

1 SENATE BILL 137

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; ENHANCING MANDATORY TRAINING FOR
12 LOCAL SCHOOL BOARDS AND GOVERNING BODIES OF CHARTER SCHOOLS;
13 ADDING THE NUMBER OF TRAINING HOURS ATTENDED BY MEMBERS TO THE
14 SCHOOL SUPPORT AND ACCOUNTABILITY SYSTEM; LIMITING A LOCAL
15 SCHOOL BOARD'S TERMINATION OF A SUPERINTENDENT AFTER A SCHOOL
16 BOARD ELECTION; AMENDING THE CAMPAIGN REPORTING ACT AS IT
17 APPLIES TO LOCAL SCHOOL BOARD CANDIDATES; REQUIRING LOCAL
18 SCHOOL BOARD OR GOVERNING BODY MEETINGS TO BE WEBCAST AND
19 ARCHIVED.

20
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. Section 1-22A-2 NMSA 1978 (being Laws 2013,
23 Chapter 180, Section 2, as amended) is amended to read:

24 "1-22A-2. DEFINITIONS.--As used in the School District
25 Campaign Reporting Act:

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1 A. "campaign committee" means one or more persons
2 authorized by a candidate to raise, collect or expend
3 contributions on the candidate's behalf for the purpose of
4 electing the candidate to office;

5 B. "candidate" means a person who seeks or
6 considers an office in an election covered by the School
7 District Campaign Reporting Act and who either has filed a
8 declaration of candidacy or has received contributions or made
9 expenditures of [~~five hundred dollars (\$500)~~] one thousand
10 dollars (\$1,000) or more or authorized another person or
11 campaign committee to receive contributions or make
12 expenditures of [~~five hundred dollars (\$500)~~] one thousand
13 dollars (\$1,000) or more for the purpose of seeking election to
14 a covered office;

15 C. "contribution" means a gift, subscription, loan,
16 advance or deposit of money or other thing of value, including
17 the estimated value of an in-kind contribution, that is made or
18 received for a political purpose, including payment of a debt
19 incurred in an election campaign; but "contribution" does not
20 include the value of services provided without compensation or
21 unreimbursed travel or other personal expenses of individuals
22 who volunteer a portion or all of their time on behalf of a
23 candidate or campaign committee;

24 D. "covered office" means the position of board of
25 education member of a school district [~~that has an enrollment~~

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1 of ~~twelve thousand students or more~~] or the position of board
2 member of a community college organized or operating pursuant
3 to the provisions of Chapter 21, Article 13 or Article 16 NMSA
4 1978;

5 E. "election cycle" means the period beginning
6 thirty days after an election for an office and ending thirty
7 days following the subsequent election day for that office;

8 F. "expenditure" means a payment, transfer or
9 distribution or obligation or promise to pay, transfer or
10 distribute any money or other thing of value for a political
11 purpose, including payment of a debt incurred in an election
12 campaign;

13 G. "political purpose" means advocating the
14 election or defeat of a candidate in an election;

15 H. "prescribed form" means a form or electronic
16 format prepared and prescribed by the secretary of state; and

17 I. "reporting individual" means a candidate or
18 treasurer of a campaign committee."

19 SECTION 2. Section 22-2F-3 NMSA 1978 (being Laws 2019,
20 Chapter 249, Section 3) is amended to read:

21 "22-2F-3. SCHOOL SUPPORT AND ACCOUNTABILITY SYSTEM--
22 CREATED--ESTABLISHING A SCHOOL DASHBOARD--PRIORITIZING
23 RESOURCES FOR SCHOOLS RECEIVING ADDITIONAL SUPPORT.--

24 A. The "school support and accountability system"
25 is created in the department. The department, in consultation

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1 with school districts, charter schools, school personnel,
2 tribal nations and the legislative education study committee,
3 shall promulgate rules to carry out the provisions of the
4 School Support and Accountability Act through the system.

5 B. The system shall:

6 (1) differentiate Title 1 support to public
7 schools in the state using the metrics identified in Paragraphs
8 (2) and (3) of this subsection to assign, for each public
9 school, a designation of targeted support, comprehensive
10 support or more rigorous intervention to comply with the
11 federal Elementary and Secondary Education Act of 1965;

12 (2) include indicators of academic achievement
13 that shall be afforded substantial weight and, in the
14 aggregate, much greater weight than the indicators described in
15 Paragraph (3) of this subsection, including:

16 (a) student proficiency on the New
17 Mexico standards-based assessments pursuant to Subsection B of
18 Section 22-2C-4 NMSA 1978;

19 (b) student growth, which will comprise
20 a substantial part of the weighting of academic achievement
21 indicators both for all students at the public school and
22 disaggregated by quartile on the New Mexico standards-based
23 assessments;

24 (c) progress of English language
25 learners toward English language proficiency as measured by an

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1 assessment determined by the department; and

2 (d) for high schools, the four-year,
3 five-year and six-year adjusted cohort graduation rates; and

4 (3) include indicators of school quality and
5 student success that are valid, reliable, comparable and
6 statewide, including:

7 (a) chronic absenteeism;

8 (b) college, career and civic readiness;

9 and

10 (c) the educational climate of the
11 school.

