

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 320

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ENACTING THE SCHOOL DISTRICT REORGANIZATION ACT; REQUIRING THE
ALBUQUERQUE PUBLIC SCHOOL DISTRICT TO REORGANIZE.

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

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

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"School District Reorganization Act"."

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

"[NEW MATERIAL] DEFINITIONS.--As used in the School
District Reorganization Act:

A. "school board" means the local school board of a
school district; and

1 B. "school district" means a school district that
2 is required to reorganize."

3 SECTION 3. A new section of the Public School Code is
4 enacted to read:

5 "NEW MATERIAL DISTRICT REORGANIZATION--SCHOOL BOARD--
6 APPOINTMENT OF TECHNICAL ADVISORY COMMITTEE--TIME LINE.--

7 A. The Albuquerque public school district shall
8 reorganize as provided in the School District Reorganization
9 Act. The first reorganization pursuant to the School District
10 Reorganization Act shall follow the schedule in this section.
11 Future reorganizations shall follow similar schedules.

12 B. By July 1, 2021, the school board shall appoint
13 a technical advisory committee to develop a plan in accordance
14 with the School District Reorganization Act to reorganize the
15 school district. The school board shall appoint the technical
16 advisory committee that shall include at least the following
17 members:

- 18 (1) the local superintendent;
- 19 (2) the associate superintendents for
20 elementary, middle and high schools;
- 21 (3) the chief financial officer of the school
22 district;
- 23 (4) the director of the budget and strategic
24 planning department;
- 25 (5) representatives from teacher and school

1 employee unions;

2 (6) members of business and civic
3 organizations with a focus on education;

4 (7) parents from parent-teacher organizations
5 in elementary, middle and high schools; and

6 (8) representatives of the municipality and
7 county in which the school district is located and other
8 members of the community interested in public education and the
9 school district.

10 C. The technical advisory committee may appoint
11 subcommittees and may appoint other staff members of the school
12 district or members of the community in addition to committee
13 members.

14 D. Meetings of the committee and subcommittees are
15 public meetings, and the committee and subcommittees shall
16 provide a means for public input at the meetings.

17 E. The technical advisory committee shall develop a
18 reorganization plan for the school board's approval and shall
19 hold school cluster and districtwide public feedback meetings
20 in July and August, 2022 or earlier. The plan may be revised
21 based on the public feedback meetings and shall be presented to
22 the school board for review, revision and approval by July 1,
23 2022.

24 F. The 2022-2023 school year shall be a pilot year
25 for the school district as it begins to implement the school

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1 district reorganization plan. The local superintendent may
2 make appropriate adjustments to the reorganization plan based
3 on feedback received during the pilot year. The reorganization
4 shall be fully implemented by the beginning of the 2023-2024
5 school year."

6 SECTION 4. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] REORGANIZATION PLAN--CENTRAL
9 ADMINISTRATION, SCHOOL CLUSTER AND SCHOOL AUTHORITY--ASSOCIATE
10 SUPERINTENDENTS--SCHOOL BUDGETS.--

11 A. The school district shall be reorganized into
12 three reorganized school districts that include:

13 (1) one school board for each of the
14 reorganized school districts;

15 (2) central administration, overseen by the
16 local superintendent;

17 (3) school clusters, overseen by associate
18 superintendents; and

19 (4) public schools, overseen by school
20 principals.

21 B. Central administration includes:

22 (1) school district human resources, including
23 applicant processing and qualifying applicants for positions;

24 (2) school transportation;

25 (3) food service;

- 1 (4) risk management;
- 2 (5) financial services, including payroll;
- 3 (6) services to promote equity and diversity;
- 4 (7) civil rights compliance;
- 5 (8) special education, including
- 6 identification, evaluation, program placement and ancillary
- 7 services;
- 8 (9) legal services;
- 9 (10) maintenance of buildings and grounds;
- 10 (11) custodial services;
- 11 (12) English language learner master plan;
- 12 (13) internal audit;
- 13 (14) information technology services;
- 14 (15) district police;
- 15 (16) emergency management;
- 16 (17) capital improvements planning, building
- 17 and monitoring;
- 18 (18) state and federal assessment and
- 19 accountability reporting;
- 20 (19) charter schools; and
- 21 (20) programs of a districtwide nature.

22 C. The local superintendent is responsible to the

23 school board for:

- 24 (1) the overall management of the school
- 25 district;

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1 (2) hiring, training, supervising,
2 disciplining, terminating or discharging associate
3 superintendents and central administration staff and other
4 school employees not provided for in Subsection E of this
5 section; provided that an employee's tenure or seniority with
6 the school district shall transfer to the reorganized school
7 district;

8 (3) holding associate superintendents
9 responsible for school cluster academic performance, including
10 increased graduation rates and decreased truancy rates, and
11 operational management;

12 (4) ensuring that the school district,
13 including charter schools, is in compliance with federal and
14 state laws and the state budget;

15 (5) reviewing data from all of the school
16 clusters to see which teaching and other methodologies are the
17 most successful in engaging students, faculty and staff to
18 higher performance; and

19 (6) reporting to the school board at every
20 board meeting.

