

1 SENATE BILL 140

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Craig W. Brandt

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO
12 PROVIDE FLEXIBILITY FOR HIGH-PERFORMING SCHOOL DISTRICTS AND
13 SCHOOLS WITHIN DISTRICTS.

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

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

18 "22-2-2.1. ADDITIONAL DEPARTMENT DUTIES--WAIVER OF
19 CERTAIN REQUIREMENTS.--

20 A. The department shall ~~[approve all reasonable~~
21 ~~requests to]~~ waive ~~[the following for all public schools that~~
22 ~~exceed educational standards as determined by the department]~~
23 requirements or rules and provisions of the Public School Code
24 for a school district that receives a school district grade of
25 A or B for its school district report card for two consecutive

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1 years pursuant to the Assessment and Accountability Act, or a
2 school that is not a charter school and that receives a grade
3 of A or B for two consecutive years pursuant to the A-B-C-D-F
4 Schools Rating Act pertaining to:

5 (1) accreditation review requirements as
6 provided in Section 22-2-2 NMSA 1978;

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

9 (3) the individual class load, [~~requirement~~]
10 teaching load and staffing pattern requirements as provided in
11 Section 22-10A-20 NMSA 1978;

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

14 (5) purchase of instructional material from
15 the department-approved multiple list requirement as provided
16 in Section 22-15-8 NMSA 1978;

17 (6) school principal duties as provided in
18 Section 22-10A-18 NMSA 1978;

19 (7) evaluation standards for school personnel;
20 and

21 (8) driver education as provided in Section
22 66-10-5 NMSA 1978.

23 B. Upon receiving a waiver request from a school
24 district or school that is not a charter school and that
25 [~~exceeds educational standards and in addition to~~] meets the

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1 requirements set forth in Subsection A of this section, the
2 department may waive:

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

5 [~~(2) evaluation standards for school~~
6 ~~personnel; and~~

7 ~~(3)]~~ (2) other requirements of the Public
8 School Code that impede innovation in education if the waiver
9 request is supported by the teachers at the requesting school
10 and the requesting school's local school board.

11 C. Waivers granted pursuant to this section shall
12 begin in the school year following that in which a [~~public~~]
13 school district or school that is not a charter school exceeds
14 educational standards and [~~may~~] shall remain in effect [~~as long~~
15 ~~as the school continues to exceed educational standards]~~ until
16 the school district or school that is not a charter school
17 receives a grade of C, D or F for two consecutive years.

18 D. The department shall [~~only~~] waive only
19 requirements that do not conflict with the federal [~~No Child~~
20 ~~Left Behind~~] Every Student Succeeds Act [~~of 2001~~] or rules
21 adopted pursuant to that act."