

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 843

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
CHANGING CERTAIN DUTIES OF THE STATE BOARD OF EDUCATION;  
REQUIRING ALL ASSOCIATIONS OR ORGANIZATIONS THAT ATTEMPT TO  
REGULATE PUBLIC SCHOOL ACTIVITIES TO COMPLY WITH STATE BOARD OF  
EDUCATION RULES; REQUIRING SCHOOLS NOT TO CONTRACT WITH OR  
PROVIDE FUNDING TO ASSOCIATIONS OR ORGANIZATIONS THAT ATTEMPT  
TO REGULATE SCHOOL ACTIVITIES; TRANSFERRING RECORDS AND  
EMPLOYEES TO THE STATE DEPARTMENT OF PUBLIC EDUCATION.

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

SEC/SB 843

1 NMSA 1978, the state board shall perform the following duties:

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

4 B. determine policy for the operation of all public  
5 schools and vocational education programs in the state,  
6 including vocational programs that are part of a juvenile  
7 construction industries initiative for juveniles who are  
8 committed to the custody of the children, youth and families  
9 department;

10 C. appoint a state superintendent;

11 D. purchase and loan instructional material to  
12 students pursuant to the Instructional Material Law and adopt  
13 rules relating to the use and operation of instructional  
14 material depositories in the instructional material  
15 distribution process;

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

18 F. assess and evaluate all state institutions and  
19 those private schools that desire state accreditation;

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

2 H. suspend or revoke a certificate held by a  
3 certified school instructor or certified school administrator  
4 according to law for incompetency, immorality or any other good  
5 and just cause;

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

8 J. prescribe courses of instruction, requirements  
9 for graduation and standards for all public schools, for  
10 private schools seeking state accreditation and for the  
11 educational programs conducted in state institutions other than  
12 the New Mexico military institute;

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

15 L. require periodic reports on forms prescribed by  
16 it from all public schools and attendance reports from private  
17 schools;

18 M. authorize adult educational programs to be  
19 conducted in schools under its jurisdiction and adopt and  
20 promulgate rules governing all such adult educational programs;

21 N. require any school under its jurisdiction that  
22 sponsors athletic programs involving sports to mandate that the  
23 participating student obtain catastrophic health and accident  
24 insurance coverage, such coverage to be offered through the  
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1 school and issued by an insurance company duly licensed  
2 pursuant to the laws of New Mexico;

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

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

9 Q. require prior approval for any educational  
10 program in a public school that is to be conducted, sponsored,  
11 carried on or caused to be carried on by a private organization  
12 or agency;

13 R. ~~[approve or disapprove all rules promulgated by~~  
14 ~~any association or organization attempting to regulate any~~  
15 ~~public school activity and invalidate any rule in conflict with~~  
16 ~~any rule promulgated by the state board. The state board shall~~  
17 ~~require any association or organization attempting to regulate~~  
18 ~~any public school activity to comply with the provisions of the~~  
19 ~~Open Meetings Act and be subject to the inspection of the~~  
20 ~~Public Records Act. The state board may require performance~~  
21 ~~and financial audits of any association or organization~~  
22 ~~attempting to regulate any public school activity. The state~~  
23 ~~board shall have no power or control over the rules or the~~  
24 ~~bylaws governing the administration of the internal~~

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1 ~~organization of the association or organization~~ regulate  
 2 public school activities, report annually to the legislative  
 3 education study committee about the regulation of public school  
 4 activities and require that schools shall not join, contract  
 5 with or provide funding to associations or organizations that  
 6 attempt to regulate public school activities;

7 S. review decisions made by the governing board or  
 8 officials of any organization or association regulating any  
 9 public school activity, and any decision of the state board  
 10 shall be final in respect thereto;

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

14 U. establish and maintain regional centers, at its  
 15 discretion, for conducting cooperative services between public  
 16 schools and school districts within and among those regions and  
 17 to facilitate regulation and evaluation of school programs;

18 V. assess and evaluate for accreditation purposes  
 19 at least one-third of all public schools each year through  
 20 visits by department of education personnel to investigate the  
 21 adequacy of pupil gain in standard required subject matter,  
 22 adequacy of pupil activities, functional feasibility of public  
 23 school and school district organization, adequacy of staff  
 24 preparation and other matters bearing upon the education of the  
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1 students;

2 W. provide for management and other necessary  
3 personnel to operate any public school or school district that  
4 has failed to meet requirements of law, state board standards  
5 or state board rules; provided that the operation of the public  
6 school or school district shall not include any consolidation  
7 or reorganization without the approval of the local board of  
8 that school district. Until such time as requirements of law,  
9 standards or rules have been met and compliance is assured, the  
10 powers and duties of the local school board shall be suspended;

11 X. establish and implement a plan that provides for  
12 technical assistance to local school boards through workshops  
13 and other in-service training methods; provided, however, that  
14 no plan shall require mandatory attendance by any member of a  
15 local school board;

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

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

23 AA. develop a systemic framework for professional  
24 development that provides training to ensure quality teachers

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1 and principals and that improves and enhances student  
2 achievement. The state board shall work with public school  
3 educators, the commission on higher education and institutions  
4 of higher education to establish the framework. The framework  
5 shall include:

6 (1) the criteria for school districts to apply  
7 for professional development funds, including an evaluation  
8 component that will be used by the department of education in  
9 approving local school district professional development plans;  
10 and

11 (2) guidelines for developing extensive  
12 professional development activities for school districts,  
13 including teaching strategies, curriculum materials, distance  
14 learning networks and web sites to ensure that the state  
15 board's rules pertaining to content standards and benchmarks  
16 are used by New Mexico teachers. "

17 Section 2. TEMPORARY PROVISION--TRANSFER. --On the  
18 effective date of this act, all personnel, budgets, funds,  
19 appropriations, records, contracts, equipment and other  
20 property of the New Mexico activities association are  
21 transferred to the state department of public education. All  
22 references to the New Mexico activities association in any  
23 agreement, regulation, grant document or other legal document  
24 relating to the New Mexico activities association shall be  
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1 deemed to refer to the state department of public education.

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