the purpose of implementing a collaborative school improvement
14 program for an individual school."

15 Section 25. Section 22-5-4.6 NMSA 1978 (being Laws 1990,
16 Chapter 52, Section 3, as amended) is amended to read:

17 "22-5-4.6. COLLABORATIVE SCHOOL IMPROVEMENT PROGRAMS. --

18 A. A local [~~school board~~] superintendent may
19 approve an individual school's plan to implement a
20 collaborative school improvement program upon a finding that
21 the plan is in the best interest of the school and is
22 supported by the participating teaching staff.

23 B. The input and concerns of parents, students,
24 school personnel and members of the community shall be
25 solicited and considered in the development and adoption of a

1 collaborative school improvement program.

2 C. If necessary for the implementation of a
 3 collaborative school improvement program, the local [~~school~~
 4 ~~board~~] superintendent may apply to the state board for a
 5 waiver of Public School Code provisions relating to length of
 6 school day, staffing patterns, subject areas or purchase of
 7 instructional material. The state board may approve a request
 8 for a waiver upon a finding that the local [~~school-board~~]
 9 superintendent has demonstrated accountability for student
 10 learning through alternative planning and that the
 11 participating teaching staff supports the implementation of a
 12 collaborative school improvement program. The local [~~school-~~
 13 ~~board~~] superintendent shall provide the state board with a
 14 program budget that shows the type and number of students
 15 served, the type and number of personnel involved and all
 16 expenditures of the waiver.

17 D. A teacher participating in the development and
 18 implementation of a collaborative school improvement program
 19 may contact the state board to comment on the local [~~school-~~
 20 ~~board's~~] superintendent's waiver request if [~~he~~] the teacher
 21 communicated his opinion in writing to the local [~~school-~~
 22 ~~board~~] superintendent at the time the local [~~school-board~~]
 23 superintendent approved implementation of the program."

24 Section 26. A new Section 22-5-5.1 NMSA 1978 is enacted
 25 to read:

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1 "22-5-5.1. [NEW MATERIAL] LOCAL SCHOOL BOARD TRAINING. --

2 The department shall develop a mandatory training course for
3 local school board members that explains state board rules,
4 department policies and procedures, statutory powers and
5 duties of local school boards, legal concepts pertaining to
6 public schools, finance and budget and other matters deemed
7 relevant by the department. The department shall notify local
8 school board members of the dates of the training course, the
9 last of which shall not be later than three months after a
10 school board election. "

11 Section 27. Section 22-5-6 NMSA 1978 (being Laws 1971,
12 Chapter 199, Section 1, as amended) is amended to read:

13 "22-5-6. NEPOTISM PROHIBITED. --

14 A. [~~No local school board~~] A local superintendent
15 shall not initially employ or approve the initial employment
16 in any capacity of a person who is the spouse, father, father-
17 in-law, mother, mother-in-law, son, son-in-law, daughter or
18 daughter-in-law of a member of [~~such~~] the local school board
19 or the local superintendent. The local school board may waive
20 the nepotism rule for family members of a local
21 superintendent.

22 B. Nothing in this section shall prohibit the
23 continued employment of a person employed on or before March
24 1, [~~1981~~] 2001. "

25 Section 28. Section 22-5-11 NMSA 1978 (being Laws 1986,
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Chapter 33, Section 12, as amended) is amended to read:

"22-5-11. [~~LOCAL SCHOOL BOARDS~~] SCHOOL DISTRICT SALARY
[SCHEDULE] SYSTEM --

A. Prior to the beginning of each school year, each local [~~school board~~] superintendent shall file with the department [~~of education~~] a district salary [~~schedule~~] system, which salary [~~schedule~~] system shall incorporate any salary increases or compensation measures specifically mandated by the legislature. Salaries for teachers and school administrators shall be aligned with the licensure framework provided for in Chapter 22, Article 10A NMSA 1978.

B. [~~No~~] A local [~~school board~~] superintendent shall not reduce the district salary [~~schedule~~] system established pursuant to Subsection A of this section without the prior written approval of the state superintendent. The state superintendent shall give written notice to the legislative finance committee, the legislative education study committee and the department of finance and administration of any approved reduction of any school district's salary [~~schedule~~] system, including the reasons for the request for reduction and the grounds for approval."

Section 29. Section 22-8-1 NMSA 1978 (being Laws 1967, Chapter 16, Section 55) is amended to read:

"22-8-1. SHORT TITLE. -- [~~Sections 77-6-1 through 77-6-46~~
~~New Mexico Statutes Annotated, 1953 Compilation~~] Chapter 22,

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1 Article 8 NMSA 1978 may be cited as the "Public School Finance
2 Act". "

3 Section 30. Section 22-8-9 NMSA 1978 (being Laws 1967,
4 Chapter 16, Section 63, as amended) is amended to read:

5 "22-8-9. BUDGETS--MINIMUM REQUIREMENTS. --

6 A. No budget for a school district shall be
7 approved by the department that does not provide for:

8 (1) beginning with the 2001-2002 school year,
9 a school year consisting of at least one hundred eighty-seven
10 days, including one hundred eighty full instructional days or
11 the equivalent thereof [exclusive of any release time for in-
12 service training] and seven days for professional development
13 and other staff purposes for teachers; provided, however, that
14 the additional days are contingent on appropriation by the
15 legislature to implement the requirement; or

16 (2) a variable school year consisting of a
17 minimum number of instructional hours established by the state
18 board, including professional development time that is
19 equivalent to seven days as provided in Paragraph (1) of this
20 subsection; and

21 (3) a pupil-teacher ratio or class or
22 teaching load as provided in Section 22-2-8.2 NMSA 1978.

23 B. The state board shall, by [~~regulation~~] rule,
24 establish the requirements for [~~a teaching~~] an instructional
25 day, the standards for an instructional hour and the standards

1 for a full-time [~~certified classroom instructor~~] teacher and
2 for the equivalent thereof.

3 [~~C.—The local school board shall submit a plan for~~
4 ~~the implementation of an alternate school year to the state~~
5 ~~superintendent for his approval.~~

6 ~~D.—The provisions of Subsection C and Paragraph~~
7 ~~(2) of Subsection A of this section shall apply to school~~
8 ~~districts with a MEM of one thousand or fewer]. "~~

9 Section 31. Section 22-10-1 NMSA 1978 (being Laws 1975,
10 Chapter 306, Section 1, as amended) is recompiled as Section
11 22-10A-1 NMSA 1978 and is amended to read:

12 "22-10A-1. SHORT TITLE. -- Chapter 22, Article [~~10~~] 10A
13 NMSA 1978 may be cited as the "School Personnel Act". "

14 Section 32. Section 22-2-8.7 NMSA 1978 (being Laws 1986,
15 Chapter 33, Section 8, as amended) is recompiled as Section
16 22-10A-3 NMSA 1978 and is amended to read:

17 "22-10A-3. [~~CERTIFICATION~~] LICENSURE REQUIREMENTS. --

18 A. The state board shall require [~~any~~] a person
19 seeking [~~certification~~] licensure or reciprocity in elementary
20 [~~and~~] or secondary education to complete the following minimum
21 requirements in the college of arts and sciences:

22 (1) twelve hours in English;

23 (2) twelve hours in history, including
24 American history and western civilization;

25 (3) six hours in mathematics;

1 (4) six hours in government, economics or
2 sociology;

3 (5) twelve hours in science, including
4 biology, chemistry, physics, geology, zoology and botany; and

5 (6) six hours in fine arts.

6 B. The state board shall require, prior to
7 ~~[certification]~~ licensure, no less than fourteen weeks of
8 student teaching, a portion of which shall occur in the first
9 thirty credit hours taken in the college of education and
10 shall be under the direct supervision of a ~~[certified school~~
11 ~~instructor]~~ teacher and a portion of which shall occur in the
12 student's senior year with the student teacher being directly
13 responsible for the classroom.

14 C. Nothing in this section shall preclude the
15 state board from establishing or accepting equivalent
16 requirements for purposes of reciprocal ~~[certification]~~
17 licensure or minimum requirements for alternative
18 ~~[certification]~~ licensure.

19 ~~[D. The requirements in Subsections A and B of~~
20 ~~this section shall apply to students first entering a college~~
21 ~~or university beginning in the fall of 1986.]~~

22 E.] D. Vocational teacher preparatory programs may
23 be exempt from Subsections A and B of this section upon a
24 determination by the state board that other licensure or
25 certification requirements are more appropriate for vocational

1 teacher preparatory programs. "

2 Section 33. A new Section 22-10A-4 NMSA 1978 is enacted
3 to read:

4 "22-10A-4. [NEW MATERIAL] TEACHERS AND SCHOOL
5 ADMINISTRATORS--PROFESSIONAL STATUS--LICENSURE LEVELS--SALARY
6 ALIGNMENT. --

7 A. Teaching and school administration are
8 recognized as professions, with all the rights,
9 responsibilities and privileges accorded professions, having
10 their first responsibility to the public they serve. The
11 primary responsibilities of the teaching and school
12 administration professions are to educate the children of this
13 state and to improve the professional practices and ethical
14 conduct of their members.

15 B. The New Mexico licensure framework for teachers
16 and school administrators is a progressive career system in
17 which licensees are required to demonstrate increased
18 competencies and undertake increased duties as they progress
19 through the licensure levels. The minimum salary provided as
20 part of the career system shall not take effect until the
21 state board has adopted increased competencies for the
22 particular level of licensure.

23 C. A level one license is a provisional license
24 issued for the first three years of teaching that gives a
25 beginning teacher the opportunity, through a formal mentorship

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1 program, for additional preparation to be a quality teacher.
2 A level two license is given to a teacher who is a fully
3 qualified professional who is primarily responsible for
4 ensuring that students meet and exceed state board-adopted
5 standards and benchmarks; a teacher may choose to remain at
6 level two for the remainder of his career. A level three-A
7 license is the highest level of teaching licensure for those
8 teachers who choose to advance as instructional leaders in the
9 teaching profession and undertake greater responsibilities
10 such as curriculum development, peer intervention and
11 mentoring. A level three-B license is for teachers who
12 commence a new career path in school administration by
13 becoming school administrators.

14 D. All teacher and school administrator salary
15 systems shall be aligned with the licensure framework in a
16 professional educator licensing and salary system.

17 E. All teachers and school administrators who hold
18 level two or three certificates on the effective date of this
19 2001 act shall meet the requirements for their level of
20 licensure by September 1, 2004 and shall be issued licenses.
21 Level two and three licenses issued pursuant to this
22 subsection shall be for nine years. "

23 Section 34. A new Section 22-10A-5 NMSA 1978 is enacted
24 to read:

25 "22-10A-5. [NEW MATERIAL] LEVEL ONE LICENSURE--MINIMUM

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1 SALARY. --

2 A. A level one license is a provisional three-year
3 license for beginning teachers that requires as a condition of
4 licensure that the licensee undergo a formal mentorship
5 program and an annual intensive evaluation by the school
6 administrator for three full school years before applying for
7 a level two license.

8 B. Each school district, in accordance with state
9 board rules, shall provide for the mentorship and evaluation
10 of level one teachers. At the end of each year and at the end
11 of the license period, the level one teacher shall be
12 evaluated for competency. If the teacher fails to demonstrate
13 satisfactory progress and competence annually, the teacher may
14 be terminated as provided in Section 22-10A-22 NMSA 1978. If
15 the teacher has not demonstrated satisfactory progress and
16 competence by the end of the three-year period, he shall not
17 be granted a level two license.

18 C. Except in exigent circumstances defined by
19 state board rule, a level one license shall not be extended
20 beyond the initial period.

21 D. The department shall issue a standard level one
22 license to an applicant who is at least eighteen years of age
23 who:

24 (1) holds a baccalaureate degree from an
25 accredited educational institution;

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1 (2) has successfully completed a state board-
2 approved teacher preparation program from a nationally
3 accredited or state-approved educational institution;

4 (3) has passed the New Mexico teacher
5 assessments examination; and

6 (4) meets other qualifications for level one
7 licensure, including clearance of the required background
8 check.

9 E. The department shall issue an alternative level
10 license to an applicant who meets the requirements of Section
11 22-10A-6 NMSA 1978.