12 C. The department shall include in the system
13 student data disaggregated by each major racial and ethnic
14 group, economically disadvantaged students, English learner
15 status, children with disabilities, gender and migrant status;
16 provided that ethnicity and race shall be reported using the
17 following categories:

18 (1) Caucasian, non-Hispanic;

19 (2) Hispanic;

20 (3) African American;

21 (4) American Indian or Alaska Native;

22 (5) Native Hawaiian or other Pacific Islander;

23 (6) Asian;

24 (7) two or more races; and

25 (8) other; provided that if the sample of

1 students in any category enumerated in Paragraphs (1) through
2 (7) of this subsection is so small that a student in the sample
3 may be personally identifiable in violation of the federal
4 Family Educational Rights and Privacy Act of 1974, the report
5 may combine that sample into the "other" category.

6 D. The department shall provide the technological
7 platform for a dashboard for each public school. The dashboard
8 shall provide school and student information to school
9 stakeholders and policymakers in a transparent manner,
10 including the following indicators:

11 (1) the results of each indicator included in
12 Paragraphs (2) and (3) of Subsection B and in Subsection C of
13 this section;

14 (2) designations of school quality and student
15 success for any school meeting a specific standard set by the
16 department for any indicator included in Paragraphs (2) and (3)
17 of Subsection B of this section;

18 (3) designations of excellence for any school
19 scoring in the ninetieth percentile for any indicator included
20 in Paragraphs (2) and (3) of Subsection B of this section;

21 (4) designations of school quality and student
22 success for any school meeting a specific standard set by the
23 department for American Indian or Hispanic students for any
24 indicator included in Paragraphs (2) and (3) of Subsection B of
25 this section;

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1 (5) designations of excellence for any school
2 scoring in the ninetieth percentile for American Indian or
3 Hispanic students for any indicator included in Paragraphs (2)
4 and (3) of Subsection B of this section;

5 (6) the designation of support for schools
6 that meet the criteria for traditional support, targeted
7 support, comprehensive support or more rigorous intervention;

8 (7) the demographics of the students and staff
9 of the school; ~~and~~

10 (8) indicators of opportunity to learn
11 standards, including:

12 (a) a survey of relevant and engaging
13 curriculum and instruction;

14 (b) educational resources, including
15 total school-level expenditures and total instructional
16 expenditures per student; and

17 (c) qualified and competent school
18 staff, including the percentage of teachers with three or more
19 years of experience, the percentage of teachers who are fully
20 licensed and endorsed in the field they teach, the types of
21 degrees held by staff, information from the highly objective
22 uniform ~~[state standards]~~ statewide standard of evaluation for
23 teachers and the percentage of national board-certified
24 teachers; and

25 (9) the number of hours of training attended

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1 by each school's local school board members and whether each
2 member met statutory training requirements.

3 E. The dashboard shall include each school's
4 mission, vision and goals and provide for optional comments
5 from the local school board about the strengths, opportunities
6 for improvement and programmatic offerings corresponding to any
7 of the reported indicators in the dashboard. For local school
8 boards that do not provide this information, the department
9 shall populate this section of the dashboard with information
10 from the public school's educational plan for student success.

11 F. The department shall ensure that a local school
12 board prioritizes the resources of a public school that has
13 received a designation of targeted support, comprehensive
14 support or more rigorous intervention toward improving student
15 performance using evidence-based programs and a continuous
16 improvement plan based on the indicators in Paragraphs (2) and
17 (3) of Subsection B of this section identified through a
18 school-level needs assessment until the public school no longer
19 holds that designation."

20 SECTION 3. A new section of Chapter 22, Article 5 NMSA
21 1978 is enacted to read:

22 "[NEW MATERIAL] TERMINATION OF LOCAL SUPERINTENDENT--
23 LIMITATION.--A local school board shall not terminate the local
24 superintendent without cause within sixty days after the first
25 convening of the newly elected board after an election in which

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1 one or more members of the board are elected or recalled."

2 SECTION 4. Section 22-5-13 NMSA 1978 (being Laws 2003,
3 Chapter 153, Section 24) is amended to read:

4 "22-5-13. LOCAL SCHOOL BOARD MANDATORY TRAINING.--

5 A. The department shall develop a mandatory
6 training course for local school board members that explains
7 [~~state board rules~~] department rules, policies and procedures,
8 statutory powers and duties of local school boards, legal
9 concepts pertaining to public schools, finance and budget and
10 other matters deemed relevant by the department. The
11 department shall notify local school board members of the dates
12 of the training course, the last of which shall not be later
13 than three months after a local school board election.

14 B. Local school board members in their first term
15 shall complete at least ten hours of mandatory training during
16 their first year serving on the board. Training for new local
17 school board members shall include:

18 (1) at least two hours covering laws and
19 department policies and procedures affecting local school
20 boards or public schools, including ethics and school
21 personnel;

22 (2) at least two hours covering public school
23 finance, budgeting and fiduciary responsibilities of local
24 school boards;

25 (3) at least two hours covering legal concepts

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1 pertaining to local school boards and school districts,
2 including the Open Meetings Act and the Inspection of Public
3 Records Act;

4 (4) at least two hours covering effective
5 governance practices and effective methods of supporting and
6 supervising the local superintendent; and

7 (5) at least two hours covering student
8 achievement and student support services.

