

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 140

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

AN ACT

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

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 public schools that
exceed educational standards as determined by the department]
requirements or rules and provisions of the Public School Code
for a school that receives a school grade of A or B for its
school report card for two consecutive years pursuant to the~~

.207406.2

underscored material = new
[bracketed material] = delete

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

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

7 ~~(2)]~~ (1) the length of the school day
8 requirement as provided in Section 22-2-8.1 NMSA 1978;

9 [~~(3)]~~ (2) the individual class load,
10 [~~requirement~~] teaching load and staffing pattern requirements
11 as provided in Section 22-10A-20 NMSA 1978;

12 [~~(4)]~~ (3) the subject area requirement as
13 provided in Section 22-13-1 NMSA 1978; and

14 [~~(5) — purchase of]~~ (4) driver education as
15 provided in Section 66-10-5 NMSA 1978.

16 B. For a school district that receives a grade of A
17 or B for its school district report card for two consecutive
18 years pursuant to the Assessment and Accountability Act, the
19 department shall waive the requirement that the school district
20 shall purchase instructional material from the department-
21 approved multiple list requirement as provided in Section
22 22-15-8 NMSA 1978.

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

1 requirements set forth in [~~Subsection~~] Subsections A and B of
 2 this section, the department may waive:

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

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

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

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

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

