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SENATE BILL 219

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Bernadette M. Sanchez

AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING THE PETITION REQUIREMENTS
FOR REQUESTING THE CREATION OF A NEW SCHOOL DISTRICT.

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

SECTION 1. Section 22-4-2 NMSA 1978 (being Laws 1967,
Chapter 16, Section 15, as amended) is amended to read:

"22-4-2. NEW SCHOOL DISTRICTS--CREATION.--

A. The [~~state board~~] department may order the
creation of a new school district:

(1) upon receipt of and according to a
resolution requesting the creation of the new school district
by the local school board of the existing school district;

(2) [~~after review by the local school board~~
~~and~~] upon receipt of a petition [~~bearing~~] in favor of creating
a new school district that bears signatures verified by the

underscoring material = new
[bracketed material] = delete

underscored material = new
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1 county clerk of the affected area of [~~sixty~~] at least ninety-
2 eight percent of the registered voters residing within the
3 geographic area [~~desiring creation of a new school district~~]
4 who voted in the last school board election; or

5 (3) upon [~~recommendation of the state~~
6 ~~superintendent and upon~~] a determination by the [~~state board~~]
7 department that creation of a new school district would meet
8 the standards set forth in Subsection B of this section.

9 B. Within ninety days of receipt of the local
10 school board resolution or receipt of the voters' petition, [~~or~~
11 ~~receipt of a recommendation by the state superintendent, the~~
12 ~~state board~~] the department shall conduct a public hearing to
13 determine whether:

14 (1) the existing school district and the new
15 school district to be created will each have a minimum
16 membership of five hundred;

17 (2) a high school program is to be taught in
18 the existing school district and in the new school district to
19 be created unless an exception is granted to this requirement
20 by the [~~state board~~] department; and

21 (3) creating the new school district is in the
22 best interest of public education in the existing school
23 district and in the new school district to be created and in
24 the best interest of public education in the state."