9 C. Mandatory training for all other local school
10 board members shall include at least five hours per year and
11 shall cover:

12 (1) laws and department policies and
13 procedures affecting local school boards or public schools,
14 including ethics and school personnel;

15 (2) public school finance, budgeting and
16 fiduciary responsibilities of local school boards and
17 performance-based budgeting;

18 (3) a local school board's role in evaluating
19 and improving student academic achievement and using data to
20 set individual school goals for student academic achievement in
21 each of the school district's public schools;

22 (4) a local school board's role in providing a
23 safe learning environment conducive to improving student
24 outcomes;

25 (5) legal concepts pertaining to local school

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1 boards and school districts, including the Open Meetings Act
2 and the Inspection of Public Records Act;

3 (6) effective governance practices and
4 effective methods of supporting and supervising the local
5 superintendent; and

6 (7) other matters deemed relevant by the
7 department."

8 SECTION 5. A new section of Chapter 22, Article 5 NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] LOCAL SCHOOL BOARD MEETINGS--WEBCASTING
11 AND ARCHIVING.--Except as otherwise provided in this section,
12 live audio and video webcasts of local school board meetings
13 shall be accessible through the school district's website and
14 shall include a user interface that allows members of the
15 public to submit written or verbal comments. A webcast shall
16 begin as soon as practicable after the chair has called the
17 meeting to order and shall terminate as soon as practicable
18 after the local school board has adjourned. Recordings of the
19 webcasts and an electronic copy of any minutes approved at the
20 meeting shall be posted on the school district's website within
21 one week of the meeting's conclusion and shall be publicly
22 available for at least five years following the date of the
23 meeting unless the state records retention schedule provides
24 otherwise."

25 SECTION 6. Section 22-8B-5.1 NMSA 1978 (being Laws 2009,
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1 Chapter 18, Section 1) is amended to read:

2 "22-8B-5.1. GOVERNING BODY TRAINING.--

3 A. The department shall develop a mandatory
4 training course for all governing body members that explains
5 department rules, policies and procedures, statutory powers and
6 duties of governing boards, legal concepts pertaining to public
7 schools, finance and budget and other matters deemed relevant
8 by the department. The department shall notify the governing
9 body members of the dates of the training courses.

10 B. Governing body members in their first term shall
11 complete at least ten hours of mandatory training during their
12 first year serving on the governing body. Training for new
13 members shall include:

14 (1) at least two hours covering laws and
15 department policies and procedures affecting governing bodies
16 or charter schools, including ethics and school personnel;

17 (2) at least two hours covering public school
18 finance, budgeting and fiduciary responsibilities of governing
19 bodies;

20 (3) at least two hours covering legal concepts
21 pertaining to governing bodies and charter schools, including
22 the Open Meetings Act and the Inspection of Public Records Act;

23 (4) at least two hours covering effective
24 governance practices and effective methods of supporting and
25 supervising a charter school leader; and

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1 (5) at least two hours covering student
2 achievement and student support services.

3 C. Mandatory training for all other governing body
4 members shall include at least five hours per year and shall
5 cover:

6 (1) laws and department policies and
7 procedures affecting governing bodies or charter schools,
8 including ethics and school personnel;

9 (2) public school finance, budgeting and
10 fiduciary responsibilities of governing bodies and performance-
11 based budgeting;

12 (3) a governing body's role in evaluating and
13 improving student academic achievement and using data to set
14 individual school goals for student academic achievement in
15 charter schools;

16 (4) a governing body's role in providing a
17 safe learning environment conducive to improving student
18 outcomes;

19 (5) legal concepts pertaining to governing
20 bodies and charter schools, including the Open Meetings Act and
21 the Inspection of Public Records Act;

22 (6) effective governance practices and
23 effective methods of supporting and supervising charter school
24 leaders; and

25 (7) other matters deemed relevant by the

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1 department."

2 SECTION 7. A new section of Chapter 22, Article 8B NMSA
3 1978 is enacted to read:

4 "[NEW MATERIAL] GOVERNING BODY MEETINGS--WEBCASTING AND
5 ARCHIVING.--Except as otherwise provided in this section, live
6 audio and video webcasts of governing body meetings shall be
7 accessible through the charter school's website and shall
8 include a user interface that allows members of the public to
9 submit written or verbal comments. A webcast shall begin as
10 soon as practicable after the chair has called the meeting to
11 order and shall terminate as soon as practicable after the
12 governing body has adjourned. Recordings of the webcasts and
13 an electronic copy of any minutes approved at the meeting shall
14 be posted on the charter school's website within one week of
15 the meeting's conclusion and shall be publicly available for at
16 least five years following the date of the meeting unless the
17 state records retention schedule provides otherwise."

18 SECTION 8. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2024.