

HOUSE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 325

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO PUBLIC SCHOOL GOVERNANCE; CREATING REPORTING
REQUIREMENTS; PROVIDING A PENALTY FOR VIOLATING THE NEPOTISM
PROVISIONS; REQUIRING MORE MANDATORY TRAINING FOR LOCAL SCHOOL
BOARDS AND GOVERNING BODIES OF CHARTER SCHOOLS; PROVIDING MORE
PUBLIC ACCESS TO DECISION MAKING OF LOCAL SCHOOL BOARDS AND
GOVERNING BODIES OF CHARTER SCHOOLS THROUGH WEBCASTING AND
ARCHIVING MEETINGS.

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

SECTION 1. Section 1-22A-2 NMSA 1978 (being Laws 2013,
Chapter 180, Section 2, as amended) is amended to read:

"1-22A-2. DEFINITIONS.--As used in the School District
Campaign Reporting Act:

A. "campaign committee" means one or more persons
authorized by a candidate to raise, collect or expend

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underscoring material = new
[bracketed material] = delete

1 contributions on the candidate's behalf for the purpose of
2 electing the candidate to office;

3 B. "candidate" means a person who seeks or
4 considers an office in an election covered by the School
5 District Campaign Reporting Act and who either has filed a
6 declaration of candidacy or has received contributions or made
7 expenditures of five hundred dollars (\$500) or more or
8 authorized another person or campaign committee to receive
9 contributions or make expenditures of five hundred dollars
10 (\$500) or more for the purpose of seeking election to a covered
11 office;

12 C. "contribution" means a gift, subscription, loan,
13 advance or deposit of money or other thing of value, including
14 the estimated value of an in-kind contribution, that is made or
15 received for a political purpose, including payment of a debt
16 incurred in an election campaign; but "contribution" does not
17 include the value of services provided without compensation or
18 unreimbursed travel or other personal expenses of individuals
19 who volunteer a portion or all of their time on behalf of a
20 candidate or campaign committee;

21 D. "covered office" means the position of board of
22 education member of a school district [~~that has an enrollment~~
23 ~~of twelve thousand students or more~~] or the position of board
24 member of a community college organized or operating pursuant
25 to the provisions of Chapter 21, Article 13 or Article 16 NMSA

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1 1978;

2 E. "election cycle" means the period beginning
3 thirty days after an election for an office and ending thirty
4 days following the subsequent election day for that office;

5 F. "expenditure" means a payment, transfer or
6 distribution or obligation or promise to pay, transfer or
7 distribute any money or other thing of value for a political
8 purpose, including payment of a debt incurred in an election
9 campaign;

10 G. "political purpose" means advocating the
11 election or defeat of a candidate in an election;

12 H. "prescribed form" means a form or electronic
13 format prepared and prescribed by the secretary of state; and

14 I. "reporting individual" means a candidate or
15 treasurer of a campaign committee."

16 SECTION 2. Section 22-5-6 NMSA 1978 (being Laws 1971,
17 Chapter 199, Section 1, as amended) is amended to read:

18 "22-5-6. NEPOTISM PROHIBITED--PENALTY---

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

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1 a local superintendent. If a school district of fewer than
2 five hundred students is unable to recruit another qualified
3 applicant for a position for which a family member of a local
4 school board member is qualified, the local superintendent may
5 provide proof of qualification and request the department to
6 grant a waiver to employ the family member.

7 B. If a violation of Subsection A of this section
8 occurs in a school district when the nepotistic relationship is
9 between the person employed and a member of the local school
10 board, the person shall be discharged and the member shall be
11 removed from office.

12 [~~B.~~] C. Nothing in this section shall prohibit the
13 continued employment of a person employed on or before July 1,
14 2008."

