

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 911

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING FOR A TRANSITION PERIOD FOR THE ADMINISTRATION OF
PUBLIC SCHOOLS PURSUANT TO THE PUBLIC SCHOOL CODE CONTINGENT
UPON THE ADOPTION OF A CERTAIN CONSTITUTIONAL AMENDMENT;
REPEALING CERTAIN ARTICLES OF THE PUBLIC SCHOOL CODE EFFECTIVE
JULY 1, 2004.

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

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

"22-1-2. DEFINITIONS. --As used in the Public School Code:

A. "state board" means the ~~[state board of
education]~~ secretary of public education appointed by the
governor pursuant to Article 12, Section 6 of the constitution
of New Mexico;

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underscored material = new
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1 B. "state superintendent" means the [~~superintendent~~
2 ~~of public instruction~~] secretary of public education appointed
3 by the governor pursuant to Article 12, Section 6 of the
4 constitution of New Mexico;

5 C. "department of education" means the [~~state~~
6 ~~department of~~] public education department created by Article
7 12, Section 6 of the constitution of New Mexico;

8 D. "certified school instructor" means any person
9 holding a valid certificate authorizing the person to teach,
10 supervise an instructional program, counsel or provide special
11 instructional services in the public schools of the state;

12 E. "certified school administrator" means any
13 person holding a valid certificate authorizing the person to
14 administer in the public schools of the state;

15 F. "certified school employee" or "certified school
16 personnel" means any employee who is either a certified school
17 instructor or a certified school administrator or both;

18 G. "non-certified school employee" means any
19 employee who is not a certified school employee;

20 H. "certificate" means a certificate issued by the
21 state board authorizing a person to teach, supervise an
22 instructional program, counsel, provide special instructional
23 services or administer in the public schools of the state;

24 I. "chief" or "director" means the state
25 superintendent or his designee unless the context clearly

1 indicates otherwise;

2 J. "private school" means a school offering on-site
3 programs of instruction not under the control, supervision or
4 management of a local school board, exclusive of home
5 instruction offered by the parent, guardian or one having
6 custody of the student;

7 K. "school district" means an area of land
8 established as a political subdivision of the state for the
9 administration of public schools and segregated geographically
10 for taxation and bonding purposes;

11 L. "local school board" means the governing body of
12 a school district;

13 M. "public school" means that part of a school
14 district that is a single attendance center where instruction
15 is offered by a certified school instructor or a group of
16 certified school instructors and is discernible as a building
17 or group of buildings generally recognized as either an
18 elementary, secondary, junior high or high school or any
19 combination thereof;

20 N. "school year" means the total number of teaching
21 days offered by public schools in a school district during a
22 period of twelve consecutive months;

23 O. "consolidation" means the combination of part or
24 all of the geographical area of an existing school district
25 with part or all of the geographical area of one or more

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1 contiguous existing school districts;

2 P. "consolidated school district" means a school
3 district created by order of the state board by combining part
4 or all of the geographical area of an existing school district
5 with part or all of the geographical area of one or more
6 contiguous existing school districts;

7 Q. "state institution" means the New Mexico
8 military institute, the New Mexico school for the visually
9 handicapped, the New Mexico school for the deaf, the New Mexico
10 boys' school, the New Mexico youth diagnostic and development
11 center, the Los Lunas medical center, the Fort Stanton
12 hospital, the Las Vegas medical center or the Carrie Tingley
13 crippled children's hospital;

14 R. "state educational institution" means an
15 institution enumerated in Article 12, Section 11 of the
16 constitution of New Mexico;

17 S. "forty-day report" means the report of qualified
18 student membership of each school district and of those
19 eligible to be qualified students but enrolled in a private
20 school or a home school for the first forty days of school;

21 T. "school" means any supervised program of
22 instruction designed to educate a person in a particular place,
23 manner and subject area;

24 U. "school-age person" means any person who is at
25 least five years of age prior to 12:01 a.m. on September 1 of

1 the school year and who has not received a high school diploma
 2 or its equivalent. A maximum age of twenty-one shall be used
 3 for persons who are classified as special education membership
 4 as defined in Section 22-8-2 NMSA 1978 or as residents of state
 5 institutions;

6 V. "home school" means the operation by a parent,
 7 guardian or other person having custody of a school-age person
 8 who instructs a home study program that provides a basic
 9 academic educational program, including [~~but not limited to~~]
 10 reading, language arts, mathematics, social studies and
 11 science;

12 W. "school building" means a public school, an
 13 administration building and related school structure or
 14 facilities, including teacher housing, as may be owned,
 15 acquired or constructed by the local school board and as
 16 necessary to carry out the powers and duties of the local
 17 school board;

18 X. "commercial advertiser" means a person who
 19 advertises a product or service for profit or not for profit
 20 and has a permitted advertisement; and

21 Y. "school bus private owner" means a person who
 22 owns a school bus, other than a [~~local~~] school district, the
 23 department of education, the state or any other political
 24 subdivision of the state."

25 Section 2. TEMPORARY PROVISION. --Until July 1, 2004:

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1 A. the secretary of public education shall perform
2 those duties and exercise those powers provided by law for the
3 superintendent of public instruction or the state board of
4 education and may expend, for the original purpose,
5 appropriations authorized for expenditure by the superintendent
6 of public instruction or the state board of education;
7 provided, however, that:

8 (1) the secretary shall not establish new
9 policy for the public schools without first consulting with the
10 public education commission; and

11 (2) the secretary may expend so much of the
12 appropriations to the public education department as are
13 necessary for the expenses of the public education commission;
14 and

15 B. the public education department shall consist of
16 the same personnel and property and shall perform those duties
17 and exercise those powers provided by law for the state
18 department of public education and may expend, for the original
19 purpose, appropriations authorized for expenditure by the state
20 department of public education.

21 Section 3. DELAYED REPEAL. --Effective July 1, 2004,
22 Articles 1, 2, 13, 13A and 15 of Chapter 22 NMSA 1978 are
23 repealed.

24 Section 4. CONTINGENCY. --The provisions of this act are
25 contingent upon the adoption by the people of the amendment to

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1 Article 12, Section 6 of the constitution of New Mexico as
2 proposed by Senate Education Committee Substitute for Senate
3 Joint Resolutions 2, 5, 12 and 21 or a similar proposal of the
4 first session of the forty-sixth legislature.

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