

LESC bill analyses are available on the New Mexico Legislature website ([www.nmlegis.gov](http://www.nmlegis.gov)). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 1st Session, 2017**

<b>Bill Number</b>	<u>HB298</u>	<b>Sponsor</b>	<u>Representative Adkins &amp; Senator Rue</u>
<b>Tracking Number</b>	<u>.206240.3</u>	<b>Committee Referrals</b>	<u>HEC/HLELC/HJC</u>
<b>Short Title</b>	<u>School District Reorganization Act</u>		
<b>Analyst</b>	<u>Force</u>	<b>Original Date</b>	<u>2/21/17</u>
		<b>Last Updated</b>	<u></u>

---

---

**BILL SUMMARY**

Synopsis of Bill

House Bill 298 (HB298) proposes new sections of the Public School Code to establish the School District Reorganization Act, which would require a school district with more than 40 thousand students to reorganize according to an explicit schedule. The bill notes that the first reorganization is to follow this schedule and that any subsequent reorganizations are to follow “a similar schedule.”

By July 1, 2017 the school board must appoint a technical advisory committee (TAC) to develop a reorganization plan pursuant to the act, which would include the local superintendent, associate superintendents, teachers, and staff, and other members of both the school district and of the community who have an interest in public education. In the development of the plan, the TAC must hold district-wide and school cluster public input meetings by August 2018. The 2018-2019 school year would serve as a pilot year for the school district to implement the reorganization plan, during which time the superintendent may adjust the plan as needed based on feedback, and then present it to the school board by September 15, 2018. Finally, the plan is to be fully implemented by the beginning of the 2019-2020 school year.

The school district is to be reorganized into: central administration, overseen by the local superintendent; school clusters, overseen by associate superintendents; and public schools, overseen by school principals. School clusters are to be composed of no more than 30 percent of the total number of schools in the district, meaning that any district with more than 40 thousand students will be reorganized into at least four clusters.

Principals are responsible for the development of school plans, which shall include a master plan, including academic programs, strategies to increase academic achievement, extracurricular and co-curricular opportunities for students, staffing needs, instructional resources, programming, family and community engagement, and any other matters required by an associate superintendent or recommended by the school-community team. The school community shall consist of teachers, staff, parents, students of secondary schools, if appropriate, and other

nonvoting members from the community, as well as the school principal, who will be a nonvoting member.

HB298 addresses hiring and firing by associate superintendents, notwithstanding provisions of the School Personnel Act, although due process protections of the personnel act shall be maintained in all employment decisions. Finally, associate superintendents are prevented from discharging a school employee without having instituted mentoring, supervision, and corrective action procedures “as provided by department rule.”

## **FISCAL IMPACT**

HB298 makes no appropriation. There will be some costs borne by the school districts due to the development and implementation of the reorganization plan, which would vary according to circumstance and the activities of the TAC and others in carrying out the provisions of the act. A district required to reorganize may need to hire additional staff, including associate superintendents, if it does not already employ them, as well as support staff, and provide for adequate salary and commensurate benefits.

## **SUBSTANTIVE ISSUES**

Only Albuquerque Public Schools (APS) has a student membership greater than 40 thousand, with FY17 enrollment of 84,039 students. The next three largest school districts are Las Cruces Public Schools (24,501), Rio Rancho Public Schools (17,058), and Gadsden Public Schools (13,474). Under HB298, APS would be required to reorganize the district into four smaller school clusters, presided over by associate superintendents, all under the direction of the local superintendent for the entire school district.

Studies have been conducted comparing student outcomes at large school districts with those at smaller school districts, while controlling for variables other than district size. In the past, these studies note, school districts were consolidated with the thought that greater centralization of resources would yield more cost-efficiency for the school district; yet, at that time, few studies of optimal school district size considered achievement and other outcomes. This more recent work, which specifically examines academic outcomes in relation to district size, has found that students enrolled in smaller districts tend to perform better on standardized tests than their peers enrolled at large districts. One such study, completed in 1991, drew data from the New Jersey Department of Education on standardized tests administered to ninth grade students in 293 schools (see Fowler and Walberg, “School Size, Characteristics and Outcomes,” *Educational Evaluation and Policy Analysis*, University of Illinois, Summer 1991). School size and the number of schools in the district were among the most consistent variables in the study. Ten academic outcomes, including high school proficiency exams and minimum basic skills tests in reading and mathematics, as well as average district SAT scores in mathematics, were negatively impacted by the number of schools per district.

