

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 351

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

AN ACT

RELATING TO SCHOOL DISTRICTS; CHANGING THE METHODS BY WHICH NEW
SCHOOL DISTRICTS MAY BE CREATED.

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~~] commission may order the
creation of a new school district subject to the provisions of
Subsection C of this section:

(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; or

(2) after review by the local school board and
upon receipt of a petition bearing signatures verified by the

1 county clerk [~~of the affected area of sixty~~] of ten percent of
2 the registered voters [~~residing within the geographic area~~
3 ~~desiring creation of a new~~] of the existing school district.

4 [~~or~~

5 ~~(3) upon recommendation of the state~~
6 ~~superintendent and upon a determination by the state board that~~
7 ~~creation of a new district would meet the standards set forth~~
8 ~~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~~] commission 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~~] commission; 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.

25 C. If the commission receives a petition that has

1 been verified and it orders the creation of a school district,
2 the order of creation shall be submitted to the voters of the
3 existing school district for their approval or rejection."

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underscoring material = new
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