

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 641

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MICHAEL S. SANCHEZ

AN ACT

RELATING TO EDUCATION; MAKING ASSOCIATIONS AND ORGANIZATIONS INVOLVED IN PUBLIC SCHOOL ACTIVITIES SUBJECT TO THE OPEN MEETINGS ACT.

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

Section 1. Section 22-2-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 5, as amended) is amended to read:

"22-2-2. STATE BOARD--DUTIES.-- Without limiting those powers granted to the state board pursuant to Section 22-2-1 NMSA 1978, the state board shall perform the following duties:

- A. properly and uniformly enforce the provisions of the Public School Code;
- B. determine policy for the operation of all public schools and vocational education programs in the state;
- C. appoint a state superintendent;

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 D. purchase and loan instructional material to
2 students pursuant to the Instructional Material Law and adopt
3 regulations relating to the use and operation of instructional
4 material depositories in the instructional material distribution
5 process;

6 E. designate courses of instruction to be taught in
7 all public schools in the state;

8 F. assess and evaluate all state institutions and
9 those private schools that desire state accreditation;

10 G. determine the qualifications for and issue a
11 certificate to any person teaching, assisting teachers,
12 supervising an instructional program, counseling, providing
13 special instructional services or administering in public
14 schools, according to law and according to a system of
15 classification adopted and published by the state board;

16 H. suspend or revoke a certificate held by a
17 certified school instructor or certified school administrator,
18 according to law, for incompetency, immorality or for any other
19 good and just cause;

20 I. make full and complete reports on consolidation
21 of school districts to the legislature;

22 J. prescribe courses of instruction, requirements
23 for graduation and standards for all public schools, for private
24 schools seeking state accreditation and for the educational
25 programs conducted in state institutions other than New Mexico

Underscored material = new
[bracketed material] = delete

1 military institute;

2 K. adopt regulations for the administration of all
3 public schools and bylaws for its own administration;

4 L. require periodic reports on forms prescribed by
5 it from all public schools and attendance reports from private
6 schools;

7 M authorize adult educational programs to be
8 conducted in schools under its jurisdiction and adopt and
9 promulgate [~~and publish~~] regulations governing all such adult
10 educational programs;

11 N. require any school under its jurisdiction that
12 sponsors athletic programs involving sports to mandate that the
13 participating student obtain catastrophic health and accident
14 insurance coverage, such coverage to be offered through the
15 school and issued by an insurance company duly licensed pursuant
16 to the laws of New Mexico;

17 O. require all accrediting agencies for public
18 schools in the state to act with its approval;

19 P. accept and receive all grants of money from the
20 federal government or any other agency for public school
21 purposes and disburse the money in the manner and for the
22 purpose specified in the grant;

23 Q. require prior approval for any educational
24 program in a public school that is to be conducted, sponsored,
25 carried on or caused to be carried on by a private organization

. 113262. 1

Underscored material = new
[bracketed material] = delete

1 or agency;

2 R. approve or disapprove all rules or regulations
3 promulgated by any association or organization attempting to
4 regulate any public school activity and invalidate any rule or
5 regulation in conflict with any regulation promulgated by the
6 state board. The state board shall require any association or
7 organization attempting to regulate any public school activity
8 to comply with the provisions of the Open Meetings Act. The
9 state board may require performance and financial audits of any
10 association or organization attempting to regulate any public
11 school activity. The state board shall have no power or control
12 over the rules or regulations or the bylaws governing the
13 administration of the internal organization of the association
14 or organization;

15 S. review decisions made by the governing board or
16 officials of any organization or association regulating any
17 public school activity, and any decision of the state board
18 shall be final in respect thereto;

19 T. accept or reject any charitable gift, grant,
20 devise or bequest. The particular gift, grant, devise or
21 bequest accepted shall be considered an asset of the state;

22 U. establish and maintain regional centers, at its
23 discretion, for conducting cooperative services between public
24 schools and school districts within and among those regions and
25 to facilitate regulation and evaluation of school programs;

. 113262. 1

Underscored material = new
[bracketed material] = delete

1 V. assess and evaluate for accreditation purposes at
2 least one-third of all public schools each year through visits
3 by department of education personnel to investigate the adequacy
4 of pupil gain in standard required subject matter, adequacy of
5 pupil activities, functional feasibility of public school and
6 school district organization, adequacy of staff preparation and
7 other matters bearing upon the education of the students;

8 W. provide for management and other necessary
9 personnel to operate any public school or school district that
10 has failed to meet requirements of law, state board standards or
11 state board regulations; provided that the operation of the
12 public school or school district shall not include any
13 consolidation or reorganization without the approval of the
14 local board of that school district. Until such time as
15 requirements of law, standards or regulations have been met and
16 compliance is assured, the powers and duties of the local school
17 board shall be suspended;

18 X. establish and implement a plan that provides for
19 technical assistance to local school boards through workshops
20 and other in-service training methods; provided, however, that
21 no plan shall require mandatory attendance by any member of a
22 local school board;

23 Y. submit a plan applying for funds available under
24 Public Law 94-142 and disburse these funds in the manner and for
25 the purposes specified in the plan; and

. 113262. 1

Underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Z. enforce requirements for home schools. Upon finding that a home school is not in compliance with law, the state board shall have authority to order that a student attend a public school or a private school."

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 24, 1997

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

HOUSE BILL 641

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 4, line 8, before the period insert "and be
subject to the inspection of the Public Records Act".,

and thence referred to the APPROPRIATIONS AND FINANCE
COMMITTEE.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HEC/HB 641

Page 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Respectfully submitted,

Samuel F. Vigil, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Nicely, S.M Williams

Absent: None

C:\OFFICE\WPWIN\WPDOS\H0641EC1.WPD

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HEC/HB 641

Page 9

2

3

4

5

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

6

7

8

March 11, 1997

9

10

Mr. President:

11

12

Your EDUCATION COMMITTEE, to whom has been referred

13

14

HOUSE BILL 641, as amended

15

16

has had it under consideration and reports same with

17

recommendation that it DO PASS.

18

Respectfully submitted,

19

20

21

22

Cynthia Nava, Chairman

23

24

25

Adopted _____ Not Adopted _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HEC/HB 641

Page 10

2

3

(Chief Clerk)

(Chief Clerk)

4

5

6

7

Date _____

8

9

The roll call vote was 6 For Against

10

Yes: 6

11

No: 0

12

Excused: Duran, Garcia, Gorham, Pinto

13

Absent: None

14

15

16

H0641ED1

17

18

19

20

21

22

23

24

25

Underscored material = new
[bracketed material] = delete