

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/SB 219

50th Legislature, 1st Session, 2011

Tracking Number: .185192.1

Short Title: New School District Petition Requirements

Sponsor(s): Senator Bernadette M. Sanchez and Others

Analyst: David Harrell

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**SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 219**

Bill Summary:

CS/SB 219 amends the *Public School Code* to allow the Public Education Department (PED) to order the creation of a new school district:

- upon receipt of a petition signed by at least 10 percent of the registered voters residing in the geographic area who voted in the last school board election; or
- upon a determination by PED that creation of a new school district would meet certain standards already in law.

Within 90 days of receiving the petition described above, PED must conduct a public hearing to determine whether certain requirements in current law are met (see “Background,” below).

The bill also includes some clean-up language to update references to the former State Board of Education by replacing them with references to PED.

Fiscal Impact:

CS/SB 219 does not contain an appropriation.

Fiscal Issues:

The PED analysis of the original SB 219 says that dividing an existing school district into two “would result in the need to support two school infrastructures, that is, two sets of boards and two sets of administrators as well as two sets of supporting staff.”

Substantive Issues:

The current provision, which CS/SB 219 amends, provides that the petition be reviewed by the local school board and that it contain signatures of at least 60 percent of the registered voters residing within the geographic area desiring creation of a new school district. CS/SB 219

removes the review by the local school board and changes the petition requirements so that fewer signatures are required.

Using Albuquerque Public Schools (APS) as an example, APS reports more than 393,000 registered voters in the school district. On that basis, the current provision of at least 60 percent of the registered voters would require a petition with more than 235,000 signatures; whereas CS/SB 219 would require a smaller number of signatures, approximately 40,000.

Finally, another point from the PED analysis of the original bill still applies to the committee substitute:

as confirmed by a recent opinion of the Attorney General, any outstanding indebtedness of the original district remains with that school district even though the creation of a new district would require transferring some school buildings to the new district.

Background:

The public hearing that PED must conduct is to determine whether:

- the existing school district and the new school district to be created will each have a minimum membership of 500;
- a high school program will be taught in each district, unless PED grants an exception to this requirement; and
- creating the new school district is in the best interest of public education not only in the two districts in question but also throughout the state.

Related Bills:

SB 80 *School District Student Membership Minimums*
SB 351 *New School District Development Methods*