Another more recent study conducted in California, came to similar conclusions (see, Driscoll, Halcoussis, and Svorny, “School District Size and Student Performance,” *Economics of Education Review*, 2003). One in six schools in California are in districts of greater than 40 thousand students; the smallest district included in the study tested 101 students. Using data provided by the California Department of Education, Driscoll, et al, found that school district size hinders educational achievement; students in larger school districts score lower on standardized tests than their peers in relatively smaller school districts. Controlling for variables

other than district size separately for elementary and middle schools shows negative results for both sorts of schools, though middle school students appear to experience the most negative impacts related to school district size.

### **ADMINISTRATIVE IMPLICATIONS**

The school district in need of reorganization would have to name and provide for a TAC, as well as create positions for and hire new employees, or restructure existing employees, and provide for compensation and benefits for additional personnel, including at least four associate superintendents. Those associate superintendents would presumably require additional staff to assist in their oversight of the schools in their cluster. Student and staff records, as appropriate, would need to be transferred to a new associate superintendent's office. Associate superintendents would need to establish policies and procedures for their school clusters, and coordinate both with the school principals within their cluster, as well as with the local superintendent of the school district.

### **TECHNICAL ISSUES**

Section 3 of the bill lays out the development and implementation schedule of the reorganization plan, and notes that future reorganization plans shall follow a "similar schedule," a direction that seems vague. The sponsor may wish to consider explicitly dictating a specific schedule to be followed in the instance of any future reorganization.

Paragraph B of Section 3 lists the required members of the TAC, which includes associate superintendents as members; yet it seems that associate superintendents would not be hired until at least after school clusters are identified. Further, the director of the school district's budget and strategic planning department is to be a member of the TAC. However, this particular item seems to be specifically related to APS. Other school districts in the state may not have such departments. The sponsor may wish to consider amending the bill to make this position on the TAC more general in nature, rather than specific to APS since other school districts in the state may also be required to undertake reorganization plans in the future.

The timeline laid out for the development and implementation plan in Section 3 requires the TAC to present the proposed reorganization plan to their local school board for review, revision, and approval by September 15, 2018; yet the 2018-2019 school year, which for most schools begins in August of 2018, is to serve as a pilot year for the plan's implementation. The sponsors may wish to consider amending the bill so that these dates do not overlap, making the commencement of a pilot year less difficult for the school district.

HB298 requires that the school district be reorganized into "school clusters," overseen by "associate superintendents," neither of which are defined terms. School principals are likewise required to establish and oversee a "school community team" for public schools, also undefined. "School cluster" and "school-community team" do not appear in any other provision of the Public School Code, while "associate superintendent" appears only in the Bilingual and Multicultural Education Act, also without a definition. The sponsors may wish to consider amending the bill to define these terms, at least for purposes of School District Reorganization Act.

Section 4, Paragraph G enumerates the duties of school principals relative to the School District Reorganization Act. These duties may be in conflict with the School Personnel Act, Section 22-

10A-18 NMSA 1978, which lists the general duties of school principals. Those duties consider a more direct relationship with the local superintendent than HB298, which places the associate superintendent as a sort of “middle man” between principals and the local superintendent.

While Section 5 of the bill includes “notwithstanding” language regarding hiring, discharge, and termination of school employees that may address conflicts between the School District Reorganization Act and the School Personnel Act, as well as explicit language preserving the due process protections in the personnel act, that act contains lengthy and elaborate processes for the discharge and termination of school employees. The sponsors may wish to amend the bill so that the requirements of Section 5 more explicitly reflect those due process protections and procedures included in the School Personnel Act.

Finally, Section 5 requires associate superintendents to institute mentoring, supervision, and corrective action procedures for the discharge of school employees, as provided by PED rule. However, “associate superintendent” appears only once in PED rule, in the implementing provisions for the Bilingual and Multicultural Education Act. The sponsors may wish to consider adding a provision explicitly directing PED to promulgate rules for the implementation of the School District Reorganization Act.

## **RELATED BILLS**

Relates to HB70, Local School Superintendent Criteria.

Conflicts with SB89, School District Size Limits, in that SB89 would require a district with student attendance of greater than 40 thousand be broken up into smaller districts, rather than reorganized into school clusters.

## **SOURCES OF INFORMATION**

- Legislative Education Study Committee Files
- Public Education Department

**RKF/rab**