12 F. The department shall establish competencies and
13 qualifications for specific grade levels, types and subject
14 areas of level one licensure, including early childhood,
15 elementary, middle school, secondary, special education and
16 vocational teaching.

17 G. Beginning with the 2002-2003 school year, with
18 the adoption by the state board of more stringent competency
19 requirements for level one teachers, the minimum salary for a
20 level one teacher shall be thirty thousand dollars (\$30,000)
21 for a standard nine and one-half month contract, increased
22 proportionately for additional service up to a minimum
23 annualized salary of thirty-seven thousand eight hundred
24 ninety-five dollars (\$37,895).

25 H. Teachers who hold level one certificates on the

1 effective date of this 2001 act must meet the more stringent
2 competencies by the end of the 2002-2003 school year or by the
3 end of three years, whichever comes later. "

4 Section 35. A new Section 22-10A-6 NMSA 1978 is enacted
5 to read:

6 "22-10A-6. [NEW MATERIAL] ALTERNATIVE LEVEL ONE
7 LICENSE. --

8 A. The department shall issue an alternative level
9 one license to a person who is at least eighteen years of age
10 and who has:

11 (1) completed a baccalaureate degree at an
12 accredited institution of higher education, including
13 completion of a minimum of thirty credit hours at either the
14 undergraduate or graduate level in the subject area of
15 instruction for which he is applying for a license;

16 (2) completed a master's degree at an
17 accredited institution of higher education, including
18 completion of a minimum of twelve graduate credit hours in the
19 subject area of instruction for which he is applying for a
20 license; or

21 (3) completed a doctoral degree at an
22 accredited institution of higher education; and

23 (4) passed the New Mexico teacher assessments
24 examination.

25 B. A degree referred to in Subsection A of this

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1 section shall correspond to the subject area of instruction
2 and the particular grade level that will enable the applicant
3 to teach in a competent manner as determined by the
4 department.

5 C. Prior to assuming teaching duties, a person who
6 holds an alternative level one license shall:

7 (1) complete a minimum of twelve semester
8 hours of instruction in teaching principles in a program
9 approved by the department; or

10 (2) demonstrate to the department, in
11 conjunction with the school district or state agency, that he
12 has met the state board-approved competencies for level one
13 teachers that correspond to the grade level that will be
14 taught.

15 D. An alternative level one teacher shall
16 participate in the same mentorship and other professional
17 development requirements as other level one teachers.

18 E. A school district or state agency shall not
19 discriminate against a teacher on the basis that he holds an
20 alternative level one license."

21 Section 36. A new Section 22-10A-7 NMSA 1978 is enacted
22 to read:

23 "22-10A-7. [NEW MATERIAL] STATEWIDE TEACHER MENTORSHIP
24 PROGRAM FOR BEGINNING TEACHERS-- PURPOSE-- STATE BOARD DUTIES--
25 DEPARTMENT DUTIES. --

1 A. The purpose of the statewide teacher mentorship
2 program is to provide beginning teachers with an effective
3 transition into the teaching field, to build on their initial
4 preparation and to ensure their success in teaching; to
5 improve the achievement of students; and to retain capable
6 teachers in the classroom and to remove teachers who show
7 little promise of success.

8 B. The department shall develop a framework for a
9 teacher mentorship program for all level one teachers. The
10 state board shall work with licensed school employees,
11 representatives from teacher preparation programs and the
12 commission on higher education to establish the framework.

13 C. The framework shall include:

14 (1) individual support and assistance for
15 each beginning teacher from a designated mentor;

16 (2) structured training for mentors;

17 (3) an ongoing, formative evaluation that is
18 used for the improvement of teaching practice;

19 (4) procedures for a summative evaluation of
20 beginning teachers' performance during the first three years
21 of teaching, including annual assessment of suitability for
22 license renewal, and for final assessment of beginning
23 teachers seeking level two licensure;

24 (5) support from local school boards, school
25 district administrators and other school district personnel;

1 and

2 (6) regular review and evaluation of the
3 teacher mentorship program.

4 D. The department shall:

5 (1) require submission and approval of each
6 school district's teacher mentorship program;

7 (2) provide technical assistance to school
8 districts that do not have a well-developed teacher mentorship
9 program in place; and

10 (3) encourage school districts to collaborate
11 with teacher preparation program administrators at
12 institutions of higher education, career educators,
13 educational organizations, regional service centers and other
14 state and community leaders in the teacher mentorship
15 program."

16 Section 37. A new Section 22-10A-8 NMSA 1978 is enacted
17 to read:

18 "22-10A-8. [NEW MATERIAL] LEVEL TWO LICENSURE. --

19 A. A level two license is a nine-year license
20 granted to a teacher who meets the qualifications for that
21 level and who annually demonstrates essential competency to
22 teach. If a level two teacher does not demonstrate essential
23 competency in a given school year, the school district shall
24 provide the teacher with additional professional development
25 and peer intervention during the following school year. If by

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1 the end of that school year the teacher fails to demonstrate
2 essential competency, a school district may choose not to
3 contract with the teacher to teach in the classroom.

4 B. The department shall issue a level two license
5 to an applicant who successfully completes the three-year
6 level one license or is granted reciprocity as provided by
7 state board rules; demonstrates essential competency required
8 by the state board as verified by the local superintendent
9 through a state-approved evaluation process; and meets other
10 qualifications as required by the state board.

11 C. The department shall provide for qualifications
12 for specific grade levels, types and subject areas of level
13 two licensure, including early childhood, elementary, middle
14 level, secondary, special education and vocational teaching.

15 D. Beginning with the 2003-2004 school year, with
16 the adoption by the state board of more stringent competency
17 requirements for level two teachers, the minimum salary for a
18 level two teacher shall be forty thousand dollars (\$40,000)
19 for a standard nine and one-half month contract, increased
20 proportionately for additional service up to a minimum
21 annualized salary of fifty thousand five hundred twenty-six
22 dollars (\$50,526). "

23 Section 38. A new Section 22-10A-9 NMSA 1978 is enacted
24 to read:

25 "22-10A-9. [NEW MATERIAL] LEVEL THREE LICENSURE--TRACKS

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1 FOR TEACHERS AND SCHOOL ADMINISTRATORS. --

2 A. A level three-A license is a nine-year license
3 granted to a teacher who meets the qualifications for that
4 level and who annually demonstrates instructional leader
5 competencies.

6 B. The department shall grant a level three-A
7 license to an applicant who has been a level two teacher for
8 at least three years and holds a post-baccalaureate degree or
9 national board certification; demonstrates instructional
10 leader competence as required by the state board and verified
11 by the local superintendent through a state-approved
12 evaluation process; and meets other qualifications for the
13 license.

14 C. Beginning with the 2003-2004 school year, with
15 the adoption by the state board of more stringent competency
16 requirements for level three-A teachers, the minimum salary
17 for a level three-A teacher shall be fifty thousand dollars
18 (\$50,000) for a standard nine and one-half month contract,
19 increased proportionately for additional service up to a
20 minimum annualized salary of sixty-three thousand one hundred
21 fifty-eight dollars (\$63,158).

22 D. A level three-B license is a nine-year license
23 granted to a school administrator who meets the qualifications
24 for that level. Licenses may be renewed upon satisfactory
25 annual demonstration of instructional leader and

1 administrative competency.

2 E. The department shall grant a level three-B
3 license to an applicant who has been a level three-A
4 instructional leader for at least one year, has satisfactorily
5 completed state board-approved courses in administration and a
6 state board-approved administration apprenticeship program and
7 demonstrates instructional leader competence required by the
8 state board and verified by the local superintendent through a
9 state-approved evaluation process.

10 F. Beginning with the 2002-2003 school year, the
11 standard contract and minimum annual salary for a level three-
12 B school principal shall be based on the size of the school in
13 which the school principal is employed, as follows:

14 (1) for school principals of schools with two
15 hundred or fewer students, a minimum salary of fifty-eight
16 thousand dollars (\$58,000) for a standard ten-month contract,
17 increased proportionately for additional service up to a
18 minimum annualized salary of sixty-nine thousand six hundred
19 dollars (\$69,600);

20 (2) for school principals of schools with two
21 hundred one to four hundred students, a minimum salary of
22 sixty thousand dollars (\$60,000) for a standard ten-month
23 contract, increased proportionately for additional service up
24 to a minimum annualized salary of seventy-two thousand dollars
25 (\$72,000);

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1 (3) for school principals of schools with
2 four hundred one to six hundred students, a minimum salary of
3 sixty-two thousand dollars (\$62,000) for a standard ten-month
4 contract, increased proportionately for additional service up
5 to a minimum annualized salary of seventy-four thousand four
6 hundred dollars (\$74,400);

7 (4) for school principals of schools with six
8 hundred one to eight hundred students, a minimum salary of
9 sixty-four thousand dollars (\$64,000) for a standard ten-month
10 contract, increased proportionately for additional service up
11 to a minimum annualized salary of seventy-six thousand eight
12 hundred dollars (\$76,800);

13 (5) for school principals of schools with
14 eight hundred one to one thousand students, a minimum salary
15 of sixty-six thousand dollars (\$66,000) for a standard ten-
16 month contract, increased proportionately for additional
17 service up to a minimum annualized salary of seventy-nine
18 thousand two hundred dollars (\$79,200); and

19 (6) for school principals of schools with
20 more than one thousand students, a minimum salary of sixty-
21 eight thousand dollars (\$68,000) for a standard ten-month
22 contract, increased proportionately for additional service up
23 to a minimum annualized salary of eighty-one thousand six
24 hundred dollars (\$81,600). "

25 Section 39. A new Section 22-10A-10 NMSA 1978 is enacted

1 to read:

2 "22- 10A- 10. [NEW MATERIAL] LIMITED RECIPROCITY. -- A
 3 teacher or school principal licensed in another state may be
 4 granted a level two or level three license if he has teaching
 5 experience, demonstrates the required competencies and meets
 6 other requirements and qualifications for the license for
 7 which he applies, including clearance of the required
 8 background check. The local superintendent may require a
 9 mentorship period for the licensee if he deems it necessary.
 10 A teacher who holds an out-of-state license may apply for a
 11 lower level license if he does not meet the requirements for
 12 the higher level. "

13 Section 40. A new Section 22-10A-11 NMSA 1978 is enacted
 14 to read:

15 "22- 10A- 11. [NEW MATERIAL] CERTIFICATES OF WAIVER. --

16 A. If a local superintendent or governing
 17 authority of a state agency certifies to the department that
 18 an emergency exists in the hiring of a qualified person, the
 19 department may issue a certificate of teaching waiver or
 20 assignment waiver.

21 B. The department may issue a certificate of
 22 teaching waiver to a person who holds a baccalaureate degree
 23 but does not meet other requirements for licensure as a level
 24 one teacher. Certificates of teaching waivers are one-year
 25 waivers and may be renewed only if the holder provides

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1 satisfactory evidence of continued progress toward a level one
2 license.

3 C. At the request of a local superintendent, the
4 department may issue a certificate of assignment waiver to a
5 licensed teacher who is assigned to teach outside his teaching
6 endorsement area. A certificate of assignment waiver may be
7 renewed each school year if the teacher earns credit at the
8 rate of nine semester hours each year until he meets the
9 requirements for the endorsement. "

10 Section 41. A new Section 22-10A-12 NMSA 1978 is enacted
11 to read:

12 "22-10A-12. [NEW MATERIAL] SUBSTITUTE TEACHER
13 CERTIFICATE. --The state board shall provide by rule for the
14 qualifications for a substitute teacher certificate. A local
15 school board may provide for additional qualifications or
16 requirements it deems necessary. "

17 Section 42. A new Section 22-10A-13 NMSA 1978 is enacted
18 to read:

19 "22-10A-13. [NEW MATERIAL] PARENTAL NOTIFICATION. --

20 A. Effective in the 2002-2003 school year, a local
21 superintendent shall give written notice to the parents of
22 those students who are being taught for longer than thirty
23 days by a person who does not hold a level one, two or three
24 license.

