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**HOUSE BILL 39**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**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 TEACHER PREPARATION PROGRAMS.**

**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,  
including vocational programs that are part of a juvenile  
construction industries initiative for juveniles who are**

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1 committed to the custody of the children, youth and families  
2 department;

3 C. appoint a state superintendent;

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

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

11 F. assess and evaluate all state institutions and  
12 those private schools that desire state accreditation;

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

19 H. suspend or revoke a certificate held by a  
20 certified school instructor or certified school administrator  
21 according to law for incompetency, immorality or any other  
22 good and just cause;

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

25 J. prescribe courses of instruction, requirements

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1 for graduation and standards for all public schools, for  
2 private schools seeking state accreditation and for the  
3 educational programs conducted in state institutions other  
4 than the New Mexico military institute;

5 K. adopt rules for the administration of all  
6 public schools and bylaws for its own administration;

7 L. require periodic reports on forms prescribed by  
8 it from all public schools and attendance reports from private  
9 schools;

10 M. authorize adult educational programs to be  
11 conducted in schools under its jurisdiction and adopt and  
12 promulgate rules governing all such adult educational  
13 programs;

14 N. require any school under its jurisdiction that  
15 sponsors athletic programs involving sports to mandate that  
16 the participating student obtain catastrophic health and  
17 accident insurance coverage, such coverage to be offered  
18 through the school and issued by an insurance company duly  
19 licensed pursuant to the laws of New Mexico;

20 O. require all accrediting agencies for public  
21 schools in the state to act with its approval;

22 P. accept and receive all grants of money from the  
23 federal government or any other agency for public school  
24 purposes and disburse the money in the manner and for the  
25 purpose specified in the grant;

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1 Q. require prior approval for ~~any~~ an educational  
2 program in a public school that is to be conducted, sponsored,  
3 carried on or caused to be carried on by a private  
4 organization or agency;

5 R. approve or disapprove all rules promulgated by  
6 ~~any~~ an association or organization attempting to regulate  
7 ~~any~~ a public school activity and invalidate any rule in  
8 conflict with ~~any~~ a rule promulgated by the state board.  
9 The state board shall require ~~any~~ an association or  
10 organization attempting to regulate ~~any~~ a public school  
11 activity to comply with the provisions of the Open Meetings  
12 Act and be subject to the inspection of the Public Records  
13 Act. The state board may require performance and financial  
14 audits of ~~any~~ an association or organization attempting to  
15 regulate ~~any~~ a public school activity. The state board  
16 shall have no power or control over the rules or the bylaws  
17 governing the administration of the internal organization of  
18 the association or organization;

19 S. review decisions made by the governing board or  
20 officials of ~~any~~ an organization or association regulating  
21 ~~any~~ a public school activity, and ~~any~~ a decision of the  
22 state board shall be final in respect thereto;

23 T. accept or reject ~~any~~ a charitable gift,  
24 grant, devise or bequest. The particular gift, grant, devise  
25 or bequest accepted shall be considered an asset of the state;

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1 U. establish and maintain regional centers, at its  
2 discretion, for conducting cooperative services between public  
3 schools and school districts within and among those regions  
4 and to facilitate regulation and evaluation of school  
5 programs;

6 V. assess and evaluate for accreditation purposes  
7 at least one-third of all public schools each year through  
8 visits by department of education personnel to investigate the  
9 adequacy of ~~[pupit]~~ student gain in standard required subject  
10 matter, adequacy of ~~[pupit]~~ student activities, functional  
11 feasibility of public school and school district organization,  
12 adequacy of staff preparation and other matters bearing upon  
13 the education of the students;

14 W. provide for management and other necessary  
15 personnel to operate ~~[any]~~ a public school or school district  
16 that has failed to meet requirements of law, state board  
17 standards or state board rules; provided that the operation of  
18 the public school or school district shall not include any  
19 consolidation or reorganization without the approval of the  
20 local school board ~~[of that school district]~~. Until such time  
21 as requirements of law, standards or rules have been met and  
22 compliance is assured, the powers and duties of the local  
23 school board shall be suspended;

24 X. establish and implement a plan that provides  
25 for technical assistance to local school boards through

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1 workshops and other in-service training methods; provided,  
2 however, that no plan shall require mandatory attendance by  
3 any member of a local school board;

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

7 Z. enforce requirements for home schools. Upon  
8 finding that a home school is not in compliance with law, the  
9 state board has authority to order that a student attend a  
10 public school or a private school; ~~and~~

11 AA. develop a systemic framework for professional  
12 development that provides training to ensure quality teachers  
13 and principals and that improves and enhances student  
14 achievement. The state board shall work with public school  
15 educators, the commission on higher education and institutions  
16 of higher education to establish the framework. The framework  
17 shall include:

18 (1) the criteria for school districts to  
19 apply for professional development funds, including an  
20 evaluation component that will be used by the department of  
21 education in approving local school district professional  
22 development plans; and

23 (2) guidelines for developing extensive  
24 professional development activities for school districts,  
25 including teaching strategies, curriculum materials, distance

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1 learning networks and web sites to ensure that the state  
2 board's rules pertaining to content standards and benchmarks  
3 are used by New Mexico teachers;

4 BB. withhold program approval from a college of  
5 education or teacher preparation program that fails to offer a  
6 teaching of reading course that is based on the most current  
7 research, is aligned to the state board's reading standards  
8 and includes the necessary strategies and assessment measures  
9 to ensure that all beginning teachers are proficient in the  
10 teaching of reading; and

11 CC. withhold program approval from a college of  
12 education or teacher preparation program that fails to seek  
13 input in designing teaching of reading courses from experts in  
14 the field. "