

LFC Requester:

Liu



**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2024 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment

Date Prepared: 01/28/24

Correction Substitute

Bill No: [SB137](#)

Agency Name
and Code

Sponsor: Stewart/Soules

Number: PED - 924

Short

Person Writing Denise Terrazas

Title: SCHOOL BOARD TRAINING

Phone: (505) 470-5303 Email: denise.terrazas@ped.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	\$6	\$6	\$18	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 137 (SB137) would amend statutory training requirements for [school board members](#) and [charter school governing body members](#) to add statutory minimum training requirements for all board members and would increase transparency of board operations by providing that:

- the Public Education Department (PED) collect and post information about the hours of training board members have completed on their website;
- board meetings be webcast and posted on each school district and charter school's website; and
- a local school board may not terminate a superintendent without cause within sixty days after the first convening of a newly elected board.

SB137 would also amend [school district campaign reporting requirements](#) to narrow the definition of a school board "candidate" from someone who received or spent \$500 or more on a campaign to someone who has received or spent \$1,000 or more on a campaign, and to extend the definition of "covered office" to include all school board members, rather than members of school districts of 12,000 students or more.

SB137 is endorsed by the Legislative Education Study Committee.

This bill would go into effect on July 1, 2024.

FISCAL IMPLICATIONS

SB37 does not contain an appropriation.

To create and implement a training program in line with the legal training requirements that the bill would add, PED would need to contract a law firm to provide those portions of the training at an estimated cost of \$6,000 each year.

SIGNIFICANT ISSUES

As of 2023, 22 percent of New Mexico's currently 446 school board members are listed as not meeting current training requirements.

Current statute requires PED to create and approve board training programs, which are specified in department rule:

- [6.29.1.9 NMAC, General Provisions](#), requires all school board members to complete at least five hours of annual training, and specifies that school board members attend a training course developed by the New Mexico School Boards Association (NMSBA) and approved by PED.
- [6.80.5.8 NMAC, Charter School Governing Body Training Requirements](#), requires new charter school governing body members to complete 10 hours of training, seven of which must happen through a PED training course, and eight hours of approved training annually thereafter, unless exempted based on the school's academic or fiscal performance.

SB137 would establish equivalent requirements for school board and charter school governing board members: 10 hours of training for new board members and five hours of annual training for all board members, as well as specifying minimum training hours in specific topics, including:

- laws and department policies and procedures affecting boards or public schools;
- public school finance, budgeting and fiduciary responsibilities of boards;
- legal concepts pertaining to boards and districts including the Open Meetings Act and the Inspection of Public Records Act;
- effective governance practices and methods of supporting and supervising the local superintendent;
- a board's role in evaluating and improving student academic achievement and using data to set individual school goals for student academic achievement;
- a board's role in providing a safe learning environment conducive to improving student outcomes; and
- other matters deemed relevant by the department.

Board member training increases stability. Research shows that required training for new and continuing board members is effective in creating stable boards and governing bodies. A [study](#) conducted by the Center for Public Education shows that the most effective boards nationwide have at least 4-12 hours of training per year.

Increased meeting accessibility. There are no current requirements in rule or statute to webcast local school board meetings or meetings of governing bodies of charter schools. School boards across the country have adopted policies to make meetings more accessible to the public. In 2023, Indiana passed [a transparency law](#) requiring that all government meetings, including board meetings, be live-streamed.

There are 89 school boards in New Mexico and 100 charter school governing boards. Most of these districts are in or include rural settings. New Mexico is one of the [most rural states](#) in the country with an average of 17 people per square mile. Access to online meeting platforms would allow constituents in rural districts to participate in meetings without having to travel great distances.

Limiting superintendent termination without cause. Statute charges local school boards with the hiring, employment, and termination of a superintendent. Currently, there are no limits in statute or rule about the school board's termination of a superintendent, and the provisions in SB137 to prevent firing a superintendent without cause may increase stability for school districts. In a [2023 report](#) published by Chiefs for Change, it is noted that one of the leading causes of stability in a district is an established working relationship between a school board and a superintendent, and that superintendent turnover is on the rise nationwide.

Election definitions to increase transparency. Several bills aimed at campaign finance reform have [run statewide and nationally](#) in recent years. These bills are aimed at having greater transparency and alignment in candidate financial reporting and definitions. SB137 would increase school board election transparency by including all school board members in the definition of "covered office", rather than just board members in districts with 12,000 students or more.

School board member training completion on PED website. PED rule currently requires that the NMSBA report school board member training completion to PED every year. The report

includes individual school board members and the number of hours of training they have completed in the past year. Posting the members' training hours on PED's website would provide public transparency, allowing users researching public schools and school districts to determine if the school board members in a given area are in good standing and would help to inform decisions about school choice.

PERFORMANCE IMPLICATIONS

Stability in a school district's leadership may lead to higher performance outcomes for students and staff.

ADMINISTRATIVE IMPLICATIONS

PED currently requires the NMSBA to create school board member trainings in Section 9 of [6.29.1 NMAC, General Provisions](#). If SB137 were enacted, PED would collaborate with the NMSBA to create trainings for new and continuing school board members. PED would need to update its rules for school board and governing body member training, in 6.29.1.9 NMAC and 6.80.5.8 NMAC, respectively, to reflect the new and expanded requirements in the bill.

It would be necessary for PED contract a law firm to complete the legal aspects of the training requirements, with an estimated cost of \$6,000 per year.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.