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AN ACT

RELATING TO PUBLIC SCHOOLS; EXPANDING THE DEFINITION OF
NEPOTISM; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 22-5-6 NMSA 1978 (being Laws 1971,
Chapter 199, Section 1, as amended) is amended to read:

"22-5-6. NEPOTISM PROHIBITED.--

A. A local superintendent shall not initially
employ or approve the initial employment in any capacity of a
person who is the spouse, father, father-in-law, mother,
mother-in-law, son, son-in-law, daughter, daughter-in-law,
brother, brother-in-law, sister or sister-in-law of a member
of the local school board or the local superintendent. The
local school board may waive the nepotism rule for family
members of a local superintendent.

B. Nothing in this section shall prohibit the
continued employment of a person employed on or before July
1, 2008."

Section 2. Section 22-8B-10 NMSA 1978 (being Laws 1999,
Chapter 281, Section 10, as amended) is amended to read:

"22-8B-10. CHARTER SCHOOLS--EMPLOYEES.--

A. A charter school shall hire its own employees.
The provisions of the School Personnel Act shall apply to
such employees. The head administrator of the charter school

1 shall employ, fix the salaries of, assign, terminate and
2 discharge all employees of the charter school.

3 B. The head administrator of a charter school
4 shall not initially employ or approve the initial employment
5 in any capacity of a person who is the spouse, father,
6 father-in-law, mother, mother-in-law, son, son-in-law,
7 daughter, daughter-in-law, brother, brother-in-law, sister or
8 sister-in-law of a member of the governing body or the head
9 administrator. The governing body may waive the nepotism
10 rule for family members of a head administrator.

11 C. Nothing in this section shall prohibit the
12 continued employment of a person employed on or before July 1,
13 2008."

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