21 D. Each reorganized school district is made up of
22 no less than thirty percent of the total number of schools in
23 the school district and shall take into consideration:

24 (1) academic performance of schools;

25 (2) geographical location of schools;

1 (3) feeder patterns of schools, meaning the
2 elementary and middle schools whose student populations feed
3 into high schools; and

4 (4) specialty schools, including alternative
5 and magnet schools.

6 E. The associate superintendent of a school cluster
7 shall:

8 (1) hire, train and supervise school
9 principals;

10 (2) with the assistance of the appropriate
11 school principal, hire and terminate or discharge teachers,
12 other licensed school personnel and unlicensed school employees
13 for each public school within the school cluster;

14 (3) review and approve school plans and assist
15 school principals in making necessary revisions to their plans;

16 (4) develop a school cluster plan and school
17 cluster budget and submit them to the local superintendent;

18 (5) ensure that public schools are in
19 compliance with state and federal laws;

20 (6) review individual public school data on an
21 ongoing basis to determine strategies necessary to improve
22 student achievement; and

23 (7) report regularly to the local
24 superintendent and at least quarterly to the school board.

25 F. An associate superintendent is accountable to

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1 the local superintendent for:

2 (1) the performance of all public schools the
3 associate superintendent oversees, including academic
4 performance and operational management, including approving
5 public school budgets, which must be allocated to implement the
6 public school plan;

7 (2) the satisfaction of parents, school
8 administrators, teachers and other staff at each public school
9 in the school cluster; and

10 (3) selecting appropriate staff to carry out
11 the school cluster plan.

12 G. A school principal shall:

13 (1) be responsible to the associate
14 superintendent for the administration of the public school and
15 the academic performance of the public school;

16 (2) establish a school-community team for the
17 public school;

18 (3) develop a school plan and school-based
19 budget with the assistance and advice of the school-community
20 team;

21 (4) select appropriate faculty and staff to
22 carry out the school plan, including robust use of data to
23 focus on student success; and

24 (5) encourage teachers and instructional
25 support providers to develop innovative methods that meet each

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1 student's needs and that help that student succeed.

2 H. A school plan shall include a master plan for
3 the public school, including academic programs, strategies to
4 increase academic achievement of the school and extracurricular
5 and co-curricular opportunities for students, staffing needs,
6 instructional resources, the creation or continuation of
7 programs that help students succeed; family and community
8 engagement; and other matters required by the associate
9 superintendent or recommended by the school-community team.

10 I. A public school's school-community team shall
11 consist of:

12 (1) five teachers or other licensed school
13 employees, elected by vote of the licensed school personnel;

14 (2) two school staff who are not licensed
15 school employees, elected by vote of the school staff;

16 (3) eight parents whose children are students
17 at the public school, elected by parents; provided that two
18 parents shall be residents with addresses ending in SW, two
19 with addresses ending in SE, two with addresses ending in NE
20 and two with addresses ending in NW;

21 (4) if a secondary school, nonvoting students
22 enrolled in the school, elected by the student body;

23 (5) additional nonvoting members from the
24 community, appointed by the school principal; and

25 (6) the school principal, who shall be

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1 nonvoting.

2 J. The school-community team shall:

3 (1) meet monthly;

4 (2) provide assistance and advice to the
5 school principal in developing the school plan and its
6 implementation and the school-based budget;

7 (3) assist the associate superintendent if
8 there is a school principal vacancy to determine the necessary
9 candidate characteristics for the next school principal; and

10 (4) select one member to serve on the
11 interview committee when filling a school principal vacancy."

12 SECTION 5. A new section of the Public School Code is
13 enacted to read:

14 "[NEW MATERIAL] SCHOOL-BASED BUDGETS--ASSOCIATE
15 SUPERINTENDENT BUDGETS--SCHOOL PERSONNEL.--

16 A. Pursuant to Section 22-8-7.1 NMSA 1978, a
17 reorganized school district shall develop school-based budgets
18 that roll up to the school cluster and school district levels.
19 The administrative expenses of the associate superintendents
20 shall be part of the central administration budget.

21 B. The total amount of revenue for Bernalillo
22 county that is collected for the purposes of education shall be
23 collected in one account and as of October 1, 2022 shall be
24 divided equally based upon student enrollment and be
25 distributed to each reorganized school district.

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1 C. Any debt of the school district as of March 1,
2 2022 shall be divided into three equal parts to be paid by each
3 reorganized school district.

4 D. Each reorganized school district shall have the
5 ability to pass school bonds.

6 E. Any capital, property, special equipment or
7 other asset that is retained by a reorganized school district
8 may be used by another reorganized school district so long as
9 an equal share is paid in return.

10 F. The provisions of the School Personnel Act
11 notwithstanding, an associate superintendent may terminate or
12 discharge a licensed school employee or terminate an unlicensed
13 school employee based on the recommendations of the school
14 principal. Appeals shall be taken to the local superintendent.
15 The due process protections of the School Personnel Act shall
16 be maintained in a termination or discharge. The associate
17 superintendent shall not discharge a school employee without
18 having instituted, either directly or through the school
19 principal, mentoring, supervision and corrective action
20 procedures as provided by department rule."

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