

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 86

50th Legislature, 1st Session, 2011

Tracking Number: 184192.1

Short Title: School Board Employee Decisions

Sponsor(s): Representative Ray Begaye and Others

Analyst: Kevin Force

Date: February 3, 2011

Bill Summary:

HB 86 amends the *Public School Code* to allow local school boards to approve or disapprove the employment, termination, or discharge of all school employees and certified school personnel of the school district upon the recommendation of the local superintendent.

The bill further stipulates that any employee relationship would continue until the final decision of the board.

Fiscal Impact:

HB 86 does not contain an appropriation.

Substantive Issues:

Current law provides for the local superintendent to “employ, fix the salaries of, assign, terminate or discharge all employees of the school district.” HB 86 attempts to reassign hiring and firing authority to the local school board, yet only upon recommendation of the superintendent.¹

Technical Issues:

The Public Education Department analysis indicates that HB 86 does not address conflicts with current statute [22-5-14 NMSA 1978], which provides the superintendent the power to “employ, fix the salaries of, assign, terminate or discharge all employees of the school district.”

PED suggests that, to remedy the conflict, the sponsor may wish to amend the powers of the superintendent in the *Public School Code*.

Background:

In 2003, the New Mexico Legislature passed, and Governor Bill Richardson signed, comprehensive school reform legislation (HB 212) that had been endorsed by the Legislative Education Study Committee. Among the changes in HB 212 was a limitation of the powers and

¹ In 2003, legislation was enacted to remove the local school board’s authority in these matters and assigned them to the local superintendent. (See Background.)

duties local school boards have in respect to school personnel matters, authorizing them only to “employ a local superintendent for the school district and fix the superintendent’s salary.”

Related Bills:

None as of 1-24-2011.