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HOUSE BILL 91

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Alonzo Baldonado

AN ACT

RELATING TO EDUCATION; LIMITING THE SALARY, BENEFITS AND  
CONTRACT PERIOD FOR LOCAL SUPERINTENDENTS.

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

SECTION 1. Section 22-5-4 NMSA 1978 (being Laws 1967,  
Chapter 16, Section 28, as amended) is amended to read:

"22-5-4. LOCAL SCHOOL BOARDS--POWERS--DUTIES.--A local  
school board shall have the following powers or duties:

A. subject to the rules of the department, develop  
educational policies for the school district;

B. employ a local superintendent for the school  
district and fix the superintendent's salary; provided that,  
for any employment contract between a local school board and a  
local superintendent entered into after July 1, 2013, whether  
the contract is a new contract or a renewal of an existing

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1 contract:

2 (1) the employment contract shall be in  
3 writing and shall provide that the amount of the annual salary  
4 of the superintendent shall not exceed the amount of the annual  
5 salary for the governor as set forth in Section 8-1-1 NMSA  
6 1978;

7 (2) the employment contract shall provide that  
8 the superintendent shall receive no greater than the same:

9 (a) categories of benefits as those  
10 received by public school teachers;

11 (b) percentage of employer contributions  
12 for insurance and retirement benefits as determined by salary  
13 and received by public school teachers pursuant to contribution  
14 schedules; and

15 (c) type and number of leave days as  
16 those received by public school teachers;

17 (3) the local school board may include a  
18 contract provision allowing the superintendent to receive  
19 merit-based supplemental compensation; provided that:

20 (a) the annual amount of the  
21 supplemental compensation shall not exceed twenty percent of  
22 the amount of the annual salary;

23 (b) the award and amount of the  
24 supplemental compensation shall be based on merit criteria  
25 established by the local school board, and at least fifty

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1 percent of the criteria shall be linked to student performance  
2 and school grades; and

3 (c) no supplemental compensation shall  
4 be received unless expressly provided for in the employment  
5 contract;

6 (4) the duration of the terms of the  
7 employment contract between the superintendent and the local  
8 school board shall not exceed three hundred sixty-five days;

9 (5) the employment contract may be renewed  
10 upon the same or modified terms as permitted by law; and

11 (6) the employment contract shall not be  
12 renewed prior to sixty days before the expiration of the  
13 current employment contract;

14 C. review and approve the annual school district  
15 budget;

16 D. acquire, lease and dispose of property;

17 E. have the capacity to sue and be sued;

18 F. acquire property by eminent domain pursuant to  
19 the procedures provided in the Eminent Domain Code;

20 G. issue general obligation bonds of the school  
21 district;

22 H. provide for the repair of and maintain all  
23 property belonging to the school district;

24 I. for good cause and upon order of the district  
25 court, subpoena witnesses and documents in connection with a

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1 hearing concerning any powers or duties of the local school  
2 board;

3 J. except for expenditures for salaries, contract  
4 for the expenditure of money according to the provisions of the  
5 Procurement Code;

6 K. adopt rules pertaining to the administration of  
7 all powers or duties of the local school board;

8 L. accept or reject any charitable gift, grant,  
9 devise or bequest. The particular gift, grant, devise or  
10 bequest accepted shall be considered an asset of the school  
11 district or the public school to which it is given;

12 M. offer and, upon compliance with the conditions  
13 of such offer, pay rewards for information leading to the  
14 arrest and conviction or other appropriate disciplinary  
15 disposition by the courts or juvenile authorities of offenders  
16 in case of theft, defacement or destruction of school district  
17 property. All such rewards shall be paid from school district  
18 funds in accordance with rules promulgated by the department;  
19 and

20 N. give prior approval for any educational program  
21 in a public school in the school district that is to be  
22 conducted, sponsored, carried on or caused to be carried on by  
23 a private organization or agency."