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SENATE BILL 189

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mary Kay Papen

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO CHARTER SCHOOLS; PROVIDING FOR EMPLOYMENT DECISIONS
BY THE HEAD ADMINISTRATOR; CONFORMING THE NEPOTISM PROVISIONS
TO THOSE OF SCHOOL DISTRICTS.

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

Section 1. Section 22-8B-10 NMSA 1978 (being Laws 1999,
Chapter 281, Section 10, as amended) is amended to read:

"22-8B-10. CHARTER SCHOOLS--EMPLOYEES.--

A. A charter school shall hire its own employees.
The provisions of the School Personnel Act shall apply to such
employees [~~provided, however, that a charter school may
determine by indicating in its charter that either its
governing body or head administrator shall make all employment
decisions. The governing body shall be deemed to be
responsible for making all employment decisions if the charter~~

underscored material = new
[bracketed material] = delete

1 ~~does not specify the decision maker~~]. The head administrator
2 of the charter school shall employ, fix the salaries of,
3 assign, terminate and discharge all employees of the charter
4 school.

5 B. The head administrator of a charter school shall
6 not initially employ or approve the initial employment [~~of a~~
7 ~~head administrator~~] in any capacity of a person who is the
8 spouse, father, father-in-law, mother, mother-in-law, son, son-
9 in-law, daughter or daughter-in-law of a member of the
10 governing body [~~A charter school shall not initially employ or~~
11 ~~approve the initial employment of a licensed school employee~~
12 ~~who is the spouse, father, father-in-law, mother, mother-in-~~
13 ~~law, son, son-in-law, daughter or daughter-in-law of the head~~
14 ~~administrator~~] or the head administrator. The governing body
15 may waive the nepotism rule for family members of a head
16 administrator.

17 C. Nothing in this section shall prohibit the
18 continued employment of a person employed on or before July 1,
19 2007."