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HOUSE BILL 49

44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2000

INTRODUCED BY

John A. Heaton

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC EDUCATION; PROVIDING FOR THE STATE BOARD OF EDUCATION TO ASSESS THE NUMBER OF STUDENTS TAKING AND PASSING THE CERTIFICATION EXAMINATION.

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

Section 1. Section 22-2-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 5, as amended) is amended to read:

"22-2-2. STATE BOARD--DUTIES.--Without limiting those powers granted to the state board pursuant to Section 22-2-1 NMSA 1978, the state board shall perform the following duties:

A. properly and uniformly enforce the provisions of the Public School Code;

B. determine policy for the operation of all public schools and vocational education programs in the state;

C. appoint a state superintendent;

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1 D. purchase and loan instructional material to
2 students pursuant to the Instructional Material Law and adopt
3 rules relating to the use and operation of instructional
4 material depositories in the instructional material
5 distribution process;

6 E. designate courses of instruction to be taught
7 in all public schools in the state;

8 F. assess and evaluate all state institutions and
9 those private schools that desire state accreditation;

10 G. determine the qualifications for and issue a
11 certificate to any person teaching, assisting teachers,
12 supervising an instructional program, counseling, providing
13 special instructional services or administering in public
14 schools, according to law and according to a system of
15 classification adopted and published by the state board;

16 H. suspend or revoke a certificate held by a
17 certified school instructor or certified school
18 administrator, according to law, for incompetency, immorality
19 or ~~[for]~~ any other good and just cause;

20 I. make full and complete reports on consolidation
21 of school districts to the legislature;

22 J. prescribe courses of instruction, requirements
23 for graduation and standards for all public schools, for
24 private schools seeking state accreditation and for the
25 educational programs conducted in state institutions other
than the New Mexico military institute;

 K. adopt rules for the administration of all

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- 1 public schools and bylaws for its own administration;
- 2 L. require periodic reports on forms prescribed by
- 3 it from all public schools and attendance reports from
- 4 private schools;
- 5 M. authorize adult educational programs to be
- 6 conducted in schools under its jurisdiction and adopt and
- 7 promulgate rules governing all such adult educational
- 8 programs;
- 9 N. require any school under its jurisdiction that
- 10 sponsors athletic programs involving sports to mandate that
- 11 the participating student obtain catastrophic health and
- 12 accident insurance coverage, such coverage to be offered
- 13 through the school and issued by an insurance company duly
- 14 licensed pursuant to the laws of New Mexico;
- 15 O. require all accrediting agencies for public
- 16 schools in the state to act with its approval;
- 17 P. accept and receive all grants of money from the
- 18 federal government or any other agency for public school
- 19 purposes and disburse the money in the manner and for the
- 20 purpose specified in the grant;
- 21 Q. require prior approval for any educational
- 22 program in a public school that is to be conducted,
- 23 sponsored, carried on or caused to be carried on by a private
- 24 organization or agency;
- 25 R. approve or disapprove all rules promulgated by
- any association or organization attempting to regulate any
- public school activity and invalidate any rule in conflict

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1 with any rule promulgated by the state board. The state
2 board shall require any association or organization
3 attempting to regulate any public school activity to comply
4 with the provisions of the Open Meetings Act and be subject
5 to the inspection of the Public Records Act. The state board
6 may require performance and financial audits of any
7 association or organization attempting to regulate any public
8 school activity. The state board shall have no power or
9 control over the rules or the bylaws governing the
10 administration of the internal organization of the
11 association or organization;

12 S. review decisions made by the governing board or
13 officials of any organization or association regulating any
14 public school activity, and any decision of the state board
15 shall be final in respect thereto;

16 T. accept or reject any charitable gift, grant,
17 devise or bequest. The particular gift, grant, devise or
18 bequest accepted shall be considered an asset of the state;

19 U. establish and maintain regional centers, at its
20 discretion, for conducting cooperative services between
21 public schools and school districts within and among those
22 regions and to facilitate regulation and evaluation of school
23 programs;

24 V. assess and evaluate for accreditation purposes
25 at least one-third of all public schools each year through
visits by department of education personnel to investigate
the adequacy of pupil gain in standard required subject

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1 matter, adequacy of pupil activities, functional feasibility
2 of public school and school district organization, adequacy
3 of staff preparation and other matters bearing upon the
4 education of the students;

5 W. provide for management and other necessary
6 personnel to operate any public school or school district
7 that has failed to meet requirements of law, state board
8 standards or state board rules; provided that the operation
9 of the public school or school district shall not include any
10 consolidation or reorganization without the approval of the
11 local school board of that school district. Until such time
12 as requirements of law, standards or rules have been met and
13 compliance is assured, the powers and duties of the local
14 school board shall be suspended;

15 X. establish and implement a plan that provides
16 for technical assistance to local school boards through
17 workshops and other in-service training methods; provided,
18 however, that no plan shall require mandatory attendance by
19 any member of a local school board;

20 Y. submit a plan applying for funds available
21 under Public Law 94-142 and disburse these funds in the
22 manner and for the purposes specified in the plan;

23 Z. enforce requirements for home schools. Upon
24 finding that a home school is not in compliance with law, the
25 state board has authority to order that a student attend a
public school or a private school; ~~[and]~~

AA. develop a systemic framework for professional

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1 development that provides training to ensure quality teachers
2 and principals and that improves and enhances student
3 achievement. The state board shall work with public school
4 educators, the commission on higher education and
5 institutions of higher education to establish the framework.

6 The framework shall include:

7 (1) the criteria for school districts to
8 apply for professional development funds, including an
9 evaluation component that will be used by the department of
10 education in approving local school district professional
11 development plans; and

12 (2) guidelines for developing extensive
13 professional development activities for school districts,
14 including teaching strategies, curriculum materials, distance
15 learning networks and web sites to ensure that the state
16 board's rules pertaining to content standards and benchmarks
17 are used by New Mexico teachers;

18 BB. assess the number and scores of students at
19 each college of education and teacher preparation program at
20 state educational institutions who are taking and passing the
21 state certification examination; and

22 CC. withhold program approval from a college of
23 education or teacher preparation program whose graduates do
24 not achieve a passing rate of eighty percent on the state
25 certification examination for three consecutive years."