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SENATE BILL 78

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

INTRODUCED BY

Cynthia L. Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR PUBLIC SCHOOL  
ACCREDITATION BASED ON THE STATE ACCOUNTABILITY PROGRAM;  
ELIMINATING THE MANDATORY ACCREDITATION SCHEDULE.

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

Section 1. Section 22-2-2 NMSA 1978 (being Laws 1967,  
Chapter 16, Section 5, as amended by Laws 2001, Chapter 286,  
Section 1 and by Laws 2001, Chapter 299, Section 5) is amended  
to read:

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

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

B. determine policy for the operation of all

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1 public schools and vocational education programs in the state,  
2 including vocational programs that are part of a juvenile  
3 construction industries initiative for juveniles who are  
4 committed to the custody of the children, youth and families  
5 department;

6 C. appoint a state superintendent;

7 D. purchase and loan instructional material to  
8 students pursuant to the Instructional Material Law and adopt  
9 rules relating to the use and operation of instructional  
10 material depositories in the instructional material  
11 distribution process;

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

14 F. assess and evaluate all state institutions and  
15 those private schools that desire state accreditation;

16 G. determine the qualifications for and issue a  
17 certificate to any person teaching, assisting teachers,  
18 supervising an instructional program, counseling, providing  
19 special instructional services or administering in public  
20 schools according to law and according to a system of  
21 classification adopted and published by the state board;

22 H. suspend or revoke a certificate held by a  
23 certified school instructor or certified school administrator  
24 according to law for incompetency, immorality or any other  
25 good and just cause;

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

3 J. prescribe courses of instruction, requirements  
4 for graduation and standards for all public schools, for  
5 private schools seeking state accreditation and for the  
6 educational programs conducted in state institutions other  
7 than the New Mexico military institute;

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

10 L. require periodic reports on forms prescribed by  
11 it from all public schools and attendance reports from private  
12 schools;

13 M. authorize adult educational programs to be  
14 conducted in schools under its jurisdiction and adopt and  
15 promulgate rules governing all such adult educational  
16 programs;

17 N. require any school under its jurisdiction that  
18 sponsors athletic programs involving sports to mandate that  
19 the participating student obtain catastrophic health and  
20 accident insurance coverage, such coverage to be offered  
21 through the school and issued by an insurance company duly  
22 licensed pursuant to the laws of New Mexico;

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

25 P. accept and receive all grants of money from the

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1 federal government or any other agency for public school  
2 purposes and disburse the money in the manner and for the  
3 purpose specified in the grant;

4 Q. require prior approval for any educational  
5 program in a public school that is to be conducted, sponsored,  
6 carried on or caused to be carried on by a private  
7 organization or agency;

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

21 S. review decisions made by the governing board or  
22 officials of any organization or association regulating any  
23 public school activity, and any decision of the state board  
24 shall be final in respect thereto;

25 T. accept or reject any charitable gift, grant,

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1 devise or bequest. The particular gift, grant, devise or  
2 bequest accepted shall be considered an asset of the state;

3 U. establish and maintain regional centers, at its  
4 discretion, for conducting cooperative services between public  
5 schools and school districts within and among those regions  
6 and to facilitate regulation and evaluation of school  
7 programs;

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

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

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1 school board shall be suspended;

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

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

10 Z. enforce requirements for home schools. Upon  
11 finding that a home school is not in compliance with law, the  
12 state board has authority to order that a student attend a  
13 public school or a private school;

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

21 (1) the criteria for school districts to  
22 apply for professional development funds, including an  
23 evaluation component that will be used by the department of  
24 education in approving local school district professional  
25 development plans; and

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

7 BB. approve education curricula and programs  
8 offered in all two-year public post-secondary educational  
9 institutions, including northern New Mexico state school,  
10 except those in Chapter 21, Article 12 NMSA 1978, that lead to  
11 certificates for alternative certification for degreed  
12 individuals pursuant to Section 22-10-3.5 NMSA 1978 or  
13 certification for educational assistant; and

14 CC. withhold program approval from a college of  
15 education or teacher preparation program that fails to offer a  
16 course on teaching reading that:

17 (1) is based upon current research;  
18 (2) aligns with state board-adopted reading  
19 standards;

20 (3) includes strategies and assessment  
21 measures to ensure that beginning teachers are proficient in  
22 teaching reading; and

23 (4) was not designed [~~after seeking~~] with  
24 input from experts in the education field. "