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SENATE BILL 549

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

INTRODUCED BY

Roman M. Maes III

AN ACT

**RELATING TO EDUCATION; REQUIRING LOCAL SCHOOL BOARDS TO
PROVIDE TO TEACHERS THE PERCENTAGE SALARY INCREASE APPROVED BY
THE LEGISLATURE AND SPECIFIED THROUGH LEGISLATIVE
APPROPRIATION.**

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

**Section 1. Section 22-5-4 NMSA 1978 (being Laws 1967,
Chapter 16, Section 28, as amended) is amended to read:**

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

**A. subject to the regulations of the state board,
supervise and control all public schools within the school
district and all property belonging to or in the possession of
the school district;**

B. employ a superintendent of schools for the

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1 school district and fix his salary;

2 C. delegate administrative and supervisory
3 functions of the local school board to the superintendent of
4 schools;

5 D. subject to the provisions of law, approve or
6 disapprove the employment, termination or discharge of all
7 employees and certified school personnel of the school
8 district upon a recommendation of employment, termination or
9 discharge by the superintendent of schools; provided that any
10 employment relationship shall continue until final decision of
11 the board. Any employment, termination or discharge without
12 the prior recommendation of the superintendent is void;

13 E. apply to the state board for a waiver of
14 certain provisions of the Public School Code relating to
15 length of school day, staffing patterns, subject area or the
16 purchase of instructional materials for the purpose of
17 implementing a collaborative school improvement program for an
18 individual school;

19 F. except as provided in Section 22-5-13 NMSA
20 1978, fix the salaries of all employees and certified school
21 personnel of the school district;

22 G. contract, lease, purchase and sell for the
23 school district;

24 H. acquire and dispose of property;

25 I. have the capacity to sue and be sued;

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- 1 J. acquire property by eminent domain [as]
2 pursuant to the procedures provided in the Eminent Domain
3 Code;
4 K. issue general obligation bonds of the school
5 district;
6 L. repair and maintain all property belonging to
7 the school district;
8 M. for good cause and upon order of the district
9 court, subpoena witnesses and documents in connection with a
10 hearing concerning any powers or duties of the local school
11 boards;
12 N. except for expenditures for salaries, contract
13 for the expenditure of money according to the provisions of
14 the Procurement Code;
15 O. adopt regulations pertaining to the
16 administration of all powers or duties of the local school
17 board;
18 P. accept or reject any charitable gift, grant,
19 devise or bequest. The particular gift, grant, devise or
20 bequest accepted shall be considered an asset of the school
21 district or the public school to which it is given; and
22 Q. offer and, upon compliance with the conditions
23 of such offer, pay rewards for information leading to the
24 arrest and conviction or other appropriate disciplinary
25 disposition by the courts or juvenile authorities of offenders

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1 in case of theft, defacement or destruction of school district
2 property. All such rewards shall be paid from school district
3 funds in accordance with regulations that shall be promulgated
4 by the department of education. "

5 Section 2. A new section of the Public School Code,
6 Section 22-5-13 NMSA 1978, is enacted to read:

7 "22-5-13. [NEW MATERIAL] LEGISLATIVE APPROPRIATION--
8 PERCENTAGE SALARY INCREASE.--Any appropriation by the
9 legislature for a percentage salary increase to be provided to
10 teachers shall be approved by the local school board and
11 provided to teachers at the same percentage increase as
12 specified in the legislative appropriation. "