15 SECTION 3. Section 22-5-13 NMSA 1978 (being Laws 2003,
16 Chapter 153, Section 24) is amended to read:

17 "22-5-13. LOCAL SCHOOL BOARD MANDATORY TRAINING.--

18 A. The department shall develop a mandatory
19 training course for local school board members that explains
20 [~~state board rules~~] department rules, policies and procedures,
21 statutory powers and duties of local school boards, legal
22 concepts pertaining to public schools, finance and budget,
23 including performance-based budgeting, and other matters deemed
24 relevant by the department. The department shall notify local
25 school board members of the dates of the training course, the

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1 last of which shall not be later than three months after a
2 local school board election.

3 B. Other mandatory training shall include:

4 (1) laws and department policies and
5 procedures affecting local school boards or public schools;

6 (2) public school finance, budgeting and
7 fiduciary responsibilities of local school boards;

8 (3) a local school board's role in evaluating
9 and improving student academic achievement and using data to
10 set individual school goals for student academic achievement in
11 each of the school district's public schools;

12 (4) a local school board's role in providing a
13 safe learning environment conducive to improving student
14 outcomes;

15 (5) legal concepts pertaining to local school
16 boards and school districts, including the Open Meetings Act
17 and the Inspection of Public Records Act; and

18 (6) effective governance practices and
19 effective methods of supporting and supervising the local
20 superintendent."

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

23 "[NEW MATERIAL] LOCAL SCHOOL BOARD MEETINGS--WEBCASTING
24 AND ARCHIVING.--Except as otherwise provided in this section,
25 live audio and video webcasts of local school board meetings

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1 shall be accessible through the school district's website and
2 shall include a user interface that allows members of the
3 public to submit comments. A webcast shall begin as soon as
4 practicable after the chair has called the meeting to order and
5 shall terminate as soon as practicable after the local school
6 board has adjourned. Recordings of the webcasts shall be
7 posted on the school district's website within one week of the
8 meeting's conclusion and shall be publicly available for at
9 least five years following the date of the meeting unless the
10 state records retention schedule provides otherwise."

11 SECTION 5. Section 22-8B-5.1 NMSA 1978 (being Laws 2009,
12 Chapter 18, Section 1) is amended to read:

13 "22-8B-5.1. GOVERNING BODY TRAINING.--

14 A. The department shall develop a mandatory
15 training course for all governing body members that explains
16 department rules, policies and procedures, statutory powers and
17 duties of governing boards, legal concepts pertaining to public
18 schools, finance and budget and other matters deemed relevant
19 by the department. The department shall notify the governing
20 body members of the dates of the training courses.

21 B. Other mandatory training shall cover:

22 (1) laws and department policies and
23 procedures affecting governing bodies or charter schools;

24 (2) public school finance, budgeting and
25 fiduciary responsibilities of governing bodies, in particular

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1 federal and state requirements for state-chartered charter
 2 schools to receive and maintain the schools' status as boards
 3 of finance;

4 (3) a governing body's role in evaluating and
 5 improving student academic achievement and using data to set
 6 the school's goals for student academic achievement;

7 (4) a governing body's role in providing a
 8 safe learning environment conducive to improving student
 9 outcomes;

10 (5) legal concepts pertaining to governing
 11 bodies and charter schools, including the Open Meetings Act and
 12 the Inspection of Public Records Act; and

13 (6) effective governance practices and
 14 effective methods of supporting and supervising the head
 15 administrator."

16 SECTION 6. A new section of the Charter Schools Act is
 17 enacted to read:

18 "[NEW MATERIAL] GOVERNING BODY MEETINGS--WEBCASTING AND
 19 ARCHIVING.--Except as otherwise provided in this section, live
 20 audio and video webcasts of governing body meetings shall be
 21 accessible through the charter school's website and shall
 22 include a user interface that allows members of the public to
 23 submit comments. A webcast shall begin as soon as practicable
 24 after the chair has called the meeting to order and shall
 25 terminate as soon as practicable after the body has adjourned.

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1 Recordings of the webcasts shall be posted on the charter
2 school's website within one week of the meeting's conclusion
3 and shall be publicly available for at least five years
4 following the date of the meeting unless the state records
5 retention schedule provides otherwise."

6 SECTION 7. APPLICABILITY.--The provisions of this act
7 apply to the 2023-2024 school year and subsequent school years.