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HOUSE BILL 298

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

David E. Adkins and Sander Rue

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE SCHOOL DISTRICT REORGANIZATION ACT; REQUIRING SCHOOL DISTRICTS WITH MORE THAN FORTY THOUSAND STUDENTS TO REORGANIZE; EXEMPTING SUCH SCHOOL DISTRICTS FROM CERTAIN LAWS AND RULES.

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] SHORT TITLE.--This act may be cited as the "School District Reorganization Act"."

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

"[NEW MATERIAL] DEFINITIONS.--As used in the School District Reorganization Act:

A. "school board" means the local school board of a

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1 school district; and

2 B. "school district" means a school district that
3 is required to reorganize."

4 SECTION 3. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] DISTRICT REORGANIZATION--SCHOOL BOARD--
7 APPOINTMENT OF TECHNICAL ADVISORY COMMITTEE--TIMELINE.--

8 A. A school district with more than forty thousand
9 students shall reorganize as provided in the School District
10 Reorganization Act. The first reorganization pursuant to the
11 School District Reorganization Act shall follow the schedule in
12 this section. Future reorganizations shall follow similar
13 schedules.

14 B. By July 1, 2017, the school board shall appoint
15 a technical advisory committee to develop a plan in accordance
16 with the School District Reorganization Act to reorganize the
17 school district. The school board shall appoint the technical
18 advisory committee that shall include at least the following
19 members:

20 (1) the local superintendent;

21 (2) the associate superintendents for
22 elementary, middle and high schools;

23 (3) teachers and other staff representatives
24 from elementary, middle and high schools;

25 (4) the chief financial officer of the school

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1 district;

2 (5) the director of the budget and strategic
3 planning department;

4 (6) representatives from teacher and school
5 employee unions;

6 (7) members of business and civic
7 organizations with a focus on education;

8 (8) parents from parent-teacher organizations
9 in elementary, middle and high schools; and

10 (9) representatives of the municipality and
11 county in which the school district is located and other
12 members of the community interested in public education and the
13 school district.

14 C. The technical advisory committee may appoint
15 subcommittees and may appoint other staff members of the school
16 district or members of the community in addition to committee
17 members.

18 D. Meetings of the committee and subcommittees are
19 public meetings, and the committee and subcommittees shall
20 provide a means for public input at the meetings.

21 E. The technical advisory committee shall develop a
22 reorganization plan for the school board's approval and shall
23 hold school cluster and districtwide public feedback meetings
24 in July and August, 2018 or earlier. The plan may be revised
25 based on the public feedback meetings and shall be presented to

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1 the school board for review, revision and approval by September
2 15, 2018.

3 F. The 2018-2019 school year shall be a pilot year
4 for the school district as it begins to implement the school
5 district reorganization plan. The local superintendent may
6 make appropriate adjustments to the reorganization plan based
7 on feedback received during the pilot year. The reorganization
8 shall be fully implemented by the beginning of the 2019-2020
9 school year."

10 SECTION 4. A new section of the Public School Code is
11 enacted to read:

12 "[NEW MATERIAL] REORGANIZATION PLAN--CENTRAL
13 ADMINISTRATION, SCHOOL CLUSTER AND SCHOOL AUTHORITY--ASSOCIATE
14 SUPERINTENDENTS--SCHOOL BUDGETS.--

15 A. The school district shall be reorganized into:

16 (1) central administration, overseen by the
17 local superintendent;

18 (2) school clusters, overseen by associate
19 superintendents; and

20 (3) public schools, overseen by school
21 principals.

22 B. Central administration includes:

23 (1) school district human resources, including
24 applicant processing and qualifying applicants for positions;

25 (2) school transportation;

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- 1 (3) food service;
- 2 (4) risk management;
- 3 (5) financial services, including payroll;
- 4 (6) services to promote equity and diversity;
- 5 (7) civil rights compliance;
- 6 (8) special education, including
- 7 identification, evaluation, program placement and ancillary
- 8 services;
- 9 (9) legal services;
- 10 (10) maintenance of buildings and grounds;
- 11 (11) custodial services;
- 12 (12) English language learner master plan;
- 13 (13) internal audit;
- 14 (14) information technology services;
- 15 (15) district police;
- 16 (16) emergency management;
- 17 (17) capital improvements planning, building
- 18 and monitoring;
- 19 (18) state and federal assessment and
- 20 accountability reporting;
- 21 (19) charter schools; and
- 22 (20) programs of a districtwide nature.

23 C. The local superintendent is responsible to the
24 school board for:

- 25 (1) the overall management of the school

1 district;

2 (2) hiring, training, supervising,
3 disciplining, terminating or discharging associate
4 superintendents and central administration staff and other
5 school employees not provided for in Subsection E of this
6 section;

7 (3) holding associate superintendents
8 responsible for school cluster academic performance, including
9 increased graduation rates and decreased truancy rates, and
10 operational management;

11 (4) ensuring that the school district,
12 including charter schools, is in compliance with federal and
13 state laws and the state budget;

14 (5) reviewing data from all of the school
15 clusters to see which teaching and other methodologies are the
16 most successful in engaging students, faculty and staff to
17 higher performance;

18 (6) meeting regularly with associate
19 superintendents; and

20 (7) reporting to the school board at every
21 board meeting.

