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HOUSE BILL 85

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR THE REDISTRICTING OF CERTAIN SCHOOL DISTRICTS; REQUIRING A REDISTRICTING PLAN; CREATING A TASK FORCE; REQUIRING THE SECRETARY OF PUBLIC EDUCATION TO ISSUE A REDISTRICTING ORDER; PROVIDING FOR APPOINTMENTS AND ELECTIONS OF LOCAL SCHOOL BOARDS.

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

SECTION 1. A new section of Chapter 22, Article 4 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SCHOOL DISTRICTS OF CERTAIN SIZE-- REDISTRICTING--TASK FORCE--REDISTRICTING PLAN--APPROVAL AND ORDER OF SECRETARY--TIME CONSIDERATIONS--REFERENDUM--APPOINTED AND ELECTED LOCAL SCHOOL BOARDS.--

A. A school district with membership greater than forty thousand students shall prepare a redistricting plan that

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1 divides the school district into two or more districts as
2 similar as possible in geographical size, student membership
3 and property tax base. Each school district shall have at
4 least one high school.

5 B. The department shall notify a school district
6 when the school district is required to prepare a redistricting
7 plan, and the school district shall complete its plan within
8 two years. The department shall adopt and promulgate rules
9 setting forth the procedures for the redistricting of a school
10 district pursuant to Subsection A of this section.

11 C. The department shall appoint a task force to
12 assist the school district with its redistricting plan. The
13 task force shall include local school board members, employees
14 of the school district, representatives of unions that
15 represent school district employees, parents with students who
16 attend public school in the school district, business and other
17 representatives from the attendance areas of the high schools
18 in the school district and other interested persons. If
19 funding is available, members of the task force who are not
20 local school board members or public employees are entitled to
21 receive per diem and mileage pursuant to the provisions of the
22 Per Diem and Mileage Act.

23 D. The task force shall consider and report on the
24 following to the school district and the department:

25 (1) the boundaries of the proposed new school

1 districts;

2 (2) population demographics of the existing
3 and proposed school districts, including:

4 (a) number of students;

5 (b) ethnicities of general and student
6 populations;

7 (c) economic levels of each of the high
8 school attendance areas, including family income and
9 homeownership rates and patterns; and

10 (d) student and adult educational
11 attainment levels in each of the high school attendance areas;

12 (3) existing and projected school district
13 growth patterns;

14 (4) the number of elementary, middle and high
15 school buildings in the existing and proposed school districts
16 and the proposed student populations in those schools;

17 (5) the number and location of charter schools
18 in the existing and proposed school districts;

19 (6) the capacity of each school relative to
20 the projected student population in the near- and medium-term;

21 (7) an inventory, description and condition of
22 all real property;

23 (8) the number and location of public schools
24 that do not meet statewide adequacy standards;

25 (9) the short- and long-term plans for

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1 facilities maintenance, repairs, renovations and replacement;

2 (10) the proposed division of assets,
3 liabilities and indebtedness, including real and personal
4 property, of the existing school district;

5 (11) the bonded indebtedness and voter-
6 approved mill levies of the existing school district;

7 (12) the ability of the proposed school
8 districts to raise capital and operational funds;

9 (13) the current and projected property tax
10 base of each proposed school district, including the presence
11 of land for which the municipality or county is considering or
12 is likely to consider for industrial revenue bonds or other
13 local economic development strategies that would impact the
14 property tax base of a proposed school district;

15 (14) the effects of redistricting on
16 transportation costs of the existing and proposed school
17 districts;

18 (15) other considerations that affect
19 redistricting or the proposed school districts; and

20 (16) the results of public surveys and
21 testimony in support of or in opposition to the proposed school
22 districts and other redistricting options the task force
23 considered.

24 E. The report shall also include an analysis of the
25 educational implications of each redistricting option the task

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1 force considered and a discussion of how best solutions
2 determined the proposed redistricting map and how redistricting
3 into smaller school districts will maintain curricular choice,
4 improve student outcomes and ensure responsiveness to local
5 communities.

6 F. The department may contract for services with
7 recognized experts in the areas of school district
8 redistricting, public finance and taxation and other
9 specialties the department determines are necessary for the
10 study.

11 G. The school district and the task force shall
12 furnish the department with periodic progress reports and a
13 final report. The reports are public documents, and the school
14 district shall endeavor to inform the residents of the school
15 district of their availability.

16 H. The school district shall publish the final
17 redistricting plan in a newspaper of general circulation in the
18 school district. To ensure the widest possible dissemination
19 of the plan, the school district shall make copies of the plan
20 available at every public school in the school district, at
21 other school district sites and on an internet web page.

22 I. The redistricting plan shall be submitted to the
23 department, and the department and task force shall hold public
24 hearings in the proposed school districts and take comments
25 from the public. The department may accept the redistricting

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1 plan or require that the plan be amended. Upon acceptance of
2 the redistricting plan, the secretary shall issue an order for
3 the creation of the new school districts created in the
4 redistricting plan, as amended if applicable. The order of the
5 secretary shall contain the following:

6 (1) an accurate description of the
7 geographical boundaries of the original school district and new
8 school districts created by the order;

9 (2) the disposition of all real and personal
10 property and liabilities affected by the order;

11 (3) the dissolution of the elected local
12 school board of the original school district and the
13 appointment of five qualified electors of the state who are
14 residents of the new school districts;

15 (4) a planning year without students for new
16 school districts, with the proviso that the original school
17 district shall continue to operate all public schools within
18 the original school district's boundaries during the planning
19 year without interference from the new local school boards;

20 (5) tenured licensed school employees and
21 other school employees shall be offered similar employment at
22 the public schools in which they served prior to redistricting
23 and shall retain all employment benefits when their school
24 district changes; and

25 (6) the date the order becomes effective.

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J. The department shall appoint five local school board members for each new school district who shall serve until the next regular local school board election provided for in the Local Election Act.

K. The members of the new local school boards shall be elected at the next regular local election after the department orders the creation of the school districts. Members shall be elected initially for staggered terms as determined by lot drawn by the secretary and thereafter shall be elected to four-year terms.

L. The rights and protections of employees provided by the policies and procedures of the existing school district shall be maintained upon completion of redistricting."