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SENATE BILL 351

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

INTRODUCED BY

Linda M. Lopez

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~~] department may order the creation of a new school  
district:

~~[(1)]~~ A. 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)]~~ B. after review by the local school board and  
upon receipt of a petition bearing signatures verified by the  
county clerk of the affected area of sixty percent of the

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1 registered voters residing within the geographic area [~~desiring~~  
2 ~~creation of a new~~] of the existing school district [~~or~~

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

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

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

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

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