

1 HOUSE BILL 182

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Alonzo Baldonado and James G. Townsend  
5 and Jane E. Powdrell-Culbert and Willie D. Madrid  
6 and Candie G. Sweetser

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9  
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; REQUIRING LOCAL SCHOOL BOARDS TO  
12 DETERMINE IF PUBLIC SCHOOLS SHOULD OPEN FOR ON-CAMPUS  
13 INSTRUCTION DURING A TIME WHEN THE STATE HAS ISSUED A PUBLIC  
14 HEALTH EMERGENCY ORDER, INCLUDING SUCH ORDERS ISSUED DURING THE  
15 REMAINDER OF THE 2020-2021 SCHOOL YEAR OR OTHER SCHOOL YEAR IF  
16 THE CORONAVIRUS DISEASE 2019 REMAINS AT EPIDEMIC LEVELS IN NEW  
17 MEXICO; REQUIRING EACH LOCAL SCHOOL BOARD TO MAKE THE  
18 DETERMINATION BASED ON FEDERAL CENTERS FOR DISEASE CONTROL AND  
19 PREVENTION RECOMMENDATIONS; DECLARING AN EMERGENCY.

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

22 SECTION 1. A new section of the Public School Code is  
23 enacted to read:

24 "[NEW MATERIAL] CORONAVIRUS DISEASE 2019 PANDEMIC--  
25 LEGISLATIVE FINDINGS--ON-CAMPUS INSTRUCTION--LOCAL SCHOOL BOARD

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1 DUTY.--

2 A. As used in this section:

3 (1) "local school board" includes the  
4 governing board of a charter school; and

5 (2) "school district" includes charter  
6 schools.

7 B. The legislature finds that public schools are in  
8 the essential business of taking care of the academic and  
9 socio-emotional needs of students and, without the advantages  
10 of on-campus public education, students all across the state  
11 are not only losing academic momentum, but are suffering from  
12 the lack of structure, socialization and emotional support that  
13 students get from school, teachers and friends during the  
14 coronavirus disease 2019 pandemic. The legislature recognizes  
15 that the pandemic has robbed students of a sense of stability  
16 and normality, which endangers their entire future and finds  
17 further that even limited access to on-campus instruction,  
18 through fewer days on campus or many fewer students in  
19 classrooms, can benefit students by providing that needed sense  
20 of stability and normality.

21 C. When public schools have been closed due to a  
22 public health emergency order, each local school board shall  
23 confer with school personnel and health officials to determine  
24 when public schools may safely reopen for teachers and students  
25 to once again participate in on-campus instruction as a hybrid

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1 model of on-campus and virtual instruction. School personnel  
2 who opt for virtual teaching or the provision of other services  
3 and students who opt for virtual school attendance while the  
4 state public health emergency order is in effect shall not be  
5 discriminated against."

6 SECTION 2. A new section of the Public School Code is  
7 enacted to read:

8 "[NEW MATERIAL] ON-CAMPUS INSTRUCTION DURING THE  
9 CORONAVIRUS DISEASE 2019 PANDEMIC.--

10 A. During the coronavirus disease 2019 pandemic,  
11 public schools may be opened using an all in-person model or a  
12 hybrid model of on-campus and virtual instruction; provided  
13 that a student's parent may choose the option of all-virtual  
14 instruction for the student. The means and methods of  
15 reopening and the hybrid model adopted by the local school  
16 board shall be based on the recommendations of the federal  
17 centers for disease control and prevention.

18 B. The local school board shall disseminate to all  
19 parents in the school district the reopening model, including  
20 the number of days and hours that a student may be on campus  
21 and the number of students that may be in a classroom, along  
22 with any other pertinent information. Parents shall inform the  
23 school district of their choice of the all in-person model, the  
24 hybrid model or the all-virtual model for their children.

25 C. The local school board shall decide whether or

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1 when to offer on-campus instruction during the remainder of the  
2 2020-2021 school year or other school year while there is a  
3 public health emergency order in effect.

4 D. As used in this section:

5 (1) "local school board" includes the  
6 governing board of a charter school; and

7 (2) "school district" includes charter  
8 schools."

9 SECTION 3. EMERGENCY.--It is necessary for the public  
10 peace, health and safety that this act take effect immediately.