

LESC bill analyses are available on the New Mexico Legislature website ([www.nmlegis.gov](http://www.nmlegis.gov)). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**56th Legislature, 1st Session, 2023**

<b>Bill Number</b>	<u>HB325/HGEICS</u>	<b>Sponsor</b>	<u>HGEIC</u>
<b>Tracking Number</b>	<u>.225330.2</u>	<b>Committee Referrals</b>	<u>HGEIC/HEC</u>
<b>Short Title</b>	<u>School Board Governance Changes</u>		
<b>Analyst</b>	<u>Estupiñan</u>	<b>Original Date</b>	<u>3/1/2023</u>
		<b>Last Updated</b>	<u></u>

---

---

**BILL SUMMARY**

Synopsis of Bill

The House Government, Elections and Indian Affairs Committee Substitute for House Bill 325 (HB325/HGEICS) would amend several sections of statute to clarify training requirements for both school board members and charter school governing board members, require the webcasting and archiving of school board and charter school governing board meetings, and create a waiver for qualified family members of school board members.

The provisions of the bill would be effective at the beginning of the 2023-2024 academic year and would apply in all subsequent academic years.

**FISCAL IMPACT**

The bill does not contain an appropriation.

The bill may create additional operating costs for additional board member training, webcasting and archiving meetings, and administrative costs for PED.

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS) includes \$2 million for administrative evaluation systems and a \$1.7 million increase in PED's operating budget. These additional funds could be leveraged to implement the provisions of the bill.

**SUBSTANTIVE ISSUES**

Below is a section-by-section analysis of the bill's provisions:

**Section 1.** This section strikes language that defines a "covered office" as a school board member serving at a school district with a student enrollment greater than 12 thousand. This would expand campaign finance reporting requirements to all school board members, rather than only those serving in school districts with a student enrollment less than 12 thousand.

**Section 2.** This section would amend Section 22-5-6 NMSA 1978 by allowing a local superintendent of a school district with fewer than 500 students to recruit a qualified applicant that is a family member of a local school board member. To do so, the school district must attest that it is unable to recruit another qualified applicant and the superintendent must provide proof of qualification and a request to PED for a waiver that allows the school district to employ that individual.

A violation of this section's provisions would require that the person be discharged from their employment with the school district and the school board member would be removed from office.

**Section 3.** This section amends statute by adding performance-based budgeting to the areas of training PED must incorporate in school board member training sessions. Statute would be further amended to clarify the subtopics that school board member training must incorporate, including:

- Laws and department policies and procedures affecting local school boards or public schools;
- Public school finance, budgeting and fiduciary responsibilities of local school boards;
- A local school board's role in evaluating and improving student academic achievement and using data to set individual school goals for student academic achievement in each of the school district's public schools;
- A local school board's role in providing a safe learning environment conducive to improving student outcomes;
- Legal concepts pertaining to local school boards and school districts, including the Open Meetings Act and the Inspection of Public Records Act; and
- Effective governance practices and effective methods of supporting and supervising the local superintendent.

**Section 4.** This section would add language in the Public School Code requiring all school board meetings be webcast and archived for a minimum of five years on each school district's website. School districts would be required to have a user interface that enables members of the public to submit comments.

**Section 5.** This section would amend statute by clarifying the areas of training PED must incorporate in training courses for governing board members of charter schools. Those required areas of training would be:

- Laws and department policies and procedures affecting governing boards or charter schools;
- Public school finance, budgeting and fiduciary responsibilities of governing bodies, in particular federal and state requirements for state-chartered charter schools to receive and maintain the schools' status as boards of finance;
- A governing body's role in evaluating and improving student academic achievement and using data to set the school's goals for student academic achievement;
- A governing body's role in providing a safe learning environment conducive to improving student outcomes;
- Legal concepts pertaining to governing bodies and charter schools, including the Open Meetings Act and the Inspection of Public Records Act; and
- Effective governance practices and effective methods of supporting and supervising the head administrator.

**Section 6.** This section would add language in the Public School Code requiring all charter school governing board meetings be webcast and archived for a minimum of five years on each charter school’s website. Charter schools would be required to have a user interface that enables members of the public to submit comments.

**Section 7.** This section specifies the provisions of the bill would be effective at the start of the 2023-2024 academic year and continue in all subsequent academic years.

**Current Training Requirements for School Board Members.** New Mexico Administrative Code § 6.29.1.9 requires that school board members receive a total of five hours of training on an annual basis. For new school board members, three of those five hours must be earned through a training developed by the department, with the remaining two hours completed through training sponsored by the New Mexico School Boards Association.

**Current Training Requirements for Charter School Governing Board Members.** New Mexico Administrative Code § 6.80.5.8 requires that new charter school governing board members receive a total of ten hours of training in the first fiscal year of their service. That training must include a seven hour training program provided by PED along with three additional hours provided by an external entity approved by PED. The department recommends each governing board provide a three hour “onboarding” training that includes information on integrating a new governing body member into the school by familiarizing the new governing body member with the school’s governance structure and requirements, other governing body members, financial status, history, contract, goals, model, staff, strengths and challenges, and current academic, financial, and organizational performance.

Continuing charter school governing board members are required by New Mexico Administrative Code § 6.80.5.9 to complete eight hours of training by an external entity approved by the department. That training should include:

- One hour on public official/charter school governing body ethics and responsibilities;
- Three hours on fiscal requirements;
- Two hours on understanding and evaluating academic data;
- One hour on open governing and requirements regarding free public school education along with understanding and overseeing organizational performance;
- One hour on equity & culturally and linguistically responsiveness.

## **ADMINISTRATIVE IMPLICATIONS**

Currently, many of the training opportunities available to school board members are provided by the New Mexico School Boards Association (NMSBA), which is funded by dues paid by individual school districts and revenues from conferences and region meetings the association hosts throughout the year. Clarifying the content areas that school board members are required to receive training in may consequently not be an administrative or fiscal burden on PED because of the training already provided by NMSBA.

The training provisions for charter school governing board members may be an administrative burden on PED as New Mexico Administrative Code § 6.80.5.8 requires the department to provide a 7 hour training program to all new charter school governing board members. Although, administrative rule also allows continuing governing board members to receive training from an

external entity that has been approved by the department, which may reduce the administrative burden on the department.

**SOURCES OF INFORMATION**

- LESC Files

**DE/eh/cf/mb/cf/msb**