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SENATE BILL 390

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Patrick H. Lyons

AN ACT

RELATING TO VOCATIONAL EDUCATION; PROVIDING THE STATE BOARD
OF EDUCATION WITH AUTHORITY TO DETERMINE POLICY FOR
VOCATIONAL PROGRAMS THAT ARE PART OF A JUVENILE CONSTRUCTION
INDUSTRIES INITIATIVE; AMENDING A SECTION OF THE PUBLIC
SCHOOL CODE.

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

Section 1. Section 22-2-2 NMSA 1978 (being Laws 1967,
Chapter 16, Section 5, as amended) is amended to read:

"22-2-2. STATE BOARD--DUTIES.--Without limiting those
powers granted to the state board pursuant to Section 22-2-1
NMSA 1978, the state board shall perform the following
duties:

A. properly and uniformly enforce the provisions
of the Public School Code;

B. determine policy for the operation of all

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1 public schools and vocational education programs in the
2 state, including vocational programs that are part of a
3 juvenile construction industries initiative for juveniles who
4 are committed to the custody of the children, youth and
5 families department;

6 C. appoint a state superintendent;

7 D. purchase and loan instructional material to
8 students pursuant to the Instructional Material Law and adopt
9 rules relating to the use and operation of instructional
10 material depositories in the instructional material
11 distribution process;

12 E. designate courses of instruction to be taught
13 in all public schools in the state;

14 F. assess and evaluate all state institutions and
15 those private schools that desire state accreditation;

16 G. determine the qualifications for and issue a
17 certificate to any person teaching, assisting teachers,
18 supervising an instructional program, counseling, providing
19 special instructional services or administering in public
20 schools, according to law and according to a system of
21 classification adopted and published by the state board;

22 H. suspend or revoke a certificate held by a
23 certified school instructor or certified school
24 administrator, according to law, for incompetency, immorality
25 or ~~for~~ any other good and just cause;

I. make full and complete reports on consolidation
of school districts to the legislature;

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1 J. prescribe courses of instruction, requirements
2 for graduation and standards for all public schools, for
3 private schools seeking state accreditation and for the
4 educational programs conducted in state institutions other
5 than the New Mexico military institute;

6 K. adopt rules for the administration of all
7 public schools and bylaws for its own administration;

8 L. require periodic reports on forms prescribed by
9 it from all public schools and attendance reports from
10 private schools;

11 M. authorize adult educational programs to be
12 conducted in schools under its jurisdiction and adopt and
13 promulgate rules governing all such adult educational
14 programs;

15 N. require any school under its jurisdiction that
16 sponsors athletic programs involving sports to mandate that
17 the participating student obtain catastrophic health and
18 accident insurance coverage, such coverage to be offered
19 through the school and issued by an insurance company duly
20 licensed pursuant to the laws of New Mexico;

21 O. require all accrediting agencies for public
22 schools in the state to act with its approval;

23 P. accept and receive all grants of money from the
24 federal government or any other agency for public school
25 purposes and disburse the money in the manner and for the
purpose specified in the grant;

 Q. require prior approval for any educational

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1 program in a public school that is to be conducted,
2 sponsored, carried on or caused to be carried on by a private
3 organization or agency;

4 R. approve or disapprove all rules promulgated by
5 any association or organization attempting to regulate any
6 public school activity and invalidate any rule in conflict
7 with any rule promulgated by the state board. The state
8 board shall require any association or organization
9 attempting to regulate any public school activity to comply
10 with the provisions of the Open Meetings Act and be subject
11 to the inspection of the Public Records Act. The state board
12 may require performance and financial audits of any
13 association or organization attempting to regulate any public
14 school activity. The state board shall have no power or
15 control over the rules or the bylaws governing the
16 administration of the internal organization of the
17 association or organization;

18 S. review decisions made by the governing board or
19 officials of any organization or association regulating any
20 public school activity, and any decision of the state board
21 shall be final in respect thereto;

22 T. accept or reject any charitable gift, grant,
23 devise or bequest. The particular gift, grant, devise or
24 bequest accepted shall be considered an asset of the state;

25 U. establish and maintain regional centers, at its
discretion, for conducting cooperative services between
public schools and school districts within and among those

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1 regions and to facilitate regulation and evaluation of school
2 programs;

3 V. assess and evaluate for accreditation purposes
4 at least one-third of all public schools each year through
5 visits by department of education personnel to investigate
6 the adequacy of pupil gain in standard required subject
7 matter, adequacy of pupil activities, functional feasibility
8 of public school and school district organization, adequacy
9 of staff preparation and other matters bearing upon the
10 education of the students;

11 W. provide for management and other necessary
12 personnel to operate any public school or school district
13 that has failed to meet requirements of law, state board
14 standards or state board rules; provided that the operation
15 of the public school or school district shall not include any
16 consolidation or reorganization without the approval of the
17 local board of that school district. Until such time as
18 requirements of law, standards or rules have been met and
19 compliance is assured, the powers and duties of the local
20 school board shall be suspended;

21 X. establish and implement a plan that provides
22 for technical assistance to local school boards through
23 workshops and other in-service training methods; provided,
24 however, that no plan shall require mandatory attendance by
25 any member of a local school board;

Y. submit a plan applying for funds available
under Public Law 94-142 and disburse these funds in the

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1 manner and for the purposes specified in the plan;

2 Z. enforce requirements for home schools. Upon
3 finding that a home school is not in compliance with law, the
4 state board has authority to order that a student attend a
5 public school or a private school; and

6 AA. develop a systemic framework for professional
7 development that provides training to ensure quality teachers
8 and principals and that improves and enhances student
9 achievement. The state board shall work with public school
10 educators, the commission on higher education and
11 institutions of higher education to establish the framework.
12 The framework shall include:

13 (1) the criteria for school districts to
14 apply for professional development funds, including an
15 evaluation component that will be used by the department of
16 education in approving local school district professional
17 development plans; and

18 (2) guidelines for developing extensive
19 professional development activities for school districts,
20 including teaching strategies, curriculum materials, distance
21 learning networks and web sites to ensure that the state
22 board's rules pertaining to content standards and benchmarks
23 are used by New Mexico teachers."

24 Section 2. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2000.