

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

underscored material = new
[bracketed material] = delete

SENATE BILL 264
47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005
INTRODUCED BY
Bernadette M Sanchez

AN ACT
RELATING TO PUBLIC SCHOOLS; REQUIRING THE PUBLIC EDUCATION
DEPARTMENT TO INSTITUTE A UNIFORM STATEWIDE SCHOOL CURRICULA BY
GRADE AND SUBJECT.

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. DEPARTMENT--GENERAL DUTIES.--The department
shall:

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

underscored material = new
[bracketed material] = delete

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

3 C. supervise all schools and school officials
4 coming under its jurisdiction, including taking over the
5 control and management of a public school or school district
6 that has failed to meet requirements of law or department rules
7 or standards, and, until such time as requirements of law,
8 standards or rules have been met and compliance is ensured, the
9 powers and duties of the local school board and local
10 superintendent shall be suspended;

11 D. prescribe courses of instruction to be taught in
12 all public schools in the state, requirements for graduation
13 and standards for all public schools, for private schools
14 seeking state accreditation and for the educational programs
15 conducted in state institutions other than the New Mexico
16 military institute;

17 E. institute uniform public school curricula by
18 grade and subject for all public schools;

19 [~~E.~~] F. provide technical assistance to local
20 school boards and school districts;

21 [~~F.~~] G. assess and evaluate public schools for
22 accreditation purposes to determine the adequacy of student
23 gain in standards-required subject matter, adequacy of student
24 activities, functional feasibility of public school and school
25 district organization, adequacy of staff preparation and other

. 152436. 1

underscored material = new
[bracketed material] = delete

1 matters bearing upon the education of the students;

2 ~~[G-]~~ H. assess and evaluate all state institutions
3 and those private schools that desire state accreditation;

4 ~~[H-]~~ I. enforce requirements for home schools.

5 Upon finding that a home school is not in compliance with law,
6 the department may order that a student attend a public school
7 or a private school;

8 ~~[I-]~~ J. require periodic reports on forms
9 prescribed by it from all public schools and attendance reports
10 from private schools;

11 ~~[J-]~~ K. determine the qualifications for and issue
12 licenses to teachers, instructional support providers and
13 school administrators according to law and according to a
14 system of classification adopted and promulgated by rules of
15 the department;

16 ~~[K-]~~ L. deny, suspend or revoke a license according
17 to law for incompetency, moral turpitude or any other good and
18 just cause;

19 ~~[L-]~~ M. approve or disapprove all rules promulgated
20 by an association or organization attempting to regulate a
21 public school activity and invalidate any rule in conflict with
22 any rule promulgated by the department. The department shall
23 require an association or organization attempting to regulate a
24 public school activity to comply with the provisions of the
25 Open Meetings Act and be subject to the inspection provisions

. 152436. 1

underscored material = new
[bracketed material] = delete

1 of the Public Records Act. The department may require
2 performance and financial audits of an association or
3 organization attempting to regulate a public school activity.
4 The department shall have no power or control over the rules or
5 the bylaws governing the administration of the internal
6 organization of the association or organization;

7 [M-] N. review decisions made by the governing
8 board or officials of an organization or association regulating
9 a public school activity, and any decision of the department
10 shall be final in respect thereto;

11 [N-] O. require a public school under its
12 jurisdiction that sponsors athletic programs involving sports
13 to mandate that the participating student obtain catastrophic
14 health and accident insurance coverage, such coverage to be
15 offered through the school and issued by an insurance company
16 duly licensed pursuant to the laws of New Mexico;

17 [O-] P. establish and maintain regional centers, at
18 its discretion, for conducting cooperative services between
19 public schools and school districts within and among those
20 regions and for facilitating regulation and evaluation of
21 school programs;

22 [P-] Q. approve education curricula and programs
23 offered in all two-year public post-secondary educational
24 institutions, except those in Chapter 21, Article 12 NMSA 1978,
25 that lead to alternative licenses for degreed persons pursuant

. 152436. 1

underscored material = new
[bracketed material] = delete

1 to Section 22-10A-8 NMSA 1978 or licensure for educational
2 assistants;

3 ~~[Q.]~~ R. withhold program approval from a college of
4 education or teacher preparation program that fails to offer a
5 course on teaching reading that:

6 (1) is based upon current scientifically based
7 reading research;

8 (2) aligns with department-adopted reading
9 standards;

10 (3) includes strategies and assessment
11 measures to ensure that beginning teachers are proficient in
12 teaching reading; and

13 (4) was designed after seeking input from
14 experts in the education field;

15 ~~[R.]~~ S. annually, prior to December 1, prepare and
16 publish a report on public and private education in the state
17 and distribute the report to the governor and the legislature;

18 ~~[S.]~~ T. solicit input from local school boards and
19 school districts in the formulation and implementation of
20 department rules; and

21 ~~[T.]~~ U. report to the legislature or any of its
22 committees as requested and report findings of any educational
23 research study made with public money to the legislature
24 through its appropriate interim or standing committees. "

25 Section 2. Section 22-13-1 NMSA 1978 (being Laws 2003,

. 152436. 1

underscored material = new
[bracketed material] = delete

1 Chapter 153, Section 57) is amended to read:

2 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
3 REQUIRED--ACCREDITATION. --

4 A. The [~~state board~~] department shall require
5 public schools to use the uniform statewide curricula by grade
6 and subject and address [~~state board approved~~] department-
7 approved academic content and performance standards when
8 instructing in specific [~~state board required~~] department-
9 required subject areas as provided in this section. A public
10 school or school district failing to meet these minimum
11 requirements shall not be accredited by the [~~state board~~]
12 department.

13 B. All first, second and third grade classes shall
14 provide daily instruction in reading and language arts skills,
15 including phonemic awareness, phonics and comprehension, and
16 mathematics.

17 C. All first, second and third grade classes shall
18 provide instruction in art, music and a language other than
19 English.

20 D. In fourth through eighth grades, instruction
21 that meets academic content and performance standards shall be
22 provided in the following subject areas:

23 (1) reading and language arts skills, with an
24 emphasis on writing and editing for at least one year and an
25 emphasis on grammar and writing for at least one year;

. 152436. 1

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- (2) mathematics;
- (3) language other than English;
- (4) communication skills;
- (5) science;
- (6) art;
- (7) music;
- (8) social studies;
- (9) New Mexico history;
- (10) United States history;
- (11) geography; and
- (12) physical fitness.

E. In fourth through eighth grades, school districts shall offer electives that contribute to academic growth and skill development and provide career and technical education. "

Section 3. APPLICABILITY. --The provisions of this act apply to the 2006-2007 and succeeding school years.