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SENATE BILL 691

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO EDUCATION; TRANSFERRING THE AUTHORITY FOR ADULT
BASIC EDUCATION TO THE COMMISSION ON HIGHER EDUCATION;
DECLARING AN EMERGENCY.

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

Section 1. [NEW MATERIAL] COMMISSION ON HIGHER
EDUCATION--ADDITIONAL DUTIES.--In addition to the duties
imposed upon the commission on higher education by the
Post-Secondary Educational Planning Act, the commission shall
have the responsibility of performing planning and budgeting
functions for the adult basic education centers.

Section 2. 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:

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

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

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

12 C. appoint a state superintendent;

13 D. purchase and loan instructional material to
14 students pursuant to the Instructional Material Law and adopt
15 rules relating to the use and operation of instructional
16 material depositories in the instructional material
17 distribution process;

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

20 F. assess and evaluate all state institutions and
21 those private schools that desire state accreditation;

22 G. determine the qualifications for and issue a
23 certificate to any person teaching, assisting teachers,
24 supervising an instructional program, counseling, providing
25 special instructional services or administering in public

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1 schools according to law and according to a system of
2 classification adopted and published by the state board;

3 H. suspend or revoke a certificate held by a
4 certified school instructor or certified school administrator
5 according to law for incompetency, immorality or any other good
6 and just cause;

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

9 J. prescribe courses of instruction, requirements
10 for graduation and standards for all public schools, for
11 private schools seeking state accreditation and for the
12 educational programs conducted in state institutions other than
13 the New Mexico military institute;

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

16 L. require periodic reports on forms prescribed by
17 it from all public schools and attendance reports from private
18 schools;

19 ~~[M authorize adult educational programs to be~~
20 ~~conducted in schools under its jurisdiction and adopt and~~
21 ~~promulgate rules governing all such adult educational programs;~~

22 N.] M require any school under its jurisdiction
23 that sponsors athletic programs involving sports to mandate
24 that the participating student obtain catastrophic health and
25 accident insurance coverage, such coverage to be offered

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1 through the school and issued by an insurance company duly
2 licensed pursuant to the laws of New Mexico;

3 ~~[0-]~~ N. require all accrediting agencies for public
4 schools in the state to act with its approval;

5 ~~[P-]~~ O. accept and receive all grants of money from
6 the federal government or any other agency for public school
7 purposes and disburse the money in the manner and for the
8 purpose specified in the grant;

9 ~~[Q-]~~ P. require prior approval for any educational
10 program in a public school that is to be conducted, sponsored,
11 carried on or caused to be carried on by a private organization
12 or agency;

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

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1 ~~[S.]~~ R. review decisions made by the governing
2 board or officials of any organization or association
3 regulating any public school activity, and any decision of the
4 state board shall be final in respect thereto;

5 ~~[T.]~~ S. accept or reject any charitable gift,
6 grant, devise or bequest. The particular gift, grant, devise
7 or bequest accepted shall be considered an asset of the state;

8 ~~[U.]~~ T. establish and maintain regional centers, at
9 its discretion, for conducting cooperative services between
10 public schools and school districts within and among those
11 regions and to facilitate regulation and evaluation of school
12 programs;

13 ~~[V.]~~ U. assess and evaluate for accreditation
14 purposes at least one-third of all public schools each year
15 through visits by department of education personnel to
16 investigate the adequacy of pupil gain in standard required
17 subject matter, adequacy of pupil activities, functional
18 feasibility of public school and school district organization,
19 adequacy of staff preparation and other matters bearing upon
20 the education of the students;

21 ~~[W.]~~ V. provide for management and other necessary
22 personnel to operate any public school or school district that
23 has failed to meet requirements of law, state board standards
24 or state board rules; provided that the operation of the public
25 school or school district shall not include any consolidation

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1 or reorganization without the approval of the local board of
2 that school district. Until such time as requirements of law,
3 standards or rules have been met and compliance is assured, the
4 powers and duties of the local school board shall be suspended;

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

10 ~~[Y.]~~ X. submit a plan applying for funds available
11 under Public Law 94-142 and disburse these funds in the manner
12 and for the purposes specified in the plan;

13 ~~[Z.]~~ Y. enforce requirements for home schools.
14 Upon finding that a home school is not in compliance with law,
15 the state board has authority to order that a student attend a
16 public school or a private school;

