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HOUSE BILL 87
45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002
INTRODUCED BY
Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR PUBLIC SCHOOL
ACCREDITATION BASED ON THE STATE ACCOUNTABILITY PROGRAM;
ELIMINATING THE MANDATORY ACCREDITATION SCHEDULE.

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 by Laws 2001, Chapter 286,
Section 1 and by Laws 2001, Chapter 299, Section 5) 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

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1 public schools and vocational education programs in the state,
2 including vocational programs that are part of a juvenile
3 construction industries initiative for juveniles who are
4 committed to the custody of the children, youth and families
5 department;

6 C. appoint a state superintendent;

7 D. purchase and loan instructional material to
8 students pursuant to the Instructional Material Law and adopt
9 rules relating to the use and operation of instructional
10 material depositories in the instructional material
11 distribution process;

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

14 F. assess and evaluate all state institutions and
15 those private schools that desire state accreditation;

16 G. determine the qualifications for and issue a
17 certificate to any person teaching, assisting teachers,
18 supervising an instructional program, counseling, providing
19 special instructional services or administering in public
20 schools according to law and according to a system of
21 classification adopted and published by the state board;

22 H. suspend or revoke a certificate held by a
23 certified school instructor or certified school administrator
24 according to law for incompetency, immorality or any other
25 good and just cause;

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

3 J. prescribe courses of instruction, requirements
4 for graduation and standards for all public schools, for
5 private schools seeking state accreditation and for the
6 educational programs conducted in state institutions other
7 than the New Mexico military institute;

8 K. adopt rules for the administration of all
9 public schools and bylaws for its own administration;

10 L. require periodic reports on forms prescribed by
11 it from all public schools and attendance reports from private
12 schools;

13 M. authorize adult educational programs to be
14 conducted in schools under its jurisdiction and adopt and
15 promulgate rules governing all such adult educational
16 programs;

17 N. require any school under its jurisdiction that
18 sponsors athletic programs involving sports to mandate that
19 the participating student obtain catastrophic health and
20 accident insurance coverage, such coverage to be offered
21 through the school and issued by an insurance company duly
22 licensed pursuant to the laws of New Mexico;

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

25 P. accept and receive all grants of money from the

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1 federal government or any other agency for public school
2 purposes and disburse the money in the manner and for the
3 purpose specified in the grant;

4 Q. require prior approval for any educational
5 program in a public school that is to be conducted, sponsored,
6 carried on or caused to be carried on by a private
7 organization or agency;

8 R. approve or disapprove all rules promulgated by
9 any association or organization attempting to regulate any
10 public school activity and invalidate any rule in conflict
11 with any rule promulgated by the state board. The state board
12 shall require any association or organization attempting to
13 regulate any public school activity to comply with the
14 provisions of the Open Meetings Act and be subject to the
15 inspection of the Public Records Act. The state board may
16 require performance and financial audits of any association or
17 organization attempting to regulate any public school
18 activity. The state board shall have no power or control over
19 the rules or the bylaws governing the administration of the
20 internal organization of the association or organization;

21 S. review decisions made by the governing board or
22 officials of any organization or association regulating any
23 public school activity, and any decision of the state board
24 shall be final in respect thereto;

25 T. accept or reject any charitable gift, grant,

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1 devise or bequest. The particular gift, grant, devise or
2 bequest accepted shall be considered an asset of the state;

3 U. establish and maintain regional centers, at its
4 discretion, for conducting cooperative services between public
5 schools and school districts within and among those regions
6 and to facilitate regulation and evaluation of school
7 programs;

8 V. assess and evaluate public schools for
9 accreditation [~~purposes at least one-third of all public~~
10 ~~schools each year through visits by department of education~~
11 ~~personnel to investigate the adequacy of pupil gain in~~
12 ~~standard required subject matter, adequacy of pupil~~
13 ~~activities, functional feasibility of public school and school~~
14 ~~district organization, adequacy of staff preparation and other~~
15 ~~matters bearing upon the education of the students] in
16 accordance with the state accountability program;~~

17 W. provide for management and other necessary
18 personnel to operate any public school or school district that
19 has failed to meet requirements of law, state board standards
20 or state board rules; provided that the operation of the
21 public school or school district shall not include any
22 consolidation or reorganization without the approval of the
23 local board of that school district. Until such time as
24 requirements of law, standards or rules have been met and
25 compliance is assured, the powers and duties of the local

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1 school board shall be suspended;

2 X. establish and implement a plan that provides
3 for technical assistance to local school boards through
4 workshops and other in-service training methods; provided,
5 however, that no plan shall require mandatory attendance by
6 any member of a local school board;

7 Y. submit a plan applying for funds available
8 under Public Law 94-142 and disburse these funds in the manner
9 and for the purposes specified in the plan;

10 Z. enforce requirements for home schools. Upon
11 finding that a home school is not in compliance with law, the
12 state board has authority to order that a student attend a
13 public school or a private school;

14 AA. develop a systemic framework for professional
15 development that provides training to ensure quality teachers
16 and principals and that improves and enhances student
17 achievement. The state board shall work with public school
18 educators, the commission on higher education and institutions
19 of higher education to establish the framework. The framework
20 shall include:

21 (1) the criteria for school districts to
22 apply for professional development funds, including an
23 evaluation component that will be used by the department of
24 education in approving local school district professional
25 development plans; and

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1 (2) guidelines for developing extensive
2 professional development activities for school districts,
3 including teaching strategies, curriculum materials, distance
4 learning networks and web sites to ensure that the state
5 board's rules pertaining to content standards and benchmarks
6 are used by New Mexico teachers;

7 BB. approve education curricula and programs
8 offered in ~~[all]~~ any two-year public post-secondary
9 educational ~~[institutions, including northern New Mexico state~~
10 ~~school, except those in Chapter 21, Article 12 NMSA 1978]~~
11 institution that lead to certificates for alternative
12 certification for degreed individuals pursuant to Section
13 22-10-3.5 NMSA 1978 or certification for educational
14 assistant; and

15 CC. withhold program approval from a college of
16 education or teacher preparation program that fails to offer a
17 course on teaching reading that:

18 (1) is based upon current research;
19 (2) aligns with state board-adopted reading
20 standards;

21 (3) includes strategies and assessment
22 measures to ensure that beginning teachers are proficient in
23 teaching reading; and

24 (4) was not designed ~~[after seeking]~~ with
25 input from experts in the education field. "

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