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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 2nd Session, 2024

Bill Number	<u>SB137/aSEC</u>	Sponsor	<u>Stewart/Soules</u>
Tracking Number	<u>.227025.4</u>	Committee Referrals	<u>SCC/SRC/SEC; HEC/HJC</u>
Short Title	<u>School Board Training</u>		
Analyst	<u>Estupiñan</u>	Original Date	<u>1/25/2024</u>
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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to Senate Bill 137 (SB137/aSEC) lowers the required number of years webcasts are required to be maintained by school districts and charter schools from five years to three years. Second, the amendment adds a provision prohibiting a school board from extending the contract or terminating a superintendent without cause at any time between a regular local election and sixty days after the convening of the newly elected school board. Third, the amendment adds Section 1-22A-3 NMSA 1978 to the bill text so as to align the section's language on candidate contributions and expenditures with the bill's existing modifications to those requirements in Section 1-22A-2 NMSA 1978.

Synopsis of Original Bill

Senate Bill 137 (SB137) would add and amend several sections of statute to clarify training requirements for school board members and charter school governing board members, require the public disclosure of each school board member's completion of training requirements, expand the range of school board members who must submit campaign finance reports, and require the webcasting and archiving of school board and charter school governing board meetings.

The provisions of the bill would be effective July 1, 2024.

FISCAL IMPACT

The bill does not contain an appropriation.

The bill may create additional operating costs for local education agencies (LEAs) in fulfilling school board and charter school governing body training requirements and webcasting and archiving meetings. Other administrative costs may also be incurred by the Public Education Department (PED) and the Office of the Secretary of State (SOS).

The FY25 LESC recommendation for public school support includes a \$1.5 million increase in PED’s operating budget, which may be leveraged to implement the provisions of the bill.

SUBSTANTIVE ISSUES

Below is a section-by-section analysis of the bill’s provisions:

Section 1. This section strikes language in Section 1-22A-2 NMSA 1978 that defines a “covered office” as a school board member serving in a school district with a student enrollment greater than 12 thousand. It also strikes language that defines a “candidate” as a school board member who has received or expended at least \$500 in campaign contributions and replaces that threshold with \$1,000. If SB137/aSEC were enacted, all school board members who receive or expend a minimum of \$1,000 for the purpose of seeking election would be required to file a campaign finance report with the SOS.

Section 2. This section would amend Section 1-22A-3 NMSA 1978 to require a candidate or campaign committee that receives contributions or makes expenditures of \$1,000 or more to file a campaign finance report with the Secretary of State.

Section 3. This section would amend Section 1-22F-3 NMSA 1978 by requiring PED to publicly disclose the number of training hours completed by each school board member as well as whether they fulfilled all relevant statutory training requirements. This information would be displayed on the school support and accountability system dashboard, otherwise known as New Mexico Vistas.

Section 4. This section would add language to Section 22-5 NMSA 1978 that would prohibit a school board from renewing the contract or terminating a superintendent without cause at any time between a regular local election and sixty days after the first convening of a newly elected school board.

Section 5. This section amends Section 22-5-13 NMSA 1978 by requiring that all school board members complete a minimum of 10 hours of training in the first year of their term, followed by a minimum of five hours in each subsequent year of their term. All school board members in the first year of their term would be required to complete at least two hours in each of the following subtopics:

- (1) Laws and department policies and procedures affecting local school boards or public schools, including ethics and personnel;
- (2) Public school finance, budgeting, and fiduciary responsibilities of local school boards;
- (3) Legal concepts pertaining to local school boards and school districts, including the Open Meetings Act and the Inspection of Public Records Act;
- (4) Effective governance practices and effective methods of supporting and supervising the local superintendent; and
- (5) Student achievement and student support services.

All school board members who complete their first year of service are required to complete a minimum of five hours of annual training in the following subtopics:

- (1) Laws and department policies and procedures affecting local school boards or public schools, including ethics and school personnel;

- (2) Public school finance, budgeting and fiduciary responsibilities of local school boards and performance-based budgeting;
- (3) A local school board's role in evaluating and improving student academic achievement and using data to set individual school goals for student academic achievement in each of the school district's public schools;
- (4) A local school board's role in providing a safe learning environment conducive to improving student outcomes;
- (5) Legal concepts pertaining to local school boards and school districts, including the Open Meetings Act and the Inspection of Public Records Act;
- (6) Effective governance practices and effective methods of supporting and supervising the local superintendent; and
- (7) Other matters deemed relevant by the department.

Section 6. This section would creation a new section in Section 22-5 NMSA 1978 requiring all school board meetings to be webcast and archived for a minimum of five years on each school district's website. School districts would be required to have a user interface that enables members of the public to submit written or verbal comments.

