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**SENATE BILL 661**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Pete Campos**

**AN ACT**

**RELATING TO EDUCATION; CHANGING THE DUTIES OF THE STATE BOARD OF EDUCATION REGARDING ASSESSMENT AND ACCREDITATION OF PUBLIC SCHOOLS; 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 public schools and vocational education programs in the state, including vocational programs that are part of a juvenile**

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1 construction industries initiative for juveniles who are  
2 committed to the custody of the children, youth and families  
3 department;

4 C. appoint a state superintendent;

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

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

12 F. assess and evaluate all state institutions and  
13 those private schools that desire state accreditation;

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

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

24 I. make full and complete reports on consolidation  
25 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 private  
10 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

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1 purpose specified in the grant;

2 Q. require prior approval for any educational  
3 program in a public school that is to be conducted, sponsored,  
4 carried on or caused to be carried on by a private  
5 organization or agency;

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

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

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

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1 U. establish and maintain regional centers, at its  
2 discretion, for conducting cooperative services between public  
3 schools and school districts within and among those regions  
4 and to facilitate regulation and evaluation of school  
5 programs;

6 V. through a process established and carried out  
7 by the department of education, assess and evaluate for  
8 accreditation purposes [~~at least one-third of all public~~  
9 ~~schools each year through visits by department of education~~  
10 ~~personnel to investigate the adequacy of pupil gain in~~  
11 ~~standard required subject matter, adequacy of pupil~~  
12 ~~activities, functional feasibility of public school and school~~  
13 ~~district organization, adequacy of staff preparation] the  
14 effectiveness of public school and school district student  
15 achievement planning processes, public school performance  
16 pursuant to Section 22-1-6 NMSA 1978, compliance with law,  
17 compliance with rules and other matters bearing upon the  
18 education of the students;~~

19 W. provide for management and other necessary  
20 personnel to operate any public school or school district that  
21 has failed to meet requirements of law, state board standards  
22 or state board rules; provided that the operation of the  
23 public school or school district shall not include any  
24 consolidation or reorganization without the approval of the  
25 local board of that school district. Until such time as

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1 requirements of law, standards or rules have been met and  
2 compliance is assured, the powers and duties of the local  
3 school board shall be suspended;

4 X. establish and implement a plan that provides  
5 for technical assistance to local school boards through  
6 workshops and other in-service training methods; provided,  
7 however, that no plan shall require mandatory attendance by  
8 any member of a local school board;

9 Y. submit a plan applying for funds available  
10 under Public Law 94-142 and disburse these funds in the manner  
11 and for the purposes specified in the plan;

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

16 AA. develop a systemic framework for professional  
17 development that provides training to ensure quality teachers  
18 and principals and that improves and enhances student  
19 achievement. The state board shall work with public school  
20 educators, the commission on higher education and institutions  
21 of higher education to establish the framework. The framework  
22 shall include:

23 (1) the criteria for school districts to  
24 apply for professional development funds, including an  
25 evaluation component that will be used by the department of

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1 education in approving local school district professional  
2 development plans; and

3 (2) guidelines for developing extensive  
4 professional development activities for school districts,  
5 including teaching strategies, curriculum materials, distance  
6 learning networks and web sites to ensure that the state  
7 board's rules pertaining to content standards and benchmarks  
8 are used by New Mexico teachers. "

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