AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING LOCAL SCHOOL BOARDS TO DETERMINE IF PUBLIC SCHOOLS SHOULD OPEN FOR ON-CAMPUS INSTRUCTION DURING A TIME WHEN THE STATE HAS ISSUED A PUBLIC HEALTH EMERGENCY ORDER, INCLUDING SUCH ORDERS ISSUED DURING THE REMAINDER OF THE 2020-2021 SCHOOL YEAR OR OTHER SCHOOL YEAR IF THE CORONAVIRUS DISEASE 2019 REMAINS AT EPIDEMIC LEVELS IN NEW MEXICO; REQUIRING EACH LOCAL SCHOOL BOARD TO MAKE THE DETERMINATION BASED ON FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS; DECLARING AN EMERGENCY.

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] CORONAVIRUS DISEASE 2019 PANDEMIC--LEGISLATIVE FINDINGS--ON-CAMPUS INSTRUCTION--LOCAL SCHOOL BOARD

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DUTY.--

A. As used in this section:

(1) "local school board" includes the governing board of a charter school; and

(2) "school district" includes charter schools.

B. The legislature finds that public schools are in the essential business of taking care of the academic and socio-emotional needs of students and, without the advantages of on-campus public education, students all across the state are not only losing academic momentum, but are suffering from the lack of structure, socialization and emotional support that students get from school, teachers and friends during the coronavirus disease 2019 pandemic. The legislature recognizes that the pandemic has robbed students of a sense of stability and normality, which endangers their entire future and finds further that even limited access to on-campus instruction, through fewer days on campus or many fewer students in classrooms, can benefit students by providing that needed sense of stability and normality.

C. When public schools have been closed due to a public health emergency order, each local school board shall confer with school personnel and health officials to determine when public schools may safely reopen for teachers and students to once again participate in on-campus instruction as a hybrid

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model of on-campus and virtual instruction. School personnel who opt for virtual teaching or the provision of other services and students who opt for virtual school attendance while the state public health emergency order is in effect shall not be discriminated against."

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

"[NEW MATERIAL] ON-CAMPUS INSTRUCTION DURING THE CORONAVIRUS DISEASE 2019 PANDEMIC.--

A. During the coronavirus disease 2019 pandemic, public schools may be opened using a hybrid model of on-campus and virtual instruction; provided that a student's parent may choose the option of all-virtual instruction for the student. The means and methods of reopening and the hybrid model adopted by the local school board shall be based on the recommendations of the federal centers for disease control and prevention.

B. The local school board shall disseminate to all parents in the school district the reopening model, including the number of days and hours that a student may be on campus and the number of students that may be in a classroom, along with any other pertinent information. Parents shall inform the school district of their choice of either the hybrid model or the all-virtual model for their children.

C. The local school board shall decide whether or when to offer on-campus instruction during the remainder of the

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2020-2021 school year or other school year while there is a

public health emergency order in effect.

        D. As used in this section:

              (1) "local school board" includes the

governing board of a charter school; and

              (2) "school district" includes charter

schools."

    SECTION 3. EMERGENCY.--It is necessary for the public

peace, health and safety that this act take effect immediately.

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