22 D. Each school cluster is made up of no more than
23 thirty percent of the total number of schools in the school
24 district and shall take into consideration:

25 (1) academic performance of schools;

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- 1 (2) geographical location of schools;
- 2 (3) feeder patterns of schools, meaning the
- 3 elementary and middle schools whose student populations feed
- 4 into high schools; and
- 5 (4) specialty schools, including alternative
- 6 and magnet schools.
- 7 E. The associate superintendent of a school cluster
- 8 shall:
- 9 (1) hire, train and supervise school
- 10 principals;
- 11 (2) with the assistance of the appropriate
- 12 school principal, hire and terminate or discharge teachers,
- 13 other licensed school personnel and unlicensed school employees
- 14 for each public school within the school cluster;
- 15 (3) review and approve school plans and assist
- 16 school principals in making necessary revisions to their plans;
- 17 (4) develop a school cluster plan and school
- 18 cluster budget and submit them to the local superintendent;
- 19 (5) ensure that public schools are in
- 20 compliance with state and federal laws;
- 21 (6) review individual public school data on an
- 22 ongoing basis to determine strategies necessary to improve
- 23 student achievement; and
- 24 (7) report regularly to the local
- 25 superintendent and at least quarterly to the school board.

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1 F. An associate superintendent is accountable to
2 the local superintendent for:

3 (1) the performance of all public schools the
4 associate superintendent oversees, including academic
5 performance and operational management, including approving
6 public school budgets, which must be allocated to implement the
7 public school plan;

8 (2) the satisfaction of parents, school
9 administrators, teachers and other staff at each public school
10 in the school cluster; and

11 (3) selecting appropriate staff to carry out
12 the school cluster plan.

13 G. A school principal shall:

14 (1) be responsible to the associate
15 superintendent for the administration of the public school and
16 the academic performance of the public school;

17 (2) establish a school-community team for the
18 public school;

19 (3) develop a school plan and school-based
20 budget with the assistance and advice of the school-community
21 team;

22 (4) select appropriate faculty and staff to
23 carry out the school plan, including robust use of data to
24 focus on student success; and

25 (5) encourage teachers and instructional

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1 support providers to develop innovative methods that meet each
2 student's needs and that help that student succeed.

3 H. A school plan shall include a master plan for
4 the public school, including academic programs, strategies to
5 increase academic achievement of the school and extracurricular
6 and co-curricular opportunities for students, staffing needs,
7 instructional resources, the creation or continuation of
8 programs that help students succeed; family and community
9 engagement; and other matters required by the associate
10 superintendent or recommended by the school-community team.

11 I. A public school's school-community team shall
12 consist of:

13 (1) five teachers or other licensed school
14 employees, elected by vote of the licensed school personnel;

15 (2) two school staff who are not licensed
16 school employees, elected by vote of the school staff;

17 (3) four parents whose children are students
18 at the public school, elected by parents;

19 (4) if a secondary school, nonvoting students
20 enrolled in the school, elected by the student body;

21 (5) additional nonvoting members from the
22 community, appointed by the school principal; and

23 (6) the school principal, who shall be
24 nonvoting.

25 J. The school-community team shall:

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- 1 (1) meet monthly;
- 2 (2) provide assistance and advice to the
- 3 school principal in developing the school plan and its
- 4 implementation and the school-based budget;
- 5 (3) assist the associate superintendent if
- 6 there is a school principal vacancy to determine the necessary
- 7 candidate characteristics for the next school principal; and
- 8 (4) select one member to serve on the
- 9 interview committee when filling a school principal vacancy."

10 SECTION 5. A new section of the Public School Code is

11 enacted to read:

12 "[NEW MATERIAL] SCHOOL-BASED BUDGETS--ASSOCIATE

13 SUPERINTENDENT BUDGETS--SCHOOL PERSONNEL.--

14 A. Pursuant to Section 22-8-7.1 NMSA 1978, a

15 reorganized school district shall develop school-based budgets

16 that rollup to the school cluster and school district levels.

17 The administrative expenses of the associate superintendents

18 shall be part of the central administration budget.

19 B. The provisions of the School Personnel Act

20 notwithstanding, an associate superintendent may terminate or

21 discharge a licensed school employee or terminate an unlicensed

22 school employee based on the recommendations of the school

23 principal. Appeals shall be taken to the local superintendent.

24 The due process protections of the School Personnel Act shall

25 be maintained in a termination or discharge. The associate

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1 superintendent shall not discharge a school employee without
2 having instituted, either directly or through the school
3 principal, mentoring, supervision and corrective action
4 procedures as provided by department rule."

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