

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 567

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

AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING FOR THE SUSPENSION OF
INDIVIDUAL LOCAL SCHOOL BOARD MEMBERS.

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

SECTION 1. A new section of the Public School Code is
enacted to read:

"~~[NEW MATERIAL]~~ LOCAL SCHOOL BOARD MEMBERS--SUSPENSION--
PROCEDURES.--

A. If a local school board receives a written
complaint that a local school board member has violated a
provision of the Public School Code, a rule promulgated
pursuant to that act or an ethical standard of the local school
board or the department, the local school board may investigate
the complaint and provide the local school board member an
opportunity to comment. The local school board may meet in

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underscored material = new
[bracketed material] = delete

1 executive session to discuss the complaint, but a vote to
2 reprimand or censure a local school board member shall be made
3 in an open meeting.

4 B. In lieu of voting to reprimand or censure, or in
5 addition to such vote, the local school board may vote in a
6 public meeting to file a formal complaint with the secretary to
7 request a review of the local school board member's purported
8 violation of law, rule or ethical standard. The secretary
9 shall begin to investigate the complaint received from the
10 local school board within thirty days. The secretary shall
11 provide notice and an opportunity to be heard to the local
12 school board member if the secretary finds after investigation
13 that a violation of the Public School Code, a rule promulgated
14 pursuant to that act or an ethical standard may have occurred
15 and, if so, is of such seriousness that it may warrant
16 suspension.

17 C. The public hearing on the suspension of a local
18 school board member shall be held in the school district and
19 the local school board member, other members of the local
20 school board, the complainant and members of the public may
21 speak at the hearing. Prior to deciding the issue, the
22 secretary shall consult with the commission. A suspension
23 pursuant to this section shall be in effect until the local
24 school board member corrects the violation pursuant to the
25 order of suspension or for no more than three years or until

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1 the final year of the member's term, whichever occurs first,
2 except if the violation occurs or the suspension begins in the
3 final year of the member's term, the suspension may last
4 through the end of the term. The local school board member may
5 appeal the decision and order of the secretary to the district
6 court as provided in Section 39-3-1.1 NMSA 1978.

7 D. If the secretary suspends a majority of local
8 school board members under this section, the secretary shall be
9 deemed to have suspended the local school board and the
10 department shall act in lieu of the suspended local school
11 board.

12 E. Every local school board shall adopt and
13 promulgate written policies concerning the process and
14 procedures to be followed when receiving and reviewing
15 complaints about local school board members, and the procedures
16 for deciding whether to file a formal complaint with the
17 secretary. Complaints that allege that a local school board
18 member violated a provision of the Public School Code, a rule
19 promulgated pursuant to that act or an ethical rule of the
20 local school board or the department must be in writing. The
21 policies shall provide time lines for reviewing such
22 complaints, giving notice to the local school board member,
23 hearing the complaint and taking action. Nothing in this
24 section prohibits a local school board or the department from
25 having written policies or rules on handling complaints from

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1 the public or other local school board members about the
2 conduct of a local school board member that is not a violation
3 of law, rule or ethical standards."

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