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SENATE BILL 261

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING THE STATE BOARD OF  
EDUCATION TO DRAW NEW SCHOOL DISTRICT BOUNDARIES STATEWIDE;  
PROVIDING FOR ELECTIONS.

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 SCHOOL DISTRICTS--LIMIT ON NUMBER--  
REDISTRICTING--CONSIDERATIONS--DEFINITIONS. --

A. Every public school in the state shall be  
located within the geographical boundaries of a school  
district. The geographic boundaries of a school district  
shall not overlap the geographical boundaries of another  
school district.

B. Beginning on July 15, 2005, there shall be no

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1 more than fifty school districts in the state. The state  
2 board shall draw new school district boundaries before that  
3 date in accordance with Sections 2 and 3 of this act.

4 C. As used in Sections 1 through 5 of this act:

5 (1) "existing school district" means a school  
6 district that exists on July 1, 2004; and

7 (2) "new school district" means a school  
8 district created by the state board to begin operation on July  
9 15, 2005. "

10 Section 2. A new section of the Public School Code is  
11 enacted to read:

12 "[NEW MATERIAL] NEW SCHOOL DISTRICTS--CONSIDERATIONS. --

13 A. The state board shall consider the following  
14 when determining the geographic boundaries of school  
15 districts:

16 (1) an optimum student population of between  
17 five thousand and eight thousand five hundred;

18 (2) the geographic boundaries of existing  
19 school districts, counties and municipalities;

20 (3) equalization of educational opportunities  
21 for public school students in each school district;

22 (4) the most advantageous and economical use  
23 of public school facilities and transportation;

24 (5) the convenience and welfare of public  
25 school students in each school district; and

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1 (6) the best interest of public education in  
2 each school district and the best interest of public education  
3 in the state.

4 B. The state board shall also consider each public  
5 school's accreditation status, its annual accountability  
6 ranking and the socio-economic variables of its student  
7 population so that schools in need of improvement or  
8 probationary schools are apportioned as evenly as possible  
9 among school districts. "

10 Section 3. A new section of the Public School Code is  
11 enacted to read:

12 "[NEW MATERIAL] SCHOOL DISTRICT SURVEY COMMITTEES. --

13 A. The state board may appoint one or more school  
14 district survey committees to advise it on how school district  
15 boundaries should be drawn. The state board shall determine  
16 the membership of a school district survey committee, but each  
17 school district survey committee shall include at least:

- 18 (1) one member of the state board;
- 19 (2) one person representing each school  
20 district being surveyed;
- 21 (3) one parent of a school-age student in one  
22 of the school districts being surveyed; and
- 23 (4) one person knowledgeable about public  
24 schools and school management who does not reside in a school  
25 district being surveyed.

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1           B. Members of a school district survey committee  
2 may receive per diem and mileage expenses as provided in the  
3 Per Diem and Mileage Act but shall receive no other  
4 compensation, perquisite or allowance. Per diem and mileage  
5 costs shall be paid from the department of education budget.  
6 The department of education shall provide staff for the school  
7 district survey committees. "

8           Section 4. A new section of the Public School Code is  
9 enacted to read:

10           "[NEW MATERIAL] NEW SCHOOL DISTRICT BOUNDARIES--  
11 PUBLICATION--ELECTION OF NEW BOARD MEMBERS.--

12           A. The state board shall announce new school  
13 district boundaries by September 30, 2004 to take effect July  
14 15, 2005. The school district boundaries shall be published  
15 in a newspaper of general circulation in each county of the  
16 state as provided in Section 14-11-11 NMSA 1978. In addition,  
17 each existing school district shall make publication by  
18 posting notice of the new school district boundaries in at  
19 least six conspicuous places within the school district. The  
20 cost of publication shall be borne by the school districts.

21           B. Existing local school boards shall cease to  
22 exist on July 15, 2005. Board members of existing local  
23 school boards shall continue in office until their successors  
24 are elected and qualified.

25           C. Candidates for the new local school boards

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1 shall file declarations of candidacy on the third Tuesday of  
2 December 2004 as provided in Section 1-22-7 NMSA 1978 and the  
3 local school board election shall be held on the first Tuesday  
4 of February 2005. The election shall be a regular election  
5 and shall be called, conducted and canvassed as provided in  
6 the School Election Law. The existing local school boards  
7 shall issue the election proclamations. Notwithstanding the  
8 provisions of Section 22-5-8 NMSA 1978, the initial terms of  
9 local school board members elected in 2005 shall begin on July  
10 15, 2005; thereafter, terms shall begin March 1 as provided in  
11 that section. "

12 Section 5. A new section of the Public School Code is  
13 enacted to read:

14 "[NEW MATERIAL] CONTRACTS, TENURE AND INDEBTEDNESS OF  
15 EXISTING LOCAL SCHOOL BOARDS. --

16 A. To the maximum extent practicable, contracts  
17 entered into by an existing local school district shall be  
18 binding on the new school district.

19 B. Any outstanding school district bonds or other  
20 indebtedness of an existing school district shall not be  
21 affected by changes in its boundaries pursuant to  
22 redistricting. The existing school district shall retain its  
23 identity for the purposes of paying any debt service until the  
24 bonds or certificates are paid in full. A new school district  
25 shall not become responsible for the debt service of an

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1 existing school district; provided, however, that the ability  
2 of the new school district to incur debt is contingent on the  
3 debts of existing school districts that become a part of the  
4 new district. "

5 Section 6. REPEAL. -- Sections 22-4-1 through 22-4-18 NMSA  
6 1978 (being Laws 1967, Chapter 16, Sections 14 through 16,  
7 Laws 1970, Chapter 4, Section 2, Laws 1967, Chapter 16,  
8 Sections 17 through 22, Laws 1970, Chapter 4, Section 3, Laws  
9 1967, Chapter 16, Sections 23 through 26, Laws 1955, Chapter  
10 76, Section 1 and Laws 1977, Chapter 213, Sections 1 and 2, as  
11 amended) are repealed.