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HOUSE BILL 13

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Joe Mohorovic

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING THE STATE BOARD OF
EDUCATION TO DRAW NEW SCHOOL DISTRICT BOUNDARIES STATEWIDE;
PROVIDING FOR ELECTIONS.

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

Section 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SCHOOL DISTRICTS--LIMIT ON NUMBER--
REDISTRICTING--CONSIDERATIONS--DEFINITIONS.--

A. Every public school in the state shall be
located within the geographical boundaries of a school
district. The geographic boundaries of a school district
shall not overlap the geographical boundaries of another
school district.

B. Beginning on July 15, 2005, there shall be no
more than fifty school districts in the state. The state
board shall draw new school district boundaries before that
date in accordance with Sections 2 and 3 of this act.

C. As used in Sections 1 through 5 of this act:

underscored material = new
[bracketed material] = delete

1 (1) "existing school district" means a school
2 district that exists on July 1, 2004; and

3 (2) "new school district" means a school
4 district created by the state board to begin operation on July
5 15, 2005."

6 Section 2. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] NEW SCHOOL DISTRICTS--CONSIDERATIONS.--

9 A. The state board shall consider the following
10 when determining the geographic boundaries of school
11 districts:

12 (1) an optimum student population of between
13 five thousand and eight thousand five hundred;

14 (2) the geographic boundaries of existing
15 school districts, counties and municipalities;

16 (3) equalization of educational opportunities
17 for public school students in each school district;

18 (4) the most advantageous and economical use
19 of public school facilities and transportation;

20 (5) the convenience and welfare of public
21 school students in each school district; and

22 (6) the best interest of public education in
23 each school district and the best interest of public education
24 in the state.

25 B. The state board shall also consider each public
school's accreditation status, its annual accountability
ranking and the socio-economic variables of its student
population so that schools in need of improvement or
probationary schools are apportioned as evenly as possible

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1 among school districts."

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

4 "[NEW MATERIAL] SCHOOL DISTRICT SURVEY COMMITTEES.--

5 A. The state board may appoint one or more school
6 district survey committees to advise it on how school district
7 boundaries should be drawn. The state board shall determine
8 the membership of a school district survey committee, but each
9 school district survey committee shall include at least:

10 (1) one member of the state board;

11 (2) one person representing each school
12 district being surveyed;

13 (3) one parent of a school-age student in one
14 of the school districts being surveyed; and

15 (4) one person knowledgeable about public
16 schools and school management who does not reside in a school
17 district being surveyed.

18 B. Members of a school district survey committee
19 may receive per diem and mileage expenses as provided in the
20 Per Diem and Mileage Act but shall receive no other
21 compensation, perquisite or allowance. Per diem and mileage
22 costs shall be paid from the department of education budget.
23 The department of education shall provide staff for the school
24 district survey committees."

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

"[NEW MATERIAL] NEW SCHOOL DISTRICT BOUNDARIES--
PUBLICATION--ELECTION OF NEW BOARD MEMBERS.--

A. The state board shall announce new school

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1 district boundaries by September 30, 2004 to take effect July
2 15, 2005. The school district boundaries shall be published
3 in a newspaper of general circulation in each county of the
4 state as provided in Section 14-11-11 NMSA 1978. In addition,
5 each existing school district shall make publication by
6 posting notice of the new school district boundaries in at
7 least six conspicuous places within the school district. The
8 cost of publication shall be borne by the school districts.

9 B. Existing local school boards shall cease to
10 exist on July 15, 2005. Board members of existing local
11 school boards shall continue in office until their successors
12 are elected and qualified.

13 C. Candidates for the new local school boards
14 shall file declarations of candidacy on the third Tuesday of
15 December 2004 as provided in Section 1-22-7 NMSA 1978 and the
16 local school board election shall be held on the first Tuesday
17 of February 2005. The election shall be a regular election
18 and shall be called, conducted and canvassed as provided in
19 the School Election Law. The existing local school boards
20 shall issue the election proclamations. Notwithstanding the
21 provisions of Section 22-5-8 NMSA 1978, the initial terms of
22 local school board members elected in 2005 shall begin on July
23 15, 2005; thereafter, terms shall begin March 1 as provided in
24 that section."

25 Section 5. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] CONTRACTS, TENURE AND INDEBTEDNESS OF
EXISTING LOCAL SCHOOL BOARDS.--

A. To the maximum extent practicable, contracts

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1 entered into by an existing local school district shall be
2 binding on the new school district.

3 B. Any outstanding school district bonds or other
4 indebtedness of an existing school district shall not be
5 affected by changes in its boundaries pursuant to
6 redistricting. The existing school district shall retain its
7 identity for the purposes of paying any debt service until the
8 bonds or certificates are paid in full. A new school district
9 shall not become responsible for the debt service of an
10 existing school district; provided, however, that the ability
11 of the new school district to incur debt is contingent on the
12 debts of existing school districts that become a part of the
13 new district."

14 Section 6. REPEAL.--Sections 22-4-1 through 22-4-18 NMSA
15 1978 (being Laws 1967, Chapter 16, Sections 14 through 16,
16 Laws 1970, Chapter 4, Section 2, Laws 1967, Chapter 16,
17 Sections 17 through 22, Laws 1970, Chapter 4, Section 3, Laws
18 1967, Chapter 16, Sections 23 through 26, Laws 1955, Chapter
19 76, Section 1 and Laws 1977, Chapter 213, Sections 1 and 2, as
20 amended) are repealed.

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