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SENATE BILL 768

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

TIMOTHY Z. JENNINGS

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION; REQUIRING THE STATE BOARD OF EDUCATION TO ADOPT RULES GOVERNING SCHOOL MEMBERSHIP IN CERTAIN ASSOCIATIONS OR ORGANIZATIONS.

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

Section 1. Section 22-2-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 5, as amended) is amended to read:

"22-2-2. STATE BOARD--DUTIES.-- Without limiting those powers granted to the state board pursuant to Section 22-2-1 NMSA 1978, the state board shall perform the following duties:

A. properly and uniformly enforce the provisions of the Public School Code;

B. determine policy for the operation of all public schools and vocational education programs in the state;

C. appoint a state superintendent;

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1           D. purchase and loan instructional material to  
2 students pursuant to the Instructional Material Law and adopt  
3 regulations relating to the use and operation of instructional  
4 material depositories in the instructional material distribution  
5 process;

6           E. designate courses of instruction to be taught in  
7 all public schools in the state;

8           F. assess and evaluate all state institutions and  
9 those private schools that desire state accreditation;

10          G. determine the qualifications for and issue a  
11 certificate to any person teaching, assisting teachers,  
12 supervising an instructional program, counseling, providing  
13 special instructional services or administering in public  
14 schools, according to law and according to a system of  
15 classification adopted and published by the state board;

16          H. suspend or revoke a certificate held by a  
17 certified school instructor or certified school administrator,  
18 according to law, for incompetency, immorality or for any other  
19 good and just cause;

20          I. make full and complete reports on consolidation  
21 of school districts to the legislature;

22          J. prescribe courses of instruction, requirements  
23 for graduation and standards for all public schools, for private  
24 schools seeking state accreditation and for the educational  
25 programs conducted in state institutions;

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1           K. adopt regulations for the administration of all  
2 public schools and bylaws for its own administration;

3           L. require periodic reports on forms prescribed by  
4 it from all public schools and attendance reports from private  
5 schools;

6           M authorize adult educational programs to be  
7 conducted in schools under its jurisdiction and promulgate and  
8 publish regulations governing all such adult educational  
9 programs;

10           N. require any school under its jurisdiction that  
11 sponsors athletic programs involving sports to mandate that the  
12 participating student obtain catastrophic health and accident  
13 insurance coverage, such coverage to be offered through the  
14 school and issued by an insurance company duly licensed pursuant  
15 to the laws of New Mexico;

16           O. require all accrediting agencies for public  
17 schools in the state to act with its approval;

18           P. accept and receive all grants of money from the  
19 federal government or any other agency for public school  
20 purposes and disburse the money in the manner and for the  
21 purpose specified in the grant;

22           Q. require prior approval for any educational  
23 program in a public school that is to be conducted, sponsored,  
24 carried on or caused to be carried on by a private organization  
25 or agency;

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1           R. approve or disapprove all rules or regulations  
2 promulgated by any association or organization attempting to  
3 regulate any public school activity and invalidate any rule or  
4 regulation in conflict with any regulation promulgated by the  
5 state board. The state board may require performance and  
6 financial audits of any association or organization attempting  
7 to regulate any public school activity. The state board shall  
8 have no power or control over the rules or regulations or the  
9 bylaws governing the administration of the internal organization  
10 of the association or organization;

11           S. adopt rules, for any association or organization  
12 attempting to regulate any public school activity, governing  
13 membership in the association or organization;

14           ~~[S-]~~ T. review decisions made by the governing board  
15 or officials of any organization or association regulating any  
16 public school activity, and any decision of the state board  
17 shall be final in respect thereto;

18           ~~[T-]~~ U. accept or reject any charitable gift, grant,  
19 devise or bequest. The particular gift, grant, devise or  
20 bequest accepted shall be considered an asset of the state;

21           ~~[U-]~~ V. establish and maintain regional centers, at  
22 its discretion, for conducting cooperative services between  
23 public schools and school districts within and among those  
24 regions and to facilitate regulation and evaluation of school  
25 programs;

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1           [V-] W. assess and evaluate for accreditation  
2 purposes at least one-third of all public schools each year  
3 through visits by department of education personnel to  
4 investigate the adequacy of pupil gain in standard required  
5 subject matter, adequacy of pupil activities, functional  
6 feasibility of public school and school district organization,  
7 adequacy of staff preparation and other matters bearing upon the  
8 education of the students;

9           [W-] X. provide for management and other necessary  
10 personnel to operate any public school or school district that  
11 has failed to meet requirements of law, state board standards or  
12 state board regulations; provided that the operation of the  
13 public school or school district shall not include any  
14 consolidation or reorganization without the approval of the  
15 local board of that school district. Until such time as  
16 requirements of law, standards or regulations have been met and  
17 compliance is assured, the powers and duties of the local school  
18 board shall be suspended;

19           [X-] Y. establish and implement a plan that provides  
20 for technical assistance to local school boards through  
21 workshops and other in-service training methods; provided,  
22 however, that no plan shall require mandatory attendance by any  
23 member of a local school board;

24           [Y-] Z. submit a plan applying for funds available  
25 under Public Law 94-142 and disburse these funds in the manner

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and for the purposes specified in the plan; and

[Z-] AA. enforce requirements for home schools.

Upon finding that a home school is not in compliance with law,  
the state board shall have authority to order that a student  
attend a public school or a private school."