25 B. The local superintendent shall:

1 (1) ensure that the notice required by this
2 section is provided not later than the thirtieth consecutive
3 instructional day following the assignment of that person to
4 the classroom;

5 (2) ensure that the notice required by this
6 section is provided in a bilingual form to a parent whose
7 primary language is not English;

8 (3) retain a copy of the notice required
9 pursuant to this section; and

10 (4) ensure that information relating to
11 teacher licensure is available to the public upon request. "

12 Section 43. A new Section 22-10A-14 NMSA 1978 is enacted
13 to read:

14 "22-10A-14. [NEW MATERIAL] INSTRUCTIONAL SUPPORT
15 PROVIDER LICENSES. --

16 A. The department shall license instructional
17 support providers, including educational assistants,
18 librarians, school counselors, school social workers, school
19 nurses, speech-language pathologists, psychologists, physical
20 therapists, physical therapy assistants, occupational
21 therapists, occupational therapy assistants, recreational
22 therapists, interpreters for the deaf, diagnosticians and
23 other service providers. The department may provide a
24 professional licensing framework in which licensees can
25 advance in their careers through the demonstration of

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1 increased competencies and the undertaking of increased
2 duties.

3 B. The state board shall provide by rule for the
4 requirements for licensure of types of instructional support
5 providers. If an instructional support provider practices a
6 licensed profession, he shall provide evidence satisfactory to
7 the department that he holds a current, unsuspended license in
8 the profession in which he is applying to provide
9 instructional support services. The instructional support
10 provider shall notify the school district immediately if his
11 license is suspended, revoked or denied. "

12 Section 44. A new Section 22-10A-15 NMSA 1978 is enacted
13 to read:

14 "22-10A-15. [NEW MATERIAL] LICENSE OR CERTIFICATE
15 REQUIRED--GENERAL DUTIES.--

16 A. A person performing the duties of a licensed
17 school employee who does not hold a valid license or
18 certificate or has not submitted a complete application for
19 licensure within the first three months from beginning
20 employment duties shall not thereafter be compensated for
21 services rendered. This section does not apply to practice
22 teachers as defined by rules of the state board.

23 B. Each licensed school employee shall:

24 (1) enforce all laws and rules applicable to
25 his public school and school district or to the educational

1 program of the state agency;

2 (2) if teaching, teach the prescribed courses
3 of instruction;

4 (3) exercise supervision over students on
5 property belonging to the public school or state agency and
6 while the students are under the control of the public school
7 or state agency; and

8 (4) furnish reports as required. "

9 Section 45. A new Section 22-10A-16 NMSA 1978 is enacted
10 to read:

11 "22-10A-16. [NEW MATERIAL] SCHOOL PRINCIPALS--DUTIES. --

12 In addition to other duties prescribed by law, a school
13 principal shall:

14 A. under the general supervision of the local
15 superintendent, assume administrative responsibility and
16 overall instructional leadership for the public school to
17 which he is assigned, including the discipline of students and
18 the planning, operation, supervision and evaluation of the
19 educational program of the school;

20 B. recommend to the local superintendent the
21 employment, promotion, transfer, discharge and termination of
22 school employees in his school;

23 C. evaluate the performance of school employees
24 and develop professional development plans or job improvement
25 plans to assist school employees to improve;

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underscored material = new
[bracketed material] = delete

1 D. take disciplinary action against employees; and
2 E. perform other duties assigned to him by the
3 local superintendent to implement the policies of the local
4 school board. "

5 Section 46. A new Section 22-10A-17 NMSA 1978 is enacted
6 to read:

7 "22-10A-17. [NEW MATERIAL] TEACHERS AND SCHOOL
8 PRINCIPALS-- ACCOUNTABILITY-- EVALUATIONS-- PROFESSIONAL
9 DEVELOPMENT-- PEER INTERVENTION-- MENTORING. --

10 A. The state board shall adopt criteria and
11 minimum statewide performance standards for the annual
12 performance evaluation of licensed school employees. The
13 local superintendent shall adopt policies, guidelines and
14 procedures for the evaluation process. Evaluation by other
15 school employees shall be one component of the evaluation tool
16 for school administrators.

17 B. As part of the performance evaluation of
18 teachers, the school principal shall observe each teacher's
19 classroom practice to determine the teacher's ability to
20 demonstrate state-adopted competencies.

21 C. At the beginning of each school year, teachers
22 and school principals shall devise professional development
23 plans for the coming year, and evaluations shall be based in
24 part on how well the professional development plan was carried
25 out.

1 D. If a level two or three-A teacher's evaluation
2 indicates less than satisfactory performance and competency,
3 the school principal may require the teacher to undergo peer
4 intervention, including mentoring, for a period the school
5 principal deems necessary. If the teacher is unable to
6 demonstrate satisfactory performance and competency by the end
7 of the period, the peer interveners may recommend termination
8 of the teacher.

9 E. At least every two years, school principals
10 shall attend a training program approved by the department to
11 improve their evaluation and administrative skills and
12 instructional leadership. "

13 Section 47. Section 22-10-11 NMSA 1978 (being Laws 1967,
14 Chapter 16, Section 113, as amended) is recompiled as Section
15 22-10A-18 NMSA 1978 and is amended to read:

16 "22-10A-18. EMPLOYMENT CONTRACTS--DURATION.--

17 A. All employment contracts between [~~local~~] a
18 school [~~boards~~] district and [~~certified school personnel~~]
19 licensed school employees and between a governing [~~authorities~~
20 ~~of~~] authority of a state [~~agencies~~] agency and [~~certified~~
21 ~~school instructors~~] licensed school employees shall be in
22 writing on forms approved by the state board. These forms
23 shall contain and specify the term of service, the salary to
24 be paid, the method of payment, the causes for termination of
25 the contract and other provisions required by [~~the~~

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1 ~~regulations~~] rules of the state board.

2 B. All employment contracts between [~~local~~] a
3 school [~~boards~~] district and [~~certified school personnel~~]
4 licensed school employees and between a governing
5 [~~authorities~~] authority of a state [~~agencies~~] agency and
6 [~~certified school instructors~~] licensed school employees shall
7 be for a period of one school year except:

8 (1) contracts for less than one school year
9 are permitted to fill personnel vacancies [~~which~~] that occur
10 during the school year;

11 (2) contracts for the remainder of a school
12 year are permitted to staff programs when the availability of
13 funds for the programs is not known until after the beginning
14 of the school year;

15 (3) contracts for less than one school year
16 are permitted to staff summer school programs and to staff
17 federally funded programs in which the federally approved
18 programs are specified to be conducted for less than one
19 school year;

20 (4) contracts not to exceed three years are
21 permitted for [~~certified~~] school administrators in public
22 schools who are engaged in administrative functions for more
23 than one-half of their employment time; and

24 (5) contracts not to exceed three years are
25 permitted at the discretion of the local [~~school board~~]

1 superintendent for [~~certified school instructors~~] licensed
2 school employees in public schools who have [~~been employed~~]
3 worked in the school district for three consecutive school
4 years.

5 C. An employment contract not to exceed five years
6 is authorized between a local school board and a local
7 superintendent.

8 [~~C.~~] D. Persons employed under contracts for
9 periods of less than one school year as provided in Paragraphs
10 (1) and (2) of Subsection B of this section shall be accorded
11 all the duties, rights and privileges of the [~~Certified~~]
12 School Personnel Act.

13 [~~D.~~] E. In determination of eligibility for
14 unemployment compensation rights and benefits for [~~certified~~
15 ~~school instructors~~] licensed school employees where those
16 rights and benefits are claimed to arise from the employment
17 relationship between governing authorities of state agencies
18 or local school [~~boards~~] districts and [~~certified school~~
19 ~~instructors~~] licensed school employees, that period of a year
20 not covered by a school year shall not be considered an
21 unemployment period.

22 [~~E.~~] F. Except as provided in Section [~~22-10-12~~]
23 22-10A-20 NMSA 1978, a person employed by contract pursuant to
24 this section has no legitimate objective expectancy of
25 reemployment, and no contract entered into pursuant to this

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1 section shall be construed as an implied promise of continued
2 employment pursuant to a subsequent contract.

3 G. Employment contracts between school districts
4 and teachers shall include seven contract days beyond the
5 instructional year for professional development.

6 H. School districts and state agencies may pay
7 licensed school employees according to their employment
8 contracts on evidence of attendance at any professional
9 meeting connected with their profession as educators or
10 associated with the courses of instruction in which they
11 specialize.

12 I. Licensed school employees shall be paid at
13 least once a month during a school year. The salary may be
14 paid at least once a month during a twelve-month period
15 although services are to be performed during a period less
16 than the twelve months.

17 J. The provisions of Subsection G of this section
18 shall not operate unless the legislature has funded the
19 additional time."

20 Section 48. Section 22-10-21 NMSA 1978 (being Laws 1967,
21 Chapter 16, Section 123, as amended) is recompiled as Section
22 22-10A-19 NMSA 1978 and is amended to read:

23 "22-10A-19. SUPERVISION AND CORRECTION PROCEDURES. --

24 A. For the purposes of Sections 22-10A-19 through
25 22-10A-26 NMSA 1978, "school principal" includes other school

1 district personnel who have the authority to supervise school
2 employees, correct their work performance and recommend
3 termination or discharge.

4 B. The state board shall prescribe by
5 ~~[regulations]~~ rule the procedures to be followed by a ~~[local]~~
6 school ~~[board or the governing authority of a state agency]~~
7 principal in supervising and correcting unsatisfactory work
8 performance of ~~[certified school personnel]~~ school employees
9 before notice of intent to discharge is served upon them ~~[and~~
10 ~~by the governing authority of a state agency in supervising~~
11 ~~and correcting unsatisfactory work performance of certified~~
12 ~~school instructors before notice of intent to discharge is~~
13 ~~served upon them. These regulations]~~. The rules shall
14 provide that written records shall be kept on all action taken
15 by a ~~[local]~~ school ~~[board or the governing authority of a~~
16 ~~state agency]~~ principal to improve ~~[any person's]~~ a school
17 employee's unsatisfactory work performance and all
18 improvements made in the ~~[person's]~~ school employee's work
19 performance. These written records shall be introduced as
20 evidence at any hearing for the ~~[person]~~ school employee
21 conducted by the local ~~[school board or the governing~~
22 ~~authority of the state agency]~~ superintendent. "

23 Section 49. A new Section 22-10A-20 NMSA 1978 is enacted
24 to read:

25 "22-10A-20. [NEW MATERIAL] NOTICE OF REEMPLOYMENT--

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underscored material = new
[bracketed material] = delete

1 TERMINATION. --

2 A. On or before the last day of the school year of
3 an existing employment contract, each school principal shall
4 recommend to the local superintendent the reemployment or
5 termination of each licensed school employee at his school.
6 The local superintendent, based on the recommendations of the
7 school principal, shall serve written notice of reemployment
8 or termination on each licensed school employee employed by
9 the school district. A notice of reemployment shall be an
10 offer of employment for the ensuing school year. A notice of
11 termination shall be a notice of intention not to reemploy for
12 the ensuing school year.

13 B. Failure of the local superintendent to serve a
14 written notice of reemployment or termination on a licensed
15 school employee shall be construed to mean that notice of
16 reemployment has been served upon the person for the ensuing
17 school year according to the terms of the existing employment
18 contract but subject to any additional compensation allowed
19 other licensed school employees of like qualifications and
20 experience employed by the school district.

21 C. Nothing in this section shall be construed to
22 mean that failure of a local superintendent to serve a written
23 notice of reemployment or termination shall automatically
24 extend a licensed school employee's employment contract for a
25 period in excess of one school year. "

1 Section 50. Section 22-10-13 NMSA 1978 (being Laws 1967,
2 Chapter 16, Section 115, as amended) is recompiled as Section
3 22-10A-21 NMSA 1978 and is amended to read:

4 "22-10A-21. REEMPLOYMENT--ACCEPTANCE--REJECTION--BINDING
5 CONTRACT.--

6 A. Each [~~certified school instructor~~] licensed
7 school employee shall deliver to the local [~~school board of~~
8 ~~the school district or to the governing authority of the state~~
9 ~~agency~~] superintendent in which the [~~person~~] licensed school
10 employee is employed a written acceptance or rejection of
11 reemployment for the ensuing school year within fifteen days
12 from the following:

13 (1) the date written notice of reemployment
14 is served upon the [~~person~~] licensed school employee; or

15 (2) the last day of the school year when no
16 written notice of reemployment or termination is served upon
17 the [~~person~~] licensed school employee on or before the last
18 day of the school year.

