

1 AN ACT  
2 RELATING TO EDUCATION; ALLOWING FOR THE WAIVER OF CERTAIN  
3 REQUIREMENTS FOR SCHOOLS THAT EXCEED EDUCATIONAL STANDARDS.  
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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 Section 1. A new section of the Public School Code is  
7 enacted to read:

8 "ADDITIONAL STATE BOARD DUTIES--WAIVER OF CERTAIN  
9 REQUIREMENTS. --

10 A. The state board shall approve all reasonable  
11 requests to waive the following for all public schools that  
12 exceed educational standards as determined by the state  
13 board:

14 (1) accreditation review requirements as  
15 provided in Section 22-2-2 NMSA 1978;

16 (2) the length of the school day  
17 requirement as provided in Section 22-2-8.1 NMSA 1978;

18 (3) the individual class load requirement  
19 as provided in Section 22-2-8.2 NMSA 1978;

20 (4) the subject area requirement as  
21 provided in Section 22-2-8.3 NMSA 1978; and

22 (5) purchase of instructional material from  
23 the state board-approved multiple list requirement as  
24 provided in Section 22-15-8 NMSA 1978.

25 B. Upon receiving a waiver request from a school

1 that exceeds educational standards and in addition to the  
2 requirements set forth in Subsection A of this section, the  
3 state board may waive:

4 (1) the graduation requirement as provided  
5 in Section 22-2-8.4 NMSA 1978;

6 (2) evaluation standards for school  
7 personnel; and

8 (3) other requirements of the Public School  
9 Code that impede innovation in education if the waiver  
10 request is supported by the teachers at the requesting  
11 school and the requesting school's local school board.

12 C. Waivers granted pursuant to this section  
13 shall begin in the school year following that in which a  
14 public school exceeds educational standards and may remain  
15 in effect as long as the school continues to exceed  
16 educational standards.

17 D. The state board shall only waive requirements  
18 that do not conflict with the federal No Child Left Behind  
19 Act of 2001 or rules adopted pursuant to that act. "

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