Section 7. This section amends Section 22-8B-5.1 NMSA 1978 by requiring that all charter school governing body members complete a minimum of ten hours of training in the first year of their term, followed by a minimum of five hours in each subsequent year. All charter school governing members in the first year of their term would be required to complete at least two hours in each of the following subtopics:

- (1) Laws and department policies and procedures affecting governing bodies or charter schools, including ethics and school personnel;
- (2) Public school finance, budgeting, and fiduciary responsibilities of governing bodies;
- (3) Legal concepts pertaining to governing bodies or charter schools, including the Open Meetings Act and the Inspection of Public Records Act;
- (4) Effective governance practices and effective methods of supporting and supervising a charter school leader; and
- (5) Student achievement and student support services.

All charter school governing body members who complete their first year of service are required to complete a minimum of five hours of training in the following subtopics:

- (1) Laws and department policies and procedures affecting governing bodies or charter schools, including ethics and school personnel;
- (2) Public school finance, budgeting, and fiduciary responsibilities of governing bodies and performance-based budgeting;
- (3) A governing body's role in evaluating and improving student academic achievement and using data to set individual school goals for student academic achievement in charter schools;
- (4) A governing body's role in providing a safe learning environment conducive to improving student outcomes;
- (5) Legal concepts pertaining to governing bodies and charter schools, including the Open Meetings Act and the Inspection of Public Records Act;
- (6) Effective governance practices and effective methods of supporting and supervising charter school leaders; and
- (7) Other matters deemed relevant by the department.

Section 8. This section would create a new section in Section 22-8B NMSA 1978 requiring all charter school governing board meetings to be webcast and archived for a minimum of three years on each charter school’s website. Charter schools would be required to have a user interface that enables members of the public to submit comments.

Section 9. This section specifies the provisions of the bill would be effective July 1, 2024.

Current Training Requirements for School Board Members. New Mexico Administrative Code (NMAC) 6.29.1.9 requires that school board members earn at least five hours of training on an annual basis. For new school board members, three of those five hours must be earned through a training developed by PED, with the remaining two hours completed through training sponsored by the New Mexico School Boards Association.

Current Training Requirements for Charter School Governing Board Members. NMAC 6.80.5.8 requires that new charter school governing board members receive a total of ten hours of training in their first fiscal year of service. That training must include a seven hour training program provided by PED along with three additional hours provided by an external entity approved by PED. The department recommends each governing board provide a three hour onboarding training that includes information on integrating a new governing body member into the school by familiarizing the new governing body member with the school’s governance structure and requirements, other governing body members, financial status, history, contracts, goals, model, staff, strengths and challenges, and current academic, financial, and organizational performance.

Continuing charter school governing board members are required by NMAC 6.80.5.9 to complete eight hours of training by an external entity approved by the department. That training should include:

- One hour on public official/charter school governing body ethics and responsibilities;
- Three hours on fiscal requirements;
- Two hours on understanding and evaluating academic data;
- One hour on open government, legal, and organizational performance requirements; and
- One hour on equity and culturally and linguistically responsive practices.

Completion of Training by School Board Members. The New Mexico School Boards Association (NMSBA) is responsible for reporting school board member compliance with training requirements to PED. Prior to September 1 of each year, NMSBA submits a list of the training hours attended by each member. The 2022-2023 report lists 347 members as having completed training requirements, while 100 did not. Of those 100, 48 attended no training at all. Additionally, 13 of 89 school districts reported three or more of their school board members as not having met the training requirements. Neither statute nor PED rule provides for any consequence for not having fulfilled training requirements. Furthermore, districts have not publicized the names of school board members who have not fulfilled training since 2018. Since the breadth and depth of each school board member’s training will vary depending on each member’s interest, it is often left to school superintendents and school district staff to fill in the gaps, assuming local staff has the skills, knowledge, and capacity to do so.

National Landscape in School Governance. There are a large range of approaches other states use in providing training to school board members and in ensuring those members complete their

statutory training requirements. In Arkansas, statute requires the removal of a local school board member who fails to complete the required training. In Nevada, statute does not require a school board member be removed, but it does require each school district place a notice of a school board member's noncompliance with training requirements onto their website. SB137/aSEC would not require a school board member be removed from office if they fail to comply with training requirements, but it does require each school board member's training completion be disclosed on NM Vistas.

ADMINISTRATIVE IMPLICATIONS

Currently, much of the training opportunities that are currently available to school board members are provided by NMSBA, which is funded by dues paid by individual school districts, along with revenues from conferences and region meetings the association hosts throughout the year. Clarifying the content areas that school board members are required to receive training in may consequently not be an administrative or fiscal burden on PED.

The training provisions for charter school governing board members may be an administrative burden on PED as NMAC 6.80.5.8 requires the department to provide a seven hour training program to all new charter school governing board members. Although, administrative rule also allows continuing governing board members to receive training from an external entity that has been approved by the department. This may reduce the bill's administrative burden on the department.

The SOS has determined the costs of implementing the provisions of the bill could be absorbed by the agency's existing resources and no enhancements would be needed to existing data systems.

SOURCES OF INFORMATION

- LESC Files
- Secretary of State (SOS)

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