19 B. Delivery of the written acceptance of
20 reemployment by a [~~certified school instructor~~] licensed
21 school employee creates a binding employment contract between
22 the [~~certified school instructor~~] licensed school employee and
23 the [~~local school board or the governing authority of the~~
24 ~~state agency~~] school district until the parties enter into a
25 formal written employment contract. Written employment

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1 contracts between local [~~school boards or governing~~
2 ~~authorities of state agencies~~] superintendents and [~~certified~~
3 ~~school instructors~~] licensed school employees shall be
4 executed by the parties not later than ten days before the
5 first day of a school year. "

6 Section 51. A new Section 22-10A-22 NMSA 1978 is enacted
7 to read:

8 "22-10A-22. [NEW MATERIAL] TERMINATION DECISIONS--
9 PRINCIPALS-- LOCAL SUPERINTENDENTS-- PROCEDURES. --

10 A. A school principal may recommend the
11 termination of a school employee of his school who has worked
12 for the school district for three full consecutive years or
13 less for any reason he deems sufficient. Based upon this
14 recommendation, the local superintendent may terminate the
15 school employee. Upon request of the school employee, the
16 local superintendent shall provide written reasons for the
17 school principal's decision to recommend termination. The
18 reasons shall be provided within ten working days of the
19 request. The reasons shall not be publicly disclosed by the
20 local superintendent or school principal. The reasons shall
21 not provide a basis for contesting the decision under the
22 School Personnel Act.

23 B. A local superintendent may not terminate a
24 school employee who has worked at a school district for more
25 than three full consecutive years without just cause.

1 C. A school employee who has worked for a school
2 district for more than three full consecutive years and who
3 receives a notice of termination pursuant to either Section
4 22-10A-20 NMSA 1978 or this section may request an opportunity
5 to make a statement to the local superintendent on the
6 recommendation to terminate him by submitting a written
7 request to the local superintendent within five working days
8 from the date written notice of termination is served upon
9 him. The school employee may also request in writing the
10 reasons for the school principal's recommendation to terminate
11 him. The local superintendent shall request that the school
12 principal provide written reasons for his recommendation to
13 terminate the school employee within five working days from
14 the date the written request for a meeting and the written
15 request for the reasons were received by the local
16 superintendent. Neither the school principal nor local
17 superintendent shall publicly disclose his reasons for
18 termination.

19 D. The school employee's request pursuant to
20 Subsection C of this section shall be granted if he responds
21 to the school principal's written reasons as provided in that
22 subsection by submitting in writing to the local
23 superintendent a contention that the recommendation and
24 subsequent decision to terminate him was made without just
25 cause. The written contention shall specify the grounds on

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1 which it is contended that the recommendation and subsequent
2 decision was without just cause and shall include a statement
3 of the facts that the school employee believes support his
4 contention. This written statement shall be submitted within
5 ten working days from the date the school employee receives
6 the written reasons from the school principal. The submission
7 of this statement constitutes a representation on the part of
8 the school employee that he can support his contentions and an
9 acknowledgment that the school principal may offer the causes
10 for his recommendation and any relevant data in his possession
11 in rebuttal of the school employee's contentions.

12 E. A local superintendent shall meet to hear the
13 school employee's statement in no less than five or more than
14 fifteen working days after the local superintendent receives
15 the statement. The hearing shall be conducted informally in
16 accordance with the provisions of the Open Meetings Act. The
17 school employee and the school principal may each be
18 accompanied by a person of his choice. First, the school
19 principal shall present the factual basis for his
20 recommendation that just cause exists for the termination of
21 the school employee, limited to those reasons provided to the
22 school employee pursuant to Subsection C of this section.
23 Then, the school employee shall present his contentions,
24 limited to those grounds specified in Subsection D of this
25 section. The school principal may offer such rebuttal

1 testimony as he deems relevant. All witnesses may be
 2 questioned by the local superintendent, the school employee or
 3 his representative and the school principal or his
 4 representative. The local superintendent may consider only
 5 such evidence as is presented at the hearing and need consider
 6 only such evidence as he considers reliable. No record shall
 7 be made of the proceeding. The local superintendent shall
 8 notify the school employee and the school principal of his
 9 decision in writing within five working days from the
 10 conclusion of the meeting. "

11 Section 52. Section 22-10-17 NMSA 1978 (being Laws 1986,
 12 Chapter 33, Section 24, as amended) is recompiled as Section
 13 22-10A-23 NMSA 1978 and is amended to read:

14 "22-10A-23. DISCHARGE HEARING--PROCEDURES. --

15 A. A local [~~school board or the governing~~
 16 ~~authority of a state agency~~] superintendent may discharge a
 17 [~~certified~~] licensed school employee only for just cause
 18 according to the following procedure:

19 (1) the [~~superintendent~~] school principal
 20 shall serve a written notice of his intent to recommend
 21 discharge on the [~~certified~~] licensed school employee in
 22 accordance with the law for service of process in civil
 23 actions; and

24 (2) the [~~superintendent~~] school principal
 25 shall state in the notice of his intent to recommend discharge

1 the cause for his recommendation and shall advise the
2 [~~certified~~] licensed school employee of his right to a
3 discharge hearing before the local [~~school board or governing~~
4 ~~authority~~] superintendent as provided in this section.

5 B. A [~~certified~~] licensed school employee who
6 receives a notice of intent to recommend discharge pursuant to
7 Subsection A of this section may exercise his right to a
8 hearing before the local [~~school board or governing authority~~]
9 superintendent by giving the school principal and local
10 superintendent [~~or administrator~~] written notice of that
11 election within five working days of his receipt of the notice
12 to recommend discharge.

13 C. The local [~~school board or governing authority~~]
14 superintendent shall hold a discharge hearing no less than
15 twenty and no more than forty working days after the local
16 superintendent [~~or administrator~~] receives the written
17 election from the [~~certified~~] licensed school employee and
18 shall give the [~~certified~~] licensed school employee at least
19 ten days written notice of the date, time and place of the
20 discharge hearing.

21 D. [~~Each party~~] The [~~local superintendent or~~
22 ~~administrator~~] school principal and the [~~certified~~] licensed
23 school employee may be accompanied by [~~a person~~] persons of
24 [~~his~~] their choice.

25 E. The parties shall complete and respond to

1 discovery by deposition and production of documents prior to
2 the discharge hearing.

3 F. The local [~~school board or governing authority~~]
4 superintendent shall have the authority to issue subpoenas for
5 the attendance of witnesses and to produce books, records,
6 documents and other evidence at the request of either party
7 and shall have the power to administer oaths.

8 G. The [~~local superintendent or administrator~~]
9 school principal shall have the burden of proving by a
10 preponderance of the evidence that, at the time of the notice
11 of intent to recommend discharge, he had just cause to
12 discharge the [~~certified~~] licensed school employee.

13 H. The [~~local superintendent or administrator~~]
14 school principal shall present his evidence first, with the
15 [~~certified~~] licensed school employee presenting his evidence
16 [~~thereafter~~] second. The local [~~school board or governing~~
17 ~~authority~~] superintendent shall permit either party to call,
18 examine and cross-examine witnesses and to introduce
19 documentary evidence.

20 [~~I. An official record shall be made of the~~
21 ~~hearing. Either party may have one copy of the record at the~~
22 ~~expense of the local school board or governing authority.~~

23 J.] I. The local [~~school board~~] superintendent
24 shall render [~~its~~] his written decision within twenty days of
25 the conclusion of the discharge hearing. "

1 Section 53. A new Section 22-10A-24 NMSA 1978 is enacted
2 to read:

3 "22-10A-24. [NEW MATERIAL] APPEALS--INDEPENDENT
4 ARBITRATOR--QUALIFICATIONS--PROCEDURE--BINDING DECISION.--

5 A. A school employee who is still aggrieved by a
6 decision of a local superintendent rendered pursuant to
7 Section 22-10A-22 or 22-10A-23 NMSA 1978 may appeal the
8 decision to an independent arbitrator. A written notice of
9 appeal shall be submitted to the local superintendent within
10 five working days from the receipt of his written decision or
11 the refusal of the local superintendent to grant a hearing.
12 The appeal shall be accompanied by a statement of particulars
13 specifying the grounds on which it is contended that the
14 decision was impermissible pursuant to Section 22-10A-22 or
15 22-10A-23 NMSA 1978 and including a statement of facts
16 supporting the contentions. Failure of the school employee to
17 submit a timely appeal or a statement of particulars with the
18 appeal shall disqualify him for any appeal and render the
19 local superintendent's decision final.

20 B. The local superintendent and the school
21 employee shall meet within ten working days from the receipt
22 of the request for an appeal and select an independent
23 arbitrator to conduct the appeal. If the parties fail to
24 agree on an independent arbitrator, they shall request the
25 presiding judge in the judicial district in which the school

1 employee's public school is located to select one. The
2 presiding judge shall select the independent arbitrator within
3 five working days from the date of the parties' request.

4 C. A qualified independent arbitrator shall be
5 appointed who is versed in employment practices and school
6 procedures and who preferably has experience in the practice
7 of law. No person shall be appointed to serve as the
8 independent arbitrator who has any direct or indirect
9 financial interest in the outcome of the proceeding, has any
10 relationship to any party in the proceeding, is employed by
11 the local school district or is a member of or employed by any
12 professional or labor organization of which the school
13 employee is a member.

14 D. Appeals from the decision of the local
15 superintendent shall be decided after a de novo hearing before
16 the independent arbitrator. The issue to be decided by the
17 independent arbitrator is whether there was just cause for the
18 decision of the local superintendent to terminate or discharge
19 the school employee.

20 E. The de novo hearing shall be held within thirty
21 working days from the selection of the independent arbitrator.
22 The arbitrator shall give written notice of the date, time and
23 place of the hearing, and such notice shall be sent to the
24 employee and the local superintendent.

25 F. Each party has the right to be represented by

1 counsel at the hearing before the independent arbitrator.

2 G. Discovery shall be limited to depositions and
3 requests for production of documents on a time schedule to be
4 established by the independent arbitrator.

5 H. The independent arbitrator may issue subpoenas
6 for the attendance of witnesses and for the production of
7 books, records, documents and other evidence and shall have
8 the power to administer oaths. Subpoenas so issued shall be
9 served and enforced in the manner provided by law for the
10 service and enforcement of subpoenas in a civil action.

11 I. The rules of civil procedure shall not apply to
12 the de novo hearing, but it shall be conducted so that both
13 contentions and responses are amply and fairly presented. To
14 this end, the independent arbitrator shall permit either party
15 to call and examine witnesses, cross-examine witnesses and
16 introduce exhibits. The technical rules of evidence shall not
17 apply, but, in ruling on the admissibility of evidence, the
18 independent arbitrator shall require reasonable substantiation
19 of statements or records tendered, the accuracy or truth of
20 which is in reasonable doubt.

21 J. The local superintendent has the burden of
22 proof and shall prove by a preponderance of the evidence that,
23 at the time the notice of termination or the notice of intent
24 to discharge was served on the school employee, the local
25 superintendent had just cause to terminate or discharge the

1 school employee. If the local superintendent proves by a
2 preponderance of the evidence that there was just cause for
3 its action, then the burden shifts to the school employee to
4 rebut the evidence presented by the local superintendent.

5 K. The independent arbitrator shall uphold the
6 local superintendent's decision only if it proves by a
7 preponderance of the evidence that, at the time the notice of
8 termination or intent to discharge was served on the school
9 employee, the local superintendent had just cause to terminate
10 or discharge the school employee. If the local superintendent
11 fails to meet its burden of proof or if the school employee
12 rebuts the proof offered by the local superintendent, the
13 arbitrator shall reverse the decision of the local
14 superintendent.

15 L. No official record shall be made of the
16 hearing. Either party desiring a record of the arbitration
17 proceedings may, at his own expense, record or otherwise
18 provide for a transcript of the proceedings; provided,
19 however, that the record so provided shall not be deemed an
20 official transcript of the proceedings nor shall it imply any
21 right of automatic appeal or review.