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

24 (1) the criteria for school districts to apply
25 for professional development funds, including an evaluation

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1 component that will be used by the department of education in
2 approving local school district professional development plans;
3 and

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

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

17 [~~CC.~~] BB. withhold program approval from a college
18 of education or teacher preparation program that fails to offer
19 a course on teaching reading that:

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

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

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1 (4) was designed after seeking input from
2 experts in the education field. "

3 Section 3. Section 22-8-30.1 NMSA 1978 (being Laws 1995,
4 Chapter 56, Section 1) is amended to read:

5 "22-8-30.1. ADULT BASIC EDUCATION FUND CREATED. -- The
6 "adult basic education fund" is created in the state treasury.
7 Money in the fund is appropriated to the [~~department of~~
8 ~~education~~] commission on higher education for the purpose of
9 funding adult basic education programs for educationally
10 disadvantaged adults. Money in the fund shall be distributed
11 by the [~~department of education~~] commission pursuant to an
12 equitable formula established by the [~~state board~~] commission
13 in consultation with representatives from the adult basic
14 education administrative sites [~~and with the approval of the~~
15 ~~commission on higher education as provided by law~~]. Any
16 unexpended or unencumbered balance remaining in the fund at the
17 end of each fiscal year shall revert to the general fund. "

18 Section 4. Section 22-8-30.2 NMSA 1978 (being Laws 1995,
19 Chapter 56, Section 2) is amended to read:

20 "22-8-30.2. ADULT BASIC EDUCATION-- DISTRIBUTION OF
21 MONEY-- OBJECTIVE FORMULA-- [~~STATE BOARD~~] COMMISSION ON HIGHER
22 EDUCATION-- ADOPTION OF FORMULA [~~COMMISSION ON HIGHER EDUCATION~~
23 ~~APPROVAL~~]. -- The [~~state board~~] commission on higher education in
24 consultation with representatives of adult basic education
25 administrative sites shall [~~by regulation, establish~~] create an

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1 equitable formula for the distribution of money in the adult
2 basic education fund. In establishing an equitable formula,
3 the ~~[state board]~~ commission shall consider the types of
4 programs conducted, the cost of service delivery and the
5 socio-economic profiles of the adult receiving services. The
6 ~~[state board]~~ commission shall ~~[submit]~~ review the ~~[proposed]~~
7 formula ~~[to the commission on higher education for approval]~~
8 and any proposed changes with the adult basic education
9 administrative sites prior to adoption or amendment. "

10 Section 5. Section 22-15-7 NMSA 1978 (being Laws 1967,
11 Chapter 16, Section 211, as amended) is amended to read:

12 "22-15-7. STUDENTS ELIGIBLE-- DISTRIBUTION. --

13 A. Any qualified student or person eligible to
14 become a qualified student attending a public school, a state
15 institution or a private school approved by the state board in
16 any grade from first through the twelfth grade of instruction
17 is entitled to the free use of instructional material. Any
18 student enrolled in an early childhood education program as
19 defined by Section 22-13-3 NMSA 1978 or person eligible to
20 become an early childhood education student as defined by that
21 section attending a private early childhood education program
22 approved by the state board is entitled to the free use of
23 instructional material. Any student in an adult basic
24 education program approved by the ~~[state board]~~ commission on
25 higher education is entitled to the free use of instructional

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1 material from the instructional material bureau of the
2 department of education.

3 B. Instructional material shall be distributed to
4 school districts, state institutions, private schools and adult
5 basic education centers as agents for the benefit of students
6 entitled to the free use of the instructional material.

7 C. Any school district, state institution, private
8 school as agent or adult basic education center receiving
9 instructional material pursuant to the Instructional Material
10 Law is responsible for distribution of the instructional
11 material for use by eligible students and for the safekeeping
12 of the instructional material."

13 Section 6. TEMPORARY PROVISION--TRANSFER.--All personnel,
14 appropriations, money, records, property, equipment and
15 supplies of adult basic education centers shall be transferred
16 with them to the commission on higher education. All contracts
17 and agreements relating to the activities of the personnel and
18 records transferred pursuant to the provisions of this section
19 shall also be transferred.

20 Section 7. EMERGENCY.--It is necessary for the public
21 peace, health and safety that this act take effect immediately.