

1 SENATE BILL 141

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Antonio Maestas

10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; REQUIRING THE PUBLIC EDUCATION
12 DEPARTMENT TO DETERMINE STUDENT ELIGIBILITY FOR PARTICIPATION
13 IN EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES AND
14 INTERSCHOLASTIC COMPETITIONS; CLARIFYING THE PUBLIC EDUCATION
15 DEPARTMENT'S ABILITY TO AUTHORIZE AN ASSOCIATION OR
16 ORGANIZATION TO OTHERWISE REGULATE EXTRACURRICULAR AND CO-
17 CURRICULAR ACTIVITIES AND INTERSCHOLASTIC COMPETITIONS; MAKING
18 CONFORMING AMENDMENTS.

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

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

23 "22-2-2. DEPARTMENT--GENERAL DUTIES.--The department
24 shall:

25 A. properly and uniformly enforce the provisions of

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1 the Public School Code;

2 B. determine policy for the operation of all public
3 schools and vocational education programs in the state,
4 including vocational programs that are part of a juvenile
5 construction industries initiative for juveniles who are
6 committed to the custody of the children, youth and families
7 department;

8 C. supervise all schools and school officials
9 [coming] under [its] the department's jurisdiction [including
10 taking over the control and management] and have the power to
11 suspend the powers and duties of a public school or school
12 district that [has failed] fails to meet requirements of law or
13 department rules or standards and take over the control and
14 management of the public school or school district until [such
15 time as] the requirements of law, [standards or rules] rules or
16 standards have been met and compliance is ensured [the powers
17 and duties of the local school board and local superintendent
18 shall be suspended];

19 D. prescribe courses of instruction to be taught in
20 all public schools [~~in the state~~], requirements for graduation
21 and standards for all public schools, for private schools
22 seeking state accreditation and for the educational programs
23 conducted in state institutions other than the New Mexico
24 military institute;

25 E. provide technical assistance to local school

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boards and school districts;

F. assess and evaluate public schools for accreditation purposes to determine the adequacy of student gain in standards-required subject matter, adequacy of student activities, functional feasibility of public school and school district organization, adequacy of staff preparation and other matters ~~[bearing upon the]~~ affecting student education ~~[of the students]~~;

G. assess and evaluate all state institutions and ~~[those]~~ private schools that desire state accreditation;

H. enforce requirements for home schools and upon finding that a home school is not in compliance with law, ~~[the department may]~~ determine whether to order ~~[that a]~~ the student to attend a public school or a private school;

I. require periodic reports on ~~[forms]~~ prescribed ~~[by it]~~ forms from all public schools and attendance reports from private schools;

J. determine the qualifications for and issue licenses to teachers, instructional support providers and school administrators ~~[according to]~~ as provided by law and ~~[according to]~~ in accordance with a system of classification adopted ~~[and promulgated by rules of the]~~ by department rule;

K. deny, suspend or revoke a license ~~[according to law]~~ for incompetency, moral turpitude or any other good and just cause as provided by law;

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1 [L. approve or disapprove all rules promulgated by
2 an association or organization attempting to regulate a public
3 school activity and invalidate any rule in conflict with any
4 rule promulgated by the department. The department shall
5 require an association or organization attempting to regulate a
6 public school activity to comply with the provisions of the
7 Open Meetings Act and be subject to the inspection provisions
8 of the Public Records Act. The department may require
9 performance and financial audits of an association or
10 organization attempting to regulate a public school activity.
11 The department shall have no power or control over the rules or
12 the bylaws governing the administration of the internal
13 organization of the association or organization;

14 M. review decisions made by the governing board or
15 officials of an organization or association regulating a public
16 school activity, and any decision of the department shall be
17 final in respect thereto;]

18 L. determine student eligibility for participation
19 in extracurricular and co-curricular activities and
20 interscholastic competitions; provided that the department may
21 authorize an association or organization to otherwise regulate
22 those activities and competitions only if the department:

23 (1) retains the power to approve or disapprove
24 the association's or organization's regulations for the
25 extracurricular or co-curricular activity or interscholastic

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1 competition and to invalidate a regulation that conflicts with
2 a department rule;

3 (2) has no power or control over the
4 association's or organization's rules and bylaws that govern
5 the internal administration and management of the association
6 or organization;

7 (3) retains the power to require a financial
8 audit of the association or organization; and

9 (4) requires the association or organization
10 to comply with the provisions of the Open Meetings Act and the
11 inspection provision of the Public Records Act;

12 [N.] M. require a public school under its
13 jurisdiction that sponsors athletic programs [~~involving sports~~]
14 to mandate that the participating [~~student~~] students obtain
15 catastrophic health and accident insurance coverage, such
16 coverage to be offered through the school and issued by an
17 insurance company duly licensed pursuant to [~~the laws of New~~
18 ~~Mexico~~] state law;

19 [O.] N. establish and maintain regional centers, at
20 its discretion, [~~for conducting~~] to conduct cooperative
21 services between public schools and school districts within and
22 among those regions and [~~for facilitating~~] to facilitate
23 regulation and evaluation of school programs;

24 [P.] O. approve education curricula and programs
25 offered [~~in all~~] by two-year public post-secondary educational

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1 institutions [except those in Chapter 21, Article 12 NMSA 1978]
2 that lead to alternative licenses [for degreed persons]
3 pursuant to Section 22-10A-8 NMSA 1978 or [licensure] licenses
4 for educational assistants, not including education curricula
5 and programs offered by the New Mexico military institute;

6 [Q.] P. withhold program approval from a college of
7 education or teacher preparation program that fails to offer a
8 course on teaching reading that:

9 (1) is based upon current scientifically based
10 reading research;

11 (2) aligns with department-adopted reading
12 standards;

13 (3) includes strategies and assessment
14 measures to ensure that beginning teachers are proficient in
15 teaching reading; and

16 (4) was designed [after seeking] with input
17 from experts in the education field;

18 [R. annually] Q. prior to December 1 of each year,
19 prepare and publish a report on public and private education in
20 the state and distribute the report to the governor and the
21 legislature;

22 [S.] R. solicit input from local school boards and
23 school districts in the formulation and implementation of
24 department rules; and

25 [T.] S. report to the legislature or any of its

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1 committees as requested and report the findings of any
2 educational research study made with public money to the
3 legislature through [its] the appropriate interim or standing
4 committees."

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