22 M. The independent arbitrator shall render a
23 written decision affirming or reversing the action of the
24 local superintendent. The decision shall contain findings of
25 fact and conclusions of law. The parties shall receive actual

1 written notice of the decision of the independent arbitrator
2 within ten working days from the conclusion of the de novo
3 hearing.

4 N. The sole remedies available under this section
5 shall be reinstatement or payment of compensation reinstated
6 in full but subject to any additional compensation allowed
7 other school employees of like qualifications and experience
8 employed by the school district and including reimbursement
9 for compensation during the entire period for which
10 compensation was terminated, or both, less an offset for any
11 compensation received by the school employee during the period
12 the compensation was terminated.

13 O. Unless a party can demonstrate prejudice
14 arising from a departure from the procedures established in
15 this section and in Section 22-10A-22 NMSA 1978, such
16 departure shall be presumed to be harmless error.

17 P. The decision of the independent arbitrator
18 shall be binding on both parties and shall be final and
19 nonappealable except where the decision was procured by
20 corruption, fraud, deception or collusion, in which case it
21 shall be appealed to the district court in the judicial
22 district in which the public school is located.

23 Q. Each party shall bear its own costs and
24 expenses. The independent arbitrator's fees and other
25 expenses incurred in the conduct of the arbitration shall be

1 assigned at the discretion of the independent arbitrator.

2 R. Local school districts shall file a record with
3 the department of all terminations and discharges and all
4 actions arising from terminations and discharges annually. "

5 Section 54. Section 22-10-16 NMSA 1978 (being Laws 1967,
6 Chapter 16, Section 118, as amended) is recompiled as Section
7 22-10A-25 NMSA 1978 and is amended to read:

8 "22-10A-25. EXCEPTED FROM PROVISIONS. -- Sections
9 [~~22-10-12 through 22-10-14.1~~] 22-10A-20 through 22-10A-22 and
10 22-10A-24 NMSA 1978 do not apply to the following:

11 A. a [~~certified school instructor~~] licensed school
12 employee employed to fill the position of a [~~certified school~~
13 ~~instructor~~] licensed school employee entering military
14 service;

15 B. a person who is employed as a [~~certified~~]
16 school administrator; or

17 C. a [~~non-certified~~] nonlicensed school employee
18 employed to perform primarily district-wide management
19 functions. "

20 Section 55. Section 22-10-18 NMSA 1978 (being Laws 1967,
21 Chapter 16, Section 120, as amended) is recompiled as Section
22 22-10A-26 NMSA 1978 and is amended to read:

23 "22-10A-26. COMPENSATION PAYMENTS TO DISCHARGED
24 PERSONNEL. --

25 A. Payment of compensation to [~~any certified~~

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1 ~~school instructor]~~ a licensed school employee employed by a
2 [~~local school board or by the governing authority of a state~~
3 ~~agency and payment of compensation to any certified school~~
4 ~~administrator employed by a local school board]~~ school
5 district shall terminate as of the date, after a hearing, that
6 a written copy of the decision of the local [~~school board or~~
7 ~~the governing authority of the state agency]~~ superintendent to
8 discharge the [~~person]~~ licensed school employee is served on
9 [~~the person]~~ him. If the compensation of the [~~person]~~
10 licensed school employee discharged during the term of a
11 written employment contract is to be paid monthly during a
12 twelve-month period for services to be performed during a
13 period less than twelve months, the [~~person]~~ licensed school
14 employee shall be entitled to a pro rata share of the
15 compensation payments due for the period during the twelve
16 months in which no services were to be performed.

17 B. In the event the action of the local [~~school~~
18 ~~board]~~ superintendent in discharging a [~~certified school~~
19 ~~instructor or administrator or the action of the governing~~
20 ~~authority of a state agency in discharging a certified school~~
21 ~~instructor]~~ licensed school employee is reversed on appeal,
22 payment of compensation to the [~~person]~~ licensed school
23 employee shall be reinstated in full but subject to any
24 additional compensation allowed other [~~certified school~~
25 ~~instructor or administrator]~~ licensed school employees of like

1 qualifications and experience employed by the school district
2 [~~or state agency~~] and including reimbursement for compensation
3 during the entire period the compensation was terminated less
4 an offset for any compensation received by the [person]
5 licensed school employee from a school district [~~or state~~
6 ~~agency~~] during the period the compensation was terminated. "

7 Section 56. A new Section 27-10A-27 NMSA 1978 is enacted
8 to read:

9 "22-10A-27. [NEW MATERIAL] LICENSED SCHOOL EMPLOYEES IN
10 STATE AGENCIES. --

11 A. Licensed school employees in state agencies are
12 subject to the School Personnel Act.

13 B. Employees of state agencies who are not covered
14 by the Personnel Act and who were covered by the provisions of
15 the School Personnel Act on the effective date of this 2001
16 act shall continue to be covered by the School Personnel Act. "

17 Section 57. Section 22-10-22 NMSA 1978 (being Laws 1967,
18 Chapter 16, Section 124, as amended) is recompiled as Section
19 22-10A-28 NMSA 1978 and is amended to read:

20 "22-10A-28. SUSPENSION AND REVOCATION OF [~~CERTIFICATES~~]
21 LICENSE-- APPEAL. --

22 A. The state board may suspend or revoke a
23 [~~certificate~~] department-issued license held by a [~~certified~~
24 ~~school instructor or administrator~~] licensed school employee
25 for incompetency, immorality or any other good and just cause.

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1 B. A [~~certificate~~] license may be suspended or
2 revoked only according to the following procedure:

3 (1) the state board [~~serving~~] serves written
4 notice of the suspension or revocation on the [~~person holding~~
5 ~~the certificate~~] licensed school employee in accordance with
6 the law for service of process in civil actions. The notice
7 of the suspension or revocation shall state the grounds for
8 the suspension or revocation of the [~~certificate~~] license.
9 The notice of the suspension or revocation shall describe the
10 rights of the [~~person holding the certificate~~] licensed school
11 employee and include instructions for requesting a hearing
12 before the state board. A hearing shall be requested within
13 thirty days of receipt of the notice of suspension or
14 revocation. If a hearing is requested, the hearing shall be
15 held not more than ninety days from the date of the request
16 for the hearing;

17 (2) the state board or its designated hearing
18 officer [~~conducting~~] conducts a hearing that provides the
19 [~~person holding the certificate~~] licensed school employee, or
20 his attorney, an opportunity to present evidence or arguments
21 on all pertinent issues. A transcript shall be made of the
22 entire hearing conducted by the state board or its designated
23 hearing officer; and

24 (3) the state board [~~rendering~~] renders a
25 written decision in accordance with the law and based upon

1 evidence presented and admitted at the hearing. The written
 2 decision shall include findings of fact and conclusions of law
 3 and shall be based upon the findings of fact and the
 4 conclusions of law. A written copy of the decision of the
 5 state board shall be served upon the [~~person holding the~~
 6 ~~certificate~~] licensed school employee within sixty days from
 7 the date of the hearing. Service of the written copy of the
 8 decision shall be in accordance with the law for service of
 9 process in civil actions or by certified mail to the
 10 [~~person's~~] licensed school employee's address of record.

11 C. The secretary of the state board, with the
 12 approval of the state board or its designated hearing officer,
 13 may subpoena witnesses, require their attendance and giving of
 14 testimony and require the production of books, papers and
 15 records in connection with a hearing held pursuant to the
 16 provisions of Subsection B of this section. Also, the state
 17 board may apply to the district court for the issuance of
 18 subpoenas and subpoenas duces tecum in the name of and on
 19 behalf of the state board.

20 D. Any person aggrieved by a decision of the state
 21 board, after a hearing pursuant to this section, may appeal
 22 the decision to the district court pursuant to the provisions
 23 of Section 39-3-1.1 NMSA 1978. "

24 Section 58. Section 22-10-3.2 NMSA 1978 (being Laws
 25 1988, Chapter 48, Section 1, as amended) is recompiled as

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1 Section 22-10A-29 NMSA 1978 and is amended to read:

2 "22-10A-29. [~~CERTIFIED SCHOOL PERSONNEL AND SCHOOL~~
3 ~~NURSES~~] LICENSED SCHOOL EMPLOYEES--CHILD ABUSE AND NEGLECT AND
4 SUBSTANCE ABUSE REQUIRED TRAINING PROGRAM --

5 A. All [~~certified school personnel and school~~
6 ~~nurses~~] licensed school employees shall be required to
7 complete training in the detection and reporting of child
8 abuse and neglect and substance abuse. This requirement shall
9 be completed within the [~~person's~~] licensed school employee's
10 first year of employment by a school district [~~in the state~~].

11 B. Pursuant to the policy and [~~regulations~~] rules
12 adopted by the state board, the department [~~of education~~]
13 shall develop a training program, including training materials
14 and necessary training staff, to meet the requirement of
15 Subsection A of this section to make the training available in
16 every school district [~~in the state~~]. The department [~~of~~
17 ~~education~~] shall coordinate the development of the program
18 with appropriate staff at the human services department and
19 the department of health.

20 C. The training program developed pursuant to this
21 section shall be made available by the department [~~of~~
22 ~~education~~] to the deans of every college of education in
23 New Mexico for use in providing such training to students
24 seeking elementary and secondary education [~~certification~~]
25 licensure. "

1 Section 59. Section 22-11-2 NMSA 1978 (being Laws 1967,
2 Chapter 16, Section 126, as amended) is amended to read:

3 "22-11-2. DEFINITIONS. --As used in the Educational
4 Retirement Act:

5 A. "member" means [~~any~~] an employee, except for a
6 participant or a retired member, coming within the provisions
7 of the Educational Retirement Act;

8 B. "regular member" means:

9 (1) a person regularly employed as a
10 teaching, nursing or administrative employee of a state
11 educational institution, except for:

12 (a) a participant; or

13 (b) all employees of a general hospital
14 or outpatient clinics thereof operated by a state educational
15 institution named in Article 12, Section 11 of the
16 constitution of New Mexico;

17 (2) a person regularly employed as a
18 teaching, nursing or administrative employee of a junior
19 college or ~~community~~ college created pursuant to Chapter 21,
20 Article 13 NMSA 1978, except for a participant;

21 (3) a person regularly employed as a
22 teaching, nursing or administrative employee of a technical
23 and vocational institute created pursuant to the Technical and
24 Vocational Institute Act, except for a participant;

25 (4) a person regularly employed as a

1 teaching, nursing or administrative employee of the New Mexico
2 boys' school, the New Mexico girls' school, the Los Lunas
3 medical center or a school district or as a certified school
4 instructor of a state institution or agency providing an
5 educational program and holding a standard or substandard
6 certificate issued by the state board, except for a
7 participant;

8 (5) a person regularly employed by the
9 department of education or the board holding a standard or
10 substandard certificate issued by the state board at the time
11 of commencement of such employment;

12 (6) a member classified as a regular member
13 in accordance with the [~~regulations~~] rules of the board;

14 (7) a person regularly employed by the New
15 Mexico activities association holding a standard certificate
16 issued by the state board at the time of commencement of such
17 employment; or

18 (8) a person regularly employed by a regional
19 education cooperative holding a standard certificate issued by
20 the state board at the time of commencement of such
21 employment;

22 C. "provisional member" means a person not
23 eligible to be a regular member but who is employed by a local
24 administrative unit designated in Subsection B of this
25 section; provided, however, that employees of a general

1 hospital or outpatient clinics thereof operated by a state
2 educational institution named in Article 12, Section 11 of the
3 constitution of New Mexico are not provisional members;

4 D. "local administrative unit" means an employing
5 agency however constituted that is directly responsible for
6 the payment of compensation for the employment of members or
7 participants;

8 E. "beneficiary" means a person having an
9 insurable interest in the life of a member or a participant
10 designated by written instrument duly executed by the member
11 or participant and filed with the director to receive a
12 benefit pursuant to the Educational Retirement Act that may be
13 received by someone other than the member or participant;

14 F. "employment" means employment by a local
15 administrative unit that qualifies a person to be a member or
16 participant;

17 G. "service employment" means employment that
18 qualifies a person to be a regular member;

19 H. "provisional service employment" means
20 employment that qualifies a person to be a provisional member;

21 I. "prior employment" means employment performed
22 prior to the effective date of the Educational Retirement Act
23 that would be service employment or provisional service
24 employment if performed thereafter;

