

HOUSE BILL 185

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; AUTHORIZING THE SECRETARY OF PUBLIC EDUCATION TO REQUIRE A LOCAL SCHOOL BOARD MEMBER TO TAKE REMEDIAL ACTION IF THE SECRETARY HAS REASONABLE GROUNDS TO BELIEVE THE MEMBER IS WILLFULLY FAILING TO PERFORM A DUTY REQUIRED BY A LAW THAT THE SECRETARY IS CHARGED WITH ENFORCING; AUTHORIZING THE SECRETARY OF PUBLIC EDUCATION TO SUSPEND A LOCAL SCHOOL BOARD MEMBER IF THE MEMBER FAILS TO TAKE THE REQUIRED REMEDIAL ACTION AND PROVIDING PROCEDURES FOR THE SUSPENSION.

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

SECTION 1. A new section of the Public School Code, Section 22-2-14.1 NMSA 1978, is enacted to read:

"22-2-14.1. [NEW MATERIAL] SUSPENSION OF LOCAL SCHOOL
BOARD MEMBER --

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1 A. If the secretary has reasonable grounds to
2 believe a local school board member is willfully failing to
3 perform a duty required by the Public School Code or any other
4 law or rule that the secretary is charged with administering or
5 enforcing, the secretary shall give written notice to the
6 member that details the member's failures, requires remedial
7 action and specifies the time during which remedial action
8 shall be taken, which shall be no less than thirty days.
9 Copies of the written notice shall be given to the member's
10 local school board and superintendent.

11 B. If the local school board member does not take
12 remedial action during the time specified in the notice
13 pursuant to Subsection A of this section, the secretary may
14 suspend the member from the member's office until remedial
15 action is taken.

16 C. Upon suspending a local school board member, the
17 secretary shall immediately give the member written notice of
18 the grounds for the suspension, the process for the member's
19 reinstatement and the member's right to request a hearing to
20 challenge the suspension, which shall be held in accordance
21 with the procedures provided in the Administrative Procedures
22 Act. Copies of the written notice shall be given to the
23 member's local school board and superintendent. If a member
24 requests a hearing and is aggrieved by the final decision, the
25 member may appeal the decision in accordance with Section

1 39-3-1.1 NMSA 1978.

2 D. During the pendency of a local school board
3 member's suspension in accordance with this section, the
4 secretary or the secretary's designee may assume the duties of
5 the member's office only to vote to break a deadlock in the
6 approval of the annual budget for the member's school
7 district."

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