

AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE REDISTRICTING OF SCHOOL DISTRICTS; ENACTING A NEW SECTION OF THE PUBLIC SCHOOL CODE; MAKING AN APPROPRIATION.

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

Section 1. A new section of Chapter 22, Article 4 NMSA 1978 is enacted to read:

"SCHOOL DISTRICTS OF CERTAIN SIZE--REDISTRICTING--TIME--CONSIDERATIONS--REFERENDUM--APPOINTED AND ELECTED BOARDS.--

A. A school district with membership that is greater than thirty-five thousand students shall prepare a redistricting plan that divides the district into smaller districts. The plan shall be submitted to the qualified electors of the school district for their approval or rejection.

B. The state board shall notify the school district when the school district is required to prepare a redistricting plan, and the school district shall complete its plan within two years. The state board shall adopt and promulgate rules setting forth the procedures for the redistricting of a school district pursuant to Subsection A of this section.

C. The state board shall appoint a task force to assist the school district with its redistricting plan. The

task force shall include employees of the school district; students of the school district; parents with students who attend public school in the school district; and business and other representatives from the attendance areas of the high schools in the school district. Members of the task force who are not employees of the school district or the department of education may receive per diem and mileage pursuant to the provisions of the Per Diem and Mileage Act.

D. The task force shall consider and report on the following to the school district and the state board:

- (1) the boundaries of the proposed new school districts;
- (2) population demographics, district growth patterns, ethnicity, economic levels, family income; and student and adult educational achievement and attainment levels in the proposed school districts;
- (3) the division of assets, liabilities and indebtedness, including real and personal property, of the existing district;
- (4) the bonded indebtedness and voter-approved mill levies of the existing school district;
- (5) the ability of the proposed school districts to raise operational and capital funds;
- (6) the effects of redistricting on transportation costs of the existing and proposed school

districts; and

(7) other considerations that affect redistricting or the proposed school districts.

E. The department of education may contract for services with recognized experts in the areas of school district redistricting, public finance and taxation and other specialities the department determines.

F. The school district and the task force shall furnish the department of education with periodic progress reports and a final report. The reports are public documents, and the school district shall endeavor to inform the citizens of the school district of their availability.

G. The school district shall publish the final redistricting plan in a newspaper of general circulation in the school district. To ensure the widest possible dissemination of the plan, the school district shall make copies of the plan available at every public school in the district, at other school district sites and on a web page accessible through the internet.

H. The school district shall hold a special school district election on the first Tuesday of February 2004 on the question of dividing the school district into smaller districts.

I. The referendum question shall be presented on ballots in substantially the following form:

" ___ For the redistricting of the _____ school district and the creation of _____ school districts.

___ Against the redistricting of the _____ school district and the creation of _____ school districts. "

J. If a majority of the qualified electors voting in the special election vote in favor of redistricting the school district, the state board shall order the creation of the school districts and the appointment of members to the interim local school boards in accordance with the provisions of Section 22-4-10 NMSA 1978.

K. The members of the new local school boards shall be elected at the next regular school district election after the state board orders the creation of the school districts. Members shall be elected to four-year terms, commencing March 1 succeeding the election.

L. The rights and protections of employees provided by the policies and procedures of the existing school district shall be maintained upon completion of redistricting. "

Section 2. APPROPRIATION. -- Eighty thousand dollars (\$80,000) is appropriated from the general fund to the state department of public education for expenditure in fiscal years 2003 through 2005 to assist in the redistricting of school districts that exceed thirty-five thousand students. Any unexpended or unencumbered balance remaining at the end

of fiscal year 2005 shall revert to the general fund. _____

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