25 J. "service credit" means that period of time with

1 which a member is accredited for the purpose of determining
2 his eligibility for and computation of retirement or
3 disability benefits;

4 K. "earned service credit" means that period of
5 time during which a member was engaged in employment or prior
6 employment with which he is accredited for the purpose of
7 determining his eligibility for retirement or disability
8 benefits;

9 L. "allowed service credit" means that period of
10 time during which a member has performed certain nonservice
11 employment with which he may be accredited, as provided in the
12 Educational Retirement Act, for the purpose of computing
13 retirement or disability benefits;

14 M. "retirement benefit" means an annuity paid
15 monthly to members whose employment has been terminated by
16 reason of their age;

17 N. "disability benefit" means an annuity paid
18 monthly to members whose employment has been terminated by
19 reason of a disability;

20 O. "board" means the educational retirement board;

21 P. "fund" means the educational retirement fund;

22 Q. "director" means the educational retirement
23 director;

24 R. "medical authority" means a medical doctor
25 within the state or as provided in Subsection D of Section

1 22-11-36 NMSA 1978 either designated or employed by the board
2 to examine and report on the physical condition of applicants
3 for or recipients of disability benefits;

4 S. "actuary" means a person trained and regularly
5 engaged in the occupation of calculating present and projected
6 monetary assets and liabilities under annuity or insurance
7 programs;

8 T. "actuarial equivalent" means a sum paid as a
9 current or deferred benefit that is equal in value to a
10 regular benefit, computed upon the basis of interest rates and
11 mortality tables;

12 U. "contributory employment" means employment for
13 which contributions have been made by both a member and a
14 local administrative unit pursuant to the Educational
15 Retirement Act;

16 V. "qualifying state educational institution"
17 means the university of New Mexico, New Mexico state
18 university, New Mexico institute of mining and technology, New
19 Mexico highlands university, eastern New Mexico university,
20 western New Mexico university, Albuquerque technical-
21 vocational institute, Clovis community college, Luna
22 vocational-technical institute, Mesa technical college, New
23 Mexico junior college, northern New Mexico state school, San
24 Juan college and Santa Fe community college;

25 W. "participant" means:

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1 (1) a person regularly employed as a faculty
2 or professional employee of the university of New Mexico, New
3 Mexico state university, New Mexico institute of mining and
4 technology, New Mexico highlands university, eastern New
5 Mexico university or western New Mexico university who first
6 becomes employed with such an educational institution on or
7 after July 1, 1991, or a person regularly employed as a
8 faculty or professional employee of the Albuquerque technical-
9 vocational institute, Clovis community college, Luna
10 vocational-technical institute, Mesa technical college, New
11 Mexico junior college, northern New Mexico state school, San
12 Juan college or Santa Fe community college who is first
13 employed by the institution on or after July 1, 1999 and who
14 elects, pursuant to Section 22-11-47 NMSA 1978, to participate
15 in the alternative retirement plan; and

16 (2) a person regularly employed who performs
17 research or other services pursuant to a contract between a
18 qualifying state educational institution and the United States
19 government or any of its agencies who elects, pursuant to
20 Section 22-11-47 NMSA 1978, to participate in the alternative
21 retirement plan, provided that the research or other services
22 are performed outside the state;

23 X. "salary" means the compensation or wages paid
24 to a member or participant by any local administrative unit
25 for services rendered; [~~and~~]

1 Y. "alternative retirement plan" means the
2 retirement plan provided for in Sections 22-11-47 through
3 22-11-52 NMSA 1978; and

4 Z. "retired member" means a regular member whose
5 employment has been terminated by reason of age and who is
6 receiving or is eligible to receive retirement benefits."

7 Section 60. Section 22-11-21 NMSA 1978 (being Laws 1967,
8 Chapter 16, Section 144, as amended) is amended to read:

9 "22-11-21. CONTRIBUTIONS--MEMBERS--LOCAL ADMINISTRATIVE
10 UNITS.--

11 A. Each member shall make contributions to the
12 fund in the amount of seven and six-tenths percent of his
13 annual salary.

14 B. Until June 30, 1993, each local administrative
15 unit shall make a yearly contribution to the fund of a sum
16 equal to seven and six-tenths percent of the annual salary of
17 each member employed by the local administrative unit.

18 C. Beginning July 1, 1993 and ~~[thereafter]~~ through
19 June 30, 2001, each local administrative unit shall make a
20 yearly contribution to the fund of a sum equal to eight and
21 sixty-five hundredths percent of the annual salary of each
22 member employed by the local administrative unit.

23 D. Beginning July 1, 2001 and thereafter, each
24 local administrative unit shall make a yearly contribution to
25 the fund of a sum equal to eight and ninety-five hundredths

1 percent of the annual salary of each member employed by the
2 local administrative unit. "

3 Section 61. Section 22-11-30 NMSA 1978 (being Laws 1967,
4 Chapter 16, Section 153, as amended) is amended to read:

5 "22-11-30. RETIREMENT BENEFITS. --

6 A. Retirement benefits for a member retired
7 pursuant to the Educational Retirement Act on or before June
8 30, 1967 shall be paid monthly and shall be one-twelfth of a
9 sum equal to one and one-half percent of the first four
10 thousand dollars (\$4,000) of the member's average annual
11 salary and one percent of the remainder of the member's
12 average annual salary multiplied by the number of years of the
13 member's total service credit.

14 B. Retirement benefits for a member retired
15 pursuant to the Educational Retirement Act on or after July 1,
16 1967 but on or before June 30, 1971 shall be paid monthly and
17 shall be one-twelfth of a sum equal to one and one-half
18 percent of the first six thousand six hundred dollars (\$6,600)
19 of the member's average annual salary and one percent of the
20 remainder of the member's average annual salary multiplied by
21 the number of years of the member's total service credit.

22 C. Retirement benefits for a member retired
23 pursuant to the Educational Retirement Act on or after July 1,
24 1971 but on or before June 30, 1974 shall be paid monthly and
25 shall be one-twelfth of a sum equal to one and one-half

1 percent of the member's average annual salary multiplied by
2 the number of years of the member's total service credit.

3 D. Retirement benefits for a member retired
4 pursuant to the Educational Retirement Act on or before June
5 30, 1974 but returning to employment on or after July 1, 1974
6 for a cumulation of one or more years shall be computed
7 pursuant to Subsection E of this section. Retirement benefits
8 for a member retired pursuant to the Educational Retirement
9 Act on or before June 30, 1974 but returning to employment on
10 or after July 1, 1974 for a cumulation of less than one year
11 shall be computed pursuant to Subsection A of this section if
12 his date of last retirement was on or before June 30, 1967 or
13 pursuant to Subsection B of this section if his date of last
14 retirement was on or after July 1, 1967 but not later than
15 June 30, 1971 or pursuant to Subsection C of this section if
16 his date of last retirement was on or after July 1, 1971 but
17 not later than June 30, 1974.

18 E. Retirement benefits for a member age sixty or
19 over, retired pursuant to the Educational Retirement Act on or
20 after July 1, 1974 but not later than June 30, 1987, shall be
21 paid monthly and shall be one-twelfth of a sum equal to:

22 (1) one and one-half percent of the member's
23 average annual salary multiplied by the number of years of
24 service credit for:

25 (a) prior employment; and

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1 (b) allowed service credit for service
2 performed prior to July 1, 1957, except United States military
3 service credit purchased pursuant to Paragraph (3) of
4 Subsection A of Section 22-11-34 NMSA 1978; plus

5 (2) two percent of the member's average
6 annual salary multiplied by the number of years of service
7 credit for:

8 (a) contributory employment;

9 (b) allowed service credit for service
10 performed after July 1, 1957; and

11 (c) United States military service
12 credit for service performed prior to July 1, 1957 and
13 purchased pursuant to Paragraph (3) of Subsection A of Section
14 22-11-34 NMSA 1978.

15 F. Retirement benefits for a member age sixty or
16 over, retired pursuant to the Educational Retirement Act on or
17 after July 1, 1987 but not later than June 30, 1991, shall be
18 paid monthly and shall be one-twelfth of a sum equal to two
19 and fifteen-hundredths percent of the member's average annual
20 salary multiplied by the number of years of the member's total
21 service credit; provided that this subsection shall not apply
22 to any member who was retired in any of the four quarters
23 ending on June 30, 1987 without having accumulated not less
24 than 1.0 years earned service credit after June 30, 1987.

25 G. Except as provided in Subsection H of this

1 section, retirement benefits for a member age sixty or over,
 2 retired pursuant to the Educational Retirement Act on or after
 3 July 1, 1991, shall be paid monthly and shall be one-twelfth
 4 of a sum equal to two and thirty-five hundredths percent of
 5 the member's average annual salary multiplied by the number of
 6 years of the member's total service credit; provided that this
 7 subsection shall not apply to any member who was retired in
 8 any of the four consecutive quarters ending on June 30, 1991
 9 without having accumulated at least one year earned service
 10 credit beginning on or after July 1, 1991.

11 H. Retirement benefits for a member age sixty or
 12 over, retired pursuant to the Educational Retirement Act on or
 13 after July 1, 2004, shall be paid monthly and shall be:

14 (1) for a member whose total service credit
 15 is equal to or greater than twenty-six years but less than
 16 twenty-seven years, one-twelfth of a sum equal to two and
 17 thirty-eight hundredths percent of the member's average annual
 18 salary multiplied by the number of years of the member's total
 19 service credit; provided that this subsection shall not apply
 20 to any member who was retired in any of the four consecutive
 21 quarters ending on June 30, 2004 without having accumulated at
 22 least one year earned service credit beginning on or after
 23 July 1, 2003;

24 (2) for a member whose total service credit
 25 is equal to or greater than twenty-seven years but less than

1 twenty-eight years, one-twelfth of a sum equal to two and
2 forty-one hundredths percent of the member's average annual
3 salary multiplied by the number of years of the member's total
4 service credit; provided that this subsection shall not apply
5 to any member who was retired in any of the four consecutive
6 quarters ending on June 30, 2004 without having accumulated at
7 least one year earned service credit beginning on or after
8 July 1, 2003;

9 (3) for a member whose total service credit
10 is equal to or greater than twenty-eight years but less than
11 twenty-nine years, one-twelfth of a sum equal to two and
12 forty-four hundredths percent of the member's average annual
13 salary multiplied by the number of years of the member's total
14 service credit; provided that this subsection shall not apply
15 to any member who was retired in any of the four consecutive
16 quarters ending on June 30, 2004 without having accumulated at
17 least one year earned service credit beginning on or after
18 July 1, 2003;

19 (4) for a member whose total service credit
20 is equal to or greater than twenty-nine years but less than
21 thirty years, one-twelfth of a sum equal to two and forty-
22 seven hundredths percent of the member's average annual salary
23 multiplied by the number of years of the member's total
24 service credit; provided that this subsection shall not apply
25 to any member who was retired in any of the four consecutive

1 quarters ending on June 30, 2004 without having accumulated at
2 least one year earned service credit beginning on or after
3 July 1, 2003; or

4 (5) for a member whose total service credit
5 is thirty years or greater, one-twelfth of a sum equal to two
6 and one-half percent of the member's average annual salary
7 multiplied by the number of years of the member's total
8 service credit; provided that this subsection shall not apply
9 to any member who was retired in any of the four consecutive
10 quarters ending on June 30, 2004 without having accumulated at
11 least one year earned service credit beginning on or after
12 July 1, 2003.

13 I. A member's average annual salary pursuant to
14 Subsection H of this section shall be computed on the basis of
15 the last three years for which contribution was made or upon
16 the basis of any consecutive three years for which
17 contribution was made by the member, whichever is higher.

18 ~~[H.]~~ J. Except as provided in Subsection I of this
19 section, a member's average annual salary, pursuant to this
20 section, shall be computed on the basis of the last five years
21 for which contribution was made or upon the basis of any
22 consecutive five years for which contribution was made by the
23 member, whichever is higher.

