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SENATE BILL 28

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

INTRODUCED BY

Mark L. Boitano

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR EDUCATION
CERTIFICATES FROM CERTAIN TWO-YEAR PUBLIC POST-SECONDARY
EDUCATIONAL INSTITUTIONS FOR COMPLETION OF AN EDUCATION
PROGRAM LEADING TO ALTERNATIVE OR EDUCATIONAL ASSISTANT
CERTIFICATION AND PROFESSIONAL DEVELOPMENT COURSEWORK.

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

Section 1. Section 21-13-12 NMSA 1978 (being Laws 1963,
Chapter 17, Section 11, as amended) is amended to read:

"21-13-12. DEGREES AND CERTIFICATES AWARDED. --

A. The community college board of a community
college may award the appropriate degree upon the completion
of a curriculum organized for that purpose and approved by the
commission on higher education. An associate degree or
certificate may be awarded only to students as recommended by

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1 the faculty, the chief academic officer and the president of
2 the community college as having completed satisfactorily the
3 prescribed course of study.

4 B. The community college board may award an
5 appropriate certificate upon completion of an education
6 curriculum and program leading to alternative certification
7 for certified school instructor or certification of
8 educational assistant and coursework in elementary and
9 secondary education professional development. The curriculum
10 and program and coursework shall be approved by the state
11 board of education. "

12 Section 2. A new section of Chapter 21, Article 14 NMSA
13 1978 is enacted to read:

14 "[NEW MATERIAL] ELEMENTARY AND SECONDARY EDUCATION
15 CURRICULUM AND COURSEWORK. --The branch community college board
16 may award an appropriate certificate upon completion of an
17 education curriculum and program leading to alternative
18 certification for certified school instructor or certification
19 of educational assistant and coursework in elementary and
20 secondary education professional development. The curriculum
21 and program and coursework shall be approved by the state
22 board of education. "

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

25 "22-2-2. STATE BOARD--DUTIES.--Without limiting those

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1 powers granted to the state board pursuant to Section 22-2-1
2 NMSA 1978, the state board shall perform the following duties:

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

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

11 C. appoint a state superintendent;

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

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

19 F. assess and evaluate all state institutions and
20 those private schools that desire state accreditation;

21 G. determine the qualifications for and issue a
22 certificate to any person teaching, assisting teachers,
23 supervising an instructional program, counseling, providing
24 special instructional services or administering in public
25 schools according to law and according to a system of

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1 classification adopted and published by the state board;

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

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

8 J. prescribe courses of instruction, requirements
9 for graduation and standards for all public schools, for
10 private schools seeking state accreditation and for the
11 educational programs conducted in state institutions other
12 than the New Mexico military institute;

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

15 L. require periodic reports on forms prescribed by
16 it from all public schools and attendance reports from private
17 schools;

18 M. authorize adult educational programs to be
19 conducted in schools under its jurisdiction and adopt and
20 promulgate rules governing all such adult educational
21 programs;

22 N. require any school under its jurisdiction that
23 sponsors athletic programs involving sports to mandate that
24 the participating student obtain catastrophic health and
25 accident insurance coverage, such coverage to be offered

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1 through the school and issued by an insurance company duly
2 licensed pursuant to the laws of New Mexico;

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

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

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

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

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1 S. review decisions made by the governing board or
2 officials of any organization or association regulating any
3 public school activity, and any decision of the state board
4 shall be final in respect thereto;

5 T. accept or reject any charitable gift, grant,
6 devise or bequest. The particular gift, grant, devise or
7 bequest accepted shall be considered an asset of the state;

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

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

21 W. provide for management and other necessary
22 personnel to operate any public school or school district that
23 has failed to meet requirements of law, state board standards
24 or state board rules; provided that the operation of the
25 public school or school district shall not include any

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1 consolidation or reorganization without the approval of the
2 local board of that school district. Until such time as
3 requirements of law, standards or rules have been met and
4 compliance is assured, the powers and duties of the local
5 school board shall be suspended;

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

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

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

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

25 (1) the criteria for school districts to

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

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

11 BB. approve education curricula and programs
12 offered in two-year public post-secondary educational
13 institutions, except those in Chapter 21, Article 12 NMSA
14 1978, that lead to certificates for alternative certification
15 for certified school instructor or certification for
16 educational assistant and coursework in elementary and
17 secondary education professional development. "