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HOUSE BILL 373

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO SCHOOL PERSONNEL; REQUIRING LOCAL SCHOOL BOARD APPROVAL ON THE LOCAL SUPERINTENDENT'S EMPLOYMENT, ASSIGNMENT, TERMINATION OR DISCHARGE OF OTHER SCHOOL ADMINISTRATORS AND ADMINISTRATIVE DEPARTMENT HEADS; ALLOWING THE LOCAL SCHOOL BOARD TO PERFORM THE POWERS AND DUTIES OF THE LOCAL SUPERINTENDENT WHEN THE POSITION IS VACANT; SUBJECTING THE BOARD'S ACTIONS TO REVIEW BY THE PUBLIC EDUCATION DEPARTMENT.

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

Section 1. Section 22-5-4 NMSA 1978 (being Laws 1967, Chapter 16, Section 28, as amended) is amended to read:

"22-5-4. LOCAL SCHOOL BOARDS--POWERS--DUTIES.--A local school board shall have the following powers or duties:

A. subject to the rules of the department, develop educational policies for the school district;

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underscoring material = new
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1 B. employ a local superintendent for the school
2 district and fix the superintendent's salary;

3 C. approve or disapprove the employment,
4 assignment, termination or discharge of other district school
5 administrators and administrative department heads and the
6 salaries of those employees;

7 ~~[G.]~~ D. review and approve the annual school
8 district budget;

9 ~~[D.]~~ E. acquire, lease and dispose of property;

10 ~~[E.]~~ F. have the capacity to sue and be sued;

11 ~~[F.]~~ G. acquire property by eminent domain pursuant
12 to the procedures provided in the Eminent Domain Code;

13 ~~[G.]~~ H. issue general obligation bonds of the
14 school district;

15 ~~[H.]~~ I. provide for the repair of and maintain all
16 property belonging to the school district;

17 ~~[I.]~~ J. for good cause and upon order of the
18 district court, subpoena witnesses and documents in connection
19 with a hearing concerning any powers or duties of the local
20 school board;

21 ~~[J.]~~ K. except for expenditures for salaries,
22 contract for the expenditure of money according to the
23 provisions of the Procurement Code;

24 ~~[K.]~~ L. adopt rules pertaining to the
25 administration of all powers or duties of the local school

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1 board;

2 [~~L.~~] M. accept or reject any charitable gift,
3 grant, devise or bequest. The particular gift, grant, devise
4 or bequest accepted shall be considered an asset of the school
5 district or the public school to which it is given;

6 [~~M.~~] N. offer and, upon compliance with the
7 conditions of such offer, pay rewards for information leading
8 to the arrest and conviction or other appropriate disciplinary
9 disposition by the courts or juvenile authorities of offenders
10 in case of theft, defacement or destruction of school district
11 property. All such rewards shall be paid from school district
12 funds in accordance with rules promulgated by the department;

13 [~~and~~

14 ~~N.]~~ O. give prior approval for any educational
15 program in a public school in the school district that is to be
16 conducted, sponsored, carried on or caused to be carried on by
17 a private organization or agency; and

18 P. if the local school board determines by majority
19 vote that the local superintendent has taken any personnel
20 action that would adversely affect the school district, the
21 action may be appealed to the department for review and
22 determination. The determination by the department to overrule
23 or concur with the appeal shall be final."

24 Section 2. Section 22-5-14 NMSA 1978 (being Laws 2003,
25 Chapter 153, Section 25) is amended to read:

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1 "22-5-14. LOCAL SUPERINTENDENT--POWERS AND DUTIES.--

2 A. The local superintendent is the [~~chief executive~~
3 ~~officer~~] instructional leader and manager of the school
4 district.

5 B. The local superintendent shall:

6 (1) carry out the educational policies and
7 rules of the [~~state board~~] department and local school board;

8 (2) administer and supervise the school
9 district;

10 (3) employ, fix the salaries of and assign,
11 terminate or discharge all employees of the school district,
12 subject to approval of the local school board for school
13 administrators and administrative department heads and subject
14 to concurrence by the department with personnel appeals of the
15 local school board as provided in Section 22-5-4 NMSA 1978;

16 (4) prepare the school district budget based
17 on public schools' recommendations for review and approval by
18 the local school board and the department. The local
19 superintendent shall tell each school principal the approximate
20 amount of money that may be available for [~~his~~] the principal's
21 school and provide a school budget template to use in making
22 school budget recommendations; and

23 (5) perform other duties as required by law,
24 the department or the local school board.

25 C. The local superintendent may apply to the [~~state~~

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1 ~~board~~] department for a waiver of certain provisions of the
2 Public School Code relating to length of school day, staffing
3 patterns, subject area or the purchase of instructional
4 materials for the purpose of implementing a collaborative
5 school improvement program for an individual public school."

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