24 K. Unless otherwise required by the provisions of
25 the Internal Revenue Code of 1986, members shall begin

1 receiving retirement benefits by age seventy and six months,
2 or upon termination of employment, whichever occurs later. "

3 Section 62. A new section of the Educational Retirement
4 Act is enacted to read:

5 "[NEW MATERIAL] RETURN TO EMPLOYMENT-- BENEFITS
6 CONTINUED-- ADMINISTRATIVE UNIT CONTRIBUTIONS. --

7 A. Effective January 1, 2002, a retired member may
8 begin employment at a local administrative unit and shall not
9 be required to suspend retirement benefits if the member has
10 not been employed as an employee or independent contractor by
11 a local administrative unit for at least twelve consecutive
12 months from the date of retirement to the commencement of
13 employment or reemployment with a local administrative unit.
14 If the retired member returns to employment without first
15 completing twelve consecutive months of retirement, the
16 retired member shall remove himself from retirement.

17 B. A retired member who returns to employment
18 during retirement pursuant to Subsection A of this section is
19 entitled to continue to receive retirement benefits but is not
20 entitled to acquire service credit or to acquire or purchase
21 service credit in the future for the period of the retired
22 member's reemployment with a local administrative unit.

23 C. A retired member who returns to employment
24 shall not make contributions to the fund as specified in the
25 Educational Retirement Act; however, the administrative unit's

1 contributions as specified in that act shall be paid to the
2 fund as if the retired member was a non-retired employee. "

3 Section 63. Section 22-12-3 NMSA 1978 (being Laws 1971,
4 Chapter 238, Section 1, as amended) is amended to read:

5 "22-12-3. RELIGIOUS INSTRUCTION EXCUSAL. -- Any student
6 may, subject to the approval of the [~~local~~] school [~~board~~]
7 principal, be excused from school to participate in religious
8 instruction for not more than one class period each school day
9 with the written consent of his parents at a time period not
10 in conflict with the academic program of the school. The
11 local school board and its school employees shall not assume
12 responsibility for the religious instruction or permit it to
13 be conducted on school property. "

14 Section 64. A new Section 22-13C-1 NMSA 1978 is enacted
15 to read:

16 "22-13C-1. [NEW MATERIAL] SHORT TITLE. -- Chapter 22,
17 Article 13C NMSA 1978 may be cited as the "Probationary School
18 Intervention Act". "

19 Section 65. A new Section 22-13C-2 NMSA 1978 is enacted
20 to read:

21 "22-13C-2. [NEW MATERIAL] PURPOSE OF ACT. -- The purpose
22 of the Probationary School Intervention Act is to provide
23 financial and other assistance to public schools ranked
24 probationary by the state board. "

25 Section 66. A new Section 22-13C-3 NMSA 1978 is enacted

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1 to read:

2 "22-13C-3. [NEW MATERIAL] DEFINITIONS. --As used in the
3 Probationary School Intervention Act:

4 A. "fund" means the probationary school
5 intervention fund;

6 B. "probationary school" means a public school or
7 school district that has been ranked as probationary by the
8 state; and

9 C. "program" means the probationary school
10 intervention program "

11 Section 67. A new Section 22-13C-4 NMSA 1978 is enacted
12 to read:

13 "22-13C-4. [NEW MATERIAL] PROGRAM CREATED--
14 ADMINISTRATION-- APPLICATION-- PROGRAM APPROVAL. --

15 A. The "probationary school intervention program"
16 is created. The program shall be administered by the
17 department. The department shall assign personnel from the
18 central office and regional service centers to serve as mobile
19 assistance teams to provide administrative, classroom, human
20 resource and other assistance to probationary schools as
21 needed and as provided in applications approved by the
22 department.

23 B. Within ninety days of being notified that it
24 has been ranked probationary, a public school or school
25 district shall submit an improvement plan to the department.

1 In developing the improvement plan, the local superintendent,
2 the president of the local school board and the school
3 principal of a probationary school shall hold a public meeting
4 to inform parents and the public that a public school or the
5 school district has been ranked as probationary. The meeting
6 shall be used to elicit suggestions from parents and the
7 public on how to improve the probationary school. After the
8 public meeting, the school district shall develop the
9 probationary school's improvement plan, and the local school
10 board shall approve the improvement plan before it is
11 submitted to the department. The improvement plan shall be
12 approved by the department within thirty days of its
13 submission.

14 C. An improvement plan shall include:

- 15 (1) documentation of performance measures in
16 which the probationary school failed to meet standards;
- 17 (2) measurable objectives to indicate the
18 action that will be taken to address failed measures;
- 19 (3) benchmarks to be used to indicate
20 progress in meeting standards;
- 21 (4) an estimate of the time and the resources
22 needed to achieve each objective in the improvement plan; and
- 23 (5) any other information the probationary
24 school, the local superintendent, the local school board or
25 the department deems necessary.

1 D. A probationary school may apply to the program
2 for financial or other assistance pursuant to an improvement
3 plan developed by the probationary school. The probationary
4 school shall make application for assistance to the program
5 substantially in the form required by the department. The
6 department shall evaluate applications for assistance and may
7 recommend changes to an application or to an improvement plan
8 if warranted by the final application.

9 E. The department may assign an assistance team to
10 the probationary school to help implement the improvement
11 plan, as provided in the application. The department shall
12 assign an assistance team to the probationary school if the
13 school has not met objectives or otherwise improved by the end
14 of the first year.

15 F. If the state superintendent determines that a
16 probationary school has not met the objectives of the
17 improvement plan for two consecutive years, he may take direct
18 control of the probationary school pursuant to Section 22-2-14
19 NMSA 1978. If a probationary school has not met the
20 objectives of the improvement plan by the end of the third
21 year, the state superintendent shall take direct control of
22 the probationary school pursuant to Section 22-2-14 NMSA
23 1978. "

24 Section 68. Section 22-22-4 NMSA 1978 (being Laws 1972,
25 Chapter 16, Section 4, as amended) is amended to read:

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1 "22-22-4. VARIABLE SCHOOL CALENDAR--REQUEST.--The local
 2 school board [~~of any school district may adopt by resolution a~~
 3 ~~request to the state board for approval to~~] may operate a
 4 public school or the school district under a variable school
 5 calendar. The state board shall develop criteria for the
 6 establishment of a variable school calendar in a school
 7 district. Those criteria shall include a requirement that the
 8 local school board demonstrate substantial community support
 9 for implementation of the variable school calendar. [~~The~~
 10 ~~state board shall consider the request for approval at an open~~
 11 ~~public hearing held in the school district making the~~
 12 ~~request.~~]"

13 Section 69. Section 22-22-5 NMSA 1978 (being Laws 1972,
 14 Chapter 16, Section 5, as amended by Laws 1993, Chapter 24,
 15 Section 2 and also by Laws 1993, Chapter 226, Section 49) is
 16 amended to read:

17 "22-22-5. VARIABLE SCHOOL CALENDAR--ACTION BY
 18 [~~DEPARTMENT AND~~] STATE BOARD. -- [A. ~~The state board shall make~~
 19 ~~rules and regulations pursuant to the Variable School Calendar~~
 20 ~~Act necessary to establish procedures for making application,~~
 21 ~~requiring reports and maintaining supervision of operations of~~
 22 ~~a district under a variable school calendar. In addition, the~~
 23 ~~state board may make rules and regulations necessary to~~
 24 ~~implement the provisions of the Variable School Calendar Act.~~

25 B.] The state board may suspend or modify existing

underscored material = new
 [bracketed material] = delete

1 rules [~~and regulations~~] pertaining to school district
2 operations upon recommendation of the state superintendent
3 when those rules [~~and regulations~~] prevent or impede the
4 implementation of the Variable School Calendar Act. "

5 Section 70. Section 22-22-6 NMSA 1978 (being Laws 1972,
6 Chapter 16, Section 6, as amended) is amended to read:

7 "22-22-6. VARIABLE SCHOOL CALENDAR--EFFECT OF APPROVAL
8 OF REQUEST. -- [~~Upon approval of the state board of the request
9 of a local school board for operation under a variable school
10 calendar, such] The calendar for [that] a variable school
11 calendar public school or school district shall be in lieu of
12 any other school calendar provided by law, and all
13 requirements for reporting or operating under existing school
14 calendars shall be suspended for the school or school district
15 upon the initiation of operations under a variable school
16 calendar [~~and the rules and regulations made pursuant
17 thereto]. The public school or school district shall continue
18 to operate under the approved variable school calendar until
19 the local school board [~~requests the state board by resolution
20 for approval of the discontinuance of the variable school
21 calendar and the request is approved by the state board]~~
22 discontinues the variable school calendar. "~~~~

23 Section 71. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] SHORT TITLE. -- Sections 71 through 74 of
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1 this act may be cited as the "Family and Youth Resource Act". "

2
3 Section 72. A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] ADVISORY COMMITTEE- - MEMBERS- - MEETINGS- -
6 DUTIES. - -

7 A. The "family and youth resource advisory
8 committee" is created. Members of the committee are:

9 (1) the state superintendent or his designee;
10 (2) the secretary of health or his designee;
11 (3) the secretary of human services or his
12 designee;

13 (4) the secretary of children, youth and
14 families or his designee; and

15 (5) the following members appointed by the
16 state board:

17 (a) one representative each from four
18 different local community-based organizations involved with
19 the provision of health or social services to families; and

20 (b) one superintendent or his designee
21 from a school district in which there are more than two
22 eligible schools.

23 B. The members of the committee shall appoint the
24 chairman and such other officers as they deem necessary.

25 C. The committee shall meet as frequently as it

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1 deems appropriate or necessary, but at least once a year. The
2 chairman may call special meetings as he deems necessary and
3 shall convene special meetings at the request of a majority of
4 the members.

5 D. A majority of the committee constitutes a
6 quorum.

7 E. Members who are not state officers may be
8 reimbursed for per diem and mileage expenses as provided in
9 the Per Diem and Mileage Act.

10 F. The department shall staff the committee.

11 G. The committee shall:

12 (1) recommend to the department guidelines
13 for the creation, implementation and operation of programs and
14 centers;

15 (2) recommend to the department standards and
16 criteria for awarding grants and the form and content of grant
17 applications; and

18 (3) review applications for grants and make
19 recommendations to the department within ninety days of
20 receipt of the grant applications."

21 Section 73. A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] PROGRAMS-- PURPOSE-- FUNCTIONS. --

24 A. A "family and youth resources program" may be
25 created in any public school in the state. The department

1 shall accept applications for grants from public schools in
2 which eighty percent of the students are eligible for the free
3 or reduced lunch program to fund their program.

4 B. The purpose of the program is to provide an
5 intermediary for students and their families at public schools
6 to access social and health care services. The goal of the
7 program is to forge mutual long-term relationships with public
8 and private agencies and community-based, civic and corporate
9 organizations to help students attain high academic
10 achievement by meeting certain nonacademic needs of students
11 and their families.

12 C. A program shall include the employment of a
13 resource liaison, who shall:

14 (1) assess student and family needs and match
15 those needs with appropriate public or private providers,
16 including civic and corporate sponsors;

17 (2) make referrals to health care and social
18 service providers;

19 (3) collaborate and coordinate with health
20 and social service agencies and organizations through school-
21 based and off-site delivery systems;

22 (4) recruit service providers and business,
23 community and civic organizations to provide needed services
24 and goods that are not otherwise available to a student or his
25 family;

1 (5) establish partnerships between the school
2 and community organizations such as civic, business and
3 professional groups and organizations; and recreational,
4 social and after-school programs such as boys and girls clubs
5 and boy and girl scouts;

6 (6) identify and coordinate age-appropriate
7 resources for students in need of:

8 (a) counseling, training and placement
9 for employment;

10 (b) drug and alcohol abuse counseling;

11 (c) family crisis counseling; and

12 (d) mental health counseling;

13 (7) promote family support and parent
14 education programs; and

15 (8) seek out other services or goods a
16 student or his family needs to assist the student to stay in
17 school and succeed. "

18 Section 74. A new section of the Public School Code is
19 enacted to read:

20 "[NEW MATERIAL] FAMILY AND YOUTH RESOURCE PROGRAMS--
21 CENTERS-- GRANTS-- DEPARTMENT DUTIES. --

22 A. Subject to the availability of funding, grants
23 are available to a public school or group of public schools
24 that meets department eligibility requirements.

