

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 550a

49th Legislature, 1st Session, 2009

Short Title: Local School Board Governmental Conduct

Sponsor(s): Representative Al Park

Analysts: James Ball and David Harrell

Date: March 6, 2009

AS AMENDED

The House Judiciary Committee amendments insert into the bill another section of the *Governmental Conduct Act*, to require the Public Education Department to adopt a separate code of conduct for elected school board members.

Original Bill Summary:

House Bill 550 amends the *School Election Law*, the *Governmental Conduct Act* (GCA) and the *Public School Code* to:

- define a person elected to a local school board as a public officer or employee; and
- require a person elected to a local school board to comply with the provisions of the GCA.

Fiscal Impact:

HB 550 carries no appropriation.

Original Issues:

In brief, the GCA establishes certain ethical principles of public service, restricts certain activities, prohibits other activities, and imposes penalties for violations. Among the points covered are political activities, official acts, honoraria, outside employment, contracts, codes of conduct, and sales to state agencies. Because HB 550 includes members of local school boards among the public officials covered by the GCA, these terms would likely apply to the boards (most of them five-member) of the 89 school districts in New Mexico.

As the analysis by the Public Education Department (PED) suggests, however, the requirement for a code of conduct may not apply. In this case, the provision applies explicitly to the legislative and executive branches of government and their employees; and members of local school boards would seem to belong to neither category (see “Background,” below).

The PED analysis also notes that, given the very serious consequences of violating the GCA – a fine of up to \$1,000 and a year in prison, or both – local school boards would need to have training on how to comply with the act.

Possible Amendment:

If the intention of HB 550 is to apply the provisions of the GCA to local school officials, the sponsor may wish to consider amending the bill to include members of the governing bodies of the 63 charter schools operating in New Mexico in school year 2008-2009.

Background:

The website of the New Mexico School Boards Association posts a code of ethics for New Mexico school board members. While it may not be legally binding, it addresses such matters as attending meetings, preserving the integrity of the board, respecting the confidentiality of privileged information, and avoiding conflicts of interest and using the board position for personal or partisan gain.

Related Bills:

*HB 334a *School Board Member Conflicts of Interest*

HB 646a *School Board Candidate Contribution Info*

*SB 364a *School Board Member Conflicts of Interest*