

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 321

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Stephanie Garcia Richard

AN ACT

RELATING TO PUBLIC EDUCATION; AMENDING THE PUBLIC SCHOOL CODE TO PROVIDE WAIVERS OF CERTAIN OF ITS PROVISIONS FOR TRADITIONAL PUBLIC SCHOOLS THAT HAVE BEEN RATED "A".

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

**SECTION 1.** Section 22-2-2.1 NMSA 1978 (being Laws 2003, Chapter 104, Section 1, as amended) is amended to read:

"22-2-2.1. ADDITIONAL DEPARTMENT DUTIES--WAIVER OF CERTAIN REQUIREMENTS.--

A. The department shall approve all ~~[reasonable]~~ requests to waive the following for all traditional public schools that ~~[exceed educational standards as determined]~~ have been rated "A" by the department as provided in the A-B-C-D-F Schools Rating Act:

- (1) accreditation review requirements as

underscoring material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 provided in Section 22-2-2 NMSA 1978;

2 (2) the length of the school day requirement  
3 as provided in Section 22-2-8.1 NMSA 1978;

4 (3) ~~[the]~~ staffing patterns and individual  
5 class load [requirement] and teaching load requirements as  
6 provided in Section 22-10A-20 NMSA 1978;

7 (4) school principal duties as provided in  
8 Section 22-10A-18 NMSA 1978;

9 (5) driver education as provided in Section  
10 22-13-12 NMSA 1978;

11 ~~[(4) — the]~~ (6) subject area ~~[requirement]~~  
12 requirements as provided in Section 22-13-1 NMSA 1978; and

13 ~~[(5)]~~ (7) purchase of instructional material  
14 from the department-approved multiple list requirement as  
15 provided in Section 22-15-8 NMSA 1978.

16 B. Upon receiving a waiver request from a  
17 traditional public school that [exceeds educational standards]  
18 has been rated "A" as provided in the A-B-C-D-F Schools Rating  
19 Act and in addition to the requirements set forth in Subsection  
20 A of this section, the department may waive:

21 (1) the graduation requirement as provided in  
22 Section 22-13-1.1 NMSA 1978;

23 (2) evaluation standards for school personnel  
24 as provided in Section 22-10A-19 NMSA 1978; and

25 (3) other requirements of the Public School

.203072.2

underscoring material = new  
[bracketed material] = delete

1 Code that impede innovation in education if the waiver request  
2 is supported by the teachers at the requesting school and the  
3 requesting school's local school board.

4 C. Waivers granted pursuant to this section shall  
5 begin in the school year following that in which a traditional  
6 public school [~~exceeds educational standards~~] is rated "A" and  
7 may remain in effect as long as the school continues to [~~exceed~~  
8 ~~educational standards~~] be rated "A".

9 D. [~~The department shall only waive requirements~~  
10 ~~that do not conflict with the federal No Child Left Behind Act~~  
11 ~~of 2001 or rules adopted pursuant to that act~~] As used in this  
12 section, "traditional public school" means a public school that  
13 is not a locally chartered or state-chartered charter school."

14 SECTION 2. EFFECTIVE DATE.--The effective date of the  
15 provisions of this act is July 1, 2016.

16 - 3 -