25 B. Applications for grants shall be in the form

1 prescribed by the department and shall include the following
2 information:

3 (1) a statement of need, including
4 demographic and socioeconomic information about the area to be
5 served by the program;

6 (2) goals and expected outcomes of the
7 program;

8 (3) services and activities to be provided by
9 the program;

10 (4) written agreements for the provision of
11 services by public and private agencies, community groups and
12 other parties;

13 (5) a workplan and budget for the program,
14 including staffing requirements and the expected availability
15 of staff;

16 (6) hours of operation;

17 (7) strategies for dissemination of
18 information about the program to potential users;

19 (8) training and professional development
20 plans;

21 (9) plans to ensure that program participants
22 are not stigmatized for their use of the program;

23 (10) a physical description of the place in
24 the school or adjacent to the school in which the program will
25 be located;

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1 (11) letters of endorsement and commitment
2 from community agencies and organizations and local
3 governments; and

4 (12) any other information the department
5 requires.

6 C. Grants shall not be awarded for applications
7 submitted that supplant funding and other resources that have
8 been used for purposes similar to the program "

9 Section 75. TEMPORARY PROVISION--SCHOOL PERFORMANCE
10 STANDARDS AND ASSESSMENTS COUNCIL--MEMBERSHIP--POWERS AND
11 DUTIES.--

12 A. The "school performance standards and
13 assessments council" is created as a two-year council to
14 assist the state board of education with school performance
15 standards and assessments in order to accelerate the ongoing
16 development and testing of content standards, benchmarks,
17 performance measures and assessments and the alignment of
18 curricula with the standards, benchmarks, performance measures
19 and assessments.

20 B. The governor shall appoint nine members to the
21 school performance standards and assessments council who are
22 acknowledged leaders in the fields of education standards and
23 assessments from lists provided by the state department of
24 public education, school board association, superintendents'
25 association and teachers' organizations. The governor shall

1 appoint the chairman of the council, and the council may
2 appoint other officers it deems necessary. Members of the
3 council may receive per diem and mileage as provided in the
4 Per Diem and Mileage Act, but shall receive no other
5 compensation, perquisite or allowance.

6 C. Staff for the school performance standards and
7 assessments council shall be provided by the state department
8 of public education. The department may contract with experts
9 to assist the council.

10 D. If the state board of education refuses to
11 adopt educational standards and assessments recommended by the
12 school performance standards and assessments council, the
13 board shall issue a report specifying why the standards and
14 assessments were not adopted.

15 E. The educational standards, benchmarks and
16 performance measures shall address:

17 (1) core academic achievement, which requires
18 every student to develop competency in specified academic
19 disciplines. Academic standards shall be in the following
20 areas:

- 21 (a) language arts;
- 22 (b) mathematics;
- 23 (c) science;
- 24 (d) social studies;
- 25 (e) arts and the humanities;

1 (f) health and physical education; and

2 (g) world languages; and

3 (2) competencies that assist students to
4 integrate and use the following skills and resources with the
5 knowledge, information and training provided by and acquired
6 from academic disciplines and through the experiences of their
7 daily lives:

8 (a) communication;

9 (b) technology;

10 (c) reasoning and problem solving;

11 (d) citizenship and service;

12 (e) multicultural competence; and

13 (f) workplace and educational

14 preparedness.

15 F. The school performance standards and
16 assessments council shall assist the state board of education
17 to accelerate the ongoing development of the state's
18 assessment program that measures the actual performance and
19 achievement of students and public schools in the core
20 academic disciplines and evaluates that achievement in other
21 competencies.

22 Section 76. TEMPORARY PROVISION-- EDUCATION REGULATION
23 REVIEW TASK FORCE CREATED-- MEMBERSHIP-- POWERS AND DUTIES. --

24 A. The "education regulation review task force" is
25 created. The task force shall function from the date of the

1 appointment of its members until December 31, 2002.

2 B. The education regulation review task force
3 shall be composed of twelve members appointed as follows:

4 (1) four members shall be principals, four
5 members shall be teachers from New Mexico public schools, one
6 member shall be a school district support person and one
7 member shall be a school-related paraprofessional. The New
8 Mexico legislative council shall appoint five members,
9 including two principals, two teachers and one school-related
10 paraprofessional, and the governor shall appoint five members,
11 including two principals, two teachers and one school district
12 support person; and

13 (2) one member shall represent the state
14 department of public education and one member shall represent
15 local superintendents, both of whom shall be appointed by the
16 superintendent of public instruction.

17 C. A vacancy on the education regulation review
18 task force shall be filled by appointment by the appointing
19 authority of the original member. All members of the task
20 force shall be appointed by July 31, 2001 and shall represent
21 the geographic and cultural diversity of the state.

22 D. Members of the education regulation review task
23 force shall select a chairman and may select other officers as
24 they deem necessary. The state department of public education
25 shall staff the task force.

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1 E. Members of the education regulation review task
2 force may receive reimbursement pursuant to the Per Diem and
3 Mileage Act and shall receive no other perquisite,
4 compensation or allowance.

5 F. The education regulation review task force
6 shall conduct a review of the state statutes and rules
7 governing primary and secondary education in New Mexico to
8 identify those statutes and rules that unnecessarily burden
9 administrators and teachers at school sites and that prevent
10 them from effectively performing their roles as instructional
11 leaders and educators.

12 G. The education regulation review task force
13 shall present its findings and recommendations no later than
14 October 31, 2002 to the state board of education, the governor
15 and the legislative education study committee for further
16 action in eliminating the identified statutes and rules that
17 are found to be unnecessary and burdensome.

18 Section 77. TEMPORARY PROVISION--DISTANCE LEARNING
19 CAPABILITY.--The commission on higher education and the state
20 department of public education shall inventory the current
21 distance learning capability of public post-secondary
22 educational institutions and prepare a statewide plan for the
23 delivery by post-secondary educational institutions of
24 distance education courses for teachers and other licensed
25 school employees in reading instruction for kindergarten

1 through third grade and multilingual instruction in elementary
 2 and secondary schools. The inventory and plan, including
 3 funding recommendations, shall be submitted to the legislative
 4 education study committee by October 1, 2002.

5 Section 78. TEMPORARY PROVISION--INSTRUCTION IN
 6 LANGUAGES OTHER THAN ENGLISH--LEGISLATIVE EDUCATION STUDY
 7 COMMITTEE AND DEPARTMENT.--The educational initiatives and
 8 accountability task force determined that instruction in
 9 languages other than English is an important component of
 10 elementary and secondary education, and that all students
 11 should be given the opportunity to be bilingual or
 12 multilingual. The legislative education study committee and
 13 the state department of public education shall study the cost
 14 of providing instruction in languages other than English at
 15 all grade levels and shall make funding recommendations to the
 16 second session of the forty-fifth legislature.

17 Section 79. TEMPORARY PROVISION--PERFORMANCE-BASED
 18 BUDGETING--SCHOOL BUDGETS--STANDARDS AND TESTING--REPORTS.--

19 A. In conjunction with its ongoing work on
 20 performance-based budgeting for the public schools, the
 21 legislative finance committee shall study the management
 22 techniques of site-based management and determine if public
 23 schools should be given greater discretion to shape their
 24 individual budgets. The committee shall report its findings
 25 to the second session of the forty-fifth legislature.

underscored material = new
 [bracketed material] = delete

1 B. The state department of public education shall
2 keep the legislative education study committee apprised of the
3 status of implementation of the performance-based budgeting
4 process in the public schools.

5 C. At the end of fiscal year 2003, after the
6 budget approval cycle, the state department of public
7 education shall produce a report to the legislature through
8 the legislative education study committee and the legislative
9 finance committee that shows for all districts using
10 performance-based program budgeting the relationship between
11 that portion of a school district's program cost generated by
12 each public school in the school district and the budgeted
13 expenditures for each public school in the school district as
14 reported in the district's performance-based program budget.
15 At the end of fiscal year 2004 and subsequent fiscal years,
16 after the budget approval cycle, the department shall report
17 on this relationship in all public schools in all school
18 districts of the state.

19 D. The state department of public education shall
20 report to the legislature by November of each year on the
21 progress of the development and implementation of the
22 standards and performance benchmarks and the progress on the
23 development and implementation of criterion-referenced tests.

24 Section 80. TEMPORARY PROVISION-- INITIAL REGIONAL
25 SERVICE CENTERS-- DEPARTMENT DECENTRALIZATION. --

1 A. At least three regional service centers shall
2 be operating by July 1, 2005. The superintendent of public
3 instruction shall create one regional service center in the
4 northwest region of the state and shall convert two existing
5 regional educational cooperatives into regional service
6 centers. The superintendent of public instruction may change
7 the regional boundaries of the converted regional service
8 centers.

9 B. The state department of public education shall
10 conduct an in-depth analysis of department functions,
11 positions and resources that should be moved to regional
12 services centers and develop a plan, including a time
13 schedule, for the orderly transition of those functions,
14 positions and resources. The department shall provide
15 periodic reports to the legislative education study committee
16 and any other appropriate legislative committee on the
17 development and progress of its decentralization plan.

18 Section 81. TEMPORARY PROVISION--TRANSFER OF REGIONAL
19 EDUCATION COOPERATIVES' APPROPRIATIONS, PROPERTY AND
20 AGREEMENTS--DISPOSITION OF REGIONAL CENTER COOPERATIVES'
21 PROPERTY. --

22 A. As the superintendent of public instruction
23 converts regional education cooperatives to regional service
24 centers, personnel, appropriations, money, records, furniture,
25 equipment and other property of a regional education

1 cooperative shall be transferred to the regional service
2 center that replaces the regional education cooperative.
3 Contractual obligations of the regional education cooperative
4 shall be contractual obligations of the regional service
5 center.

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

16 Section 82. TEMPORARY PROVISION--FUNDING CONTINGENCY.--
17 It is the intent of the legislature that the provisions of
18 this act be implemented. If funding is less than that
19 required for full implementation of a provision, the
20 department shall devise a plan to implement the provision in
21 stages until full funding is available.

22 Section 83. RECOMPILATION.--

23 A. Sections 22-2-6.1 through 22-2-6.10 NMSA 1978
24 (being Laws 1986, Chapter 94, Sections 1 through 9 and Laws
25 1989, Chapter 373, Section 5, as amended) are recompiled as
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1 Sections 22-11A-1 through 22-11A-10 NMSA 1978.

2 B. Sections 22-10-2, 22-10-3.3, 22-10-3.4,
3 22-10-4, 22-10-4.1, 22-10-10 and 22-10-23 through 22-10-27
4 NMSA 1978 (being Laws 1975, Chapter 306, Section 2, Laws 1997,
5 Chapter 238, Sections 1 and 2, Laws 1967, Chapter 16, Section
6 107, Laws 1997, Chapter 238, Section 6, Laws 1967, Chapter 16,
7 Section 112, Laws 1969, Chapter 116, Sections 1, 3 and 4, Laws
8 1969, Chapter 119, Section 5 and Laws 1994, Chapter 95,
9 Section 1, as amended) are recompiled as Section 22-10A-2 and
10 Sections 22-10A-30 through 22-10A-39 NMSA 1978.

11 C. Sections 22A-1-1 through 22A-1-5 NMSA 1978
12 (being Laws 1989, Chapter 113, Sections 1 through 5) are
13 recompiled as Sections 22-12A-1 through 22-12A-5 NMSA 1978.

14 Section 84. REPEAL. -- Sections 22-2-7, 22-10-3,
15 22-10-3.1, 22-10-3.5, 22-10-3.6, 22-10-5 through 22-10-9,
16 22-10-12, 22-10-14, 22-10-14.1 and 22-10-17.1 NMSA 1978 (being
17 Laws 1967, Chapter 16, Section 10, Laws 1975, Chapter 306,
18 Section 3, Laws 1986, Chapter 33, Section 18, Laws 1999,
19 Chapter 249, Sections 1 and 2, Laws 1967, Chapter 16, Section
20 108, Laws 1973, Chapter 135, Section 1, Laws 1967, Chapter 16,
21 Sections 109 through 111, 114 and 116 and Laws 1986, Chapter
22 33, Sections 23 and 25, as amended) are repealed.

23 Section 85. DELAYED REPEAL. -- Sections 22-2B-1 through
24 22-2B-6 NMSA 1978 (being Laws 1993, Chapter 232, Sections 1
25 through 6) are repealed effective July 1, 2007.

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