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SENATE BILL 1147

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

INTRODUCED BY

MANNY M ARAGON

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING A SECTION OF THE NMSA 1978 TO ALLOW A LOCAL SCHOOL BOARD TO ASSUME SUPERVISION AND CONTROL OF A PRIVATE SCHOOL OR A FEDERALLY ESTABLISHED SCHOOL; DECLARING AN EMERGENCY.

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

Section 1. Section 22-5-4 NMSA 1978 (being Laws 1967, Chapter 16, Section 28, as amended) is amended to read:

"22-5-4. LOCAL SCHOOL BOARDS-- POWERS-- DUTIES. -- A local school board shall have the following powers or duties:

A. subject to the regulations of the state board, supervise and control all public schools within the school district and all property belonging to or in the possession of the school district;

B. employ a superintendent of schools for the school

Underscored material = new
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1 district and fix his salary;

2 C. delegate administrative and supervisory functions
3 of the local school board to the superintendent of schools;

4 D. subject to the provisions of law, approve or
5 disapprove the employment, termination or discharge of all
6 employees and certified school personnel of the school district
7 upon a recommendation of employment, termination or discharge by
8 the superintendent of schools; provided that any employment
9 relationship shall continue until final decision of the board.
10 Any employment, termination or discharge without the prior
11 recommendation of the superintendent is void;

12 E. apply to the state board for a waiver of certain
13 provisions of the Public School Code relating to length of
14 school day, staffing patterns, subject area or the purchase of
15 instructional materials for the purpose of implementing a
16 collaborative school improvement program for an individual
17 school;

18 F. fix the salaries of all employees and certified
19 school personnel of the school district;

20 G. contract, lease, purchase and sell for the school
21 district;

22 H. acquire and dispose of property;

23 I. have the capacity to sue and be sued;

24 J. acquire property by eminent domain [as] pursuant
25 to the procedures provided in the Eminent Domain Code;

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- 1 K. issue general obligation bonds of the school
- 2 district;
- 3 L. repair and maintain all property belonging to the
- 4 school district;
- 5 M for good cause and upon order of the district
- 6 court, subpoena witnesses and documents in connection with a
- 7 hearing concerning any powers or duties of the local school
- 8 boards;
- 9 N. except for expenditures for salaries, contract
- 10 for the expenditure of money according to the provisions of the
- 11 Procurement Code;
- 12 O. adopt regulations pertaining to the
- 13 administration of all powers or duties of the local school
- 14 board;
- 15 P. subject to the approval of the state board and
- 16 the governing authority of a private school or federally
- 17 established school, assume supervision and control of a private
- 18 school or federally established school operating in the school
- 19 district. Students attending a school supervised and controlled
- 20 by the local school board shall be qualified students for
- 21 purposes of the Public School Finance Act;
- 22 [P-] Q. accept or reject any charitable gift, grant,
- 23 devise or bequest. The particular gift, grant, devise or
- 24 bequest accepted shall be considered an asset of the school
- 25 district or the public school to which it is given; and

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[Q-] R. offer and, upon compliance with the conditions of such offer, pay rewards for information leading to the arrest and conviction or other appropriate disciplinary disposition by the courts or juvenile authorities of offenders in case of theft, defacement or destruction of school district property. All such rewards shall be paid from school district funds in accordance with regulations that shall be promulgated by the department of education. "

Section 2. EMERGENCY. --It is necessary for the public peace, health and safety that this act take effect immediately.

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 March 7, 1997
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7 Mr. President:
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9 Your EDUCATION COMMITTEE, to whom has been referred
10

11 SENATE BILL 1147
12

13 has had it under consideration and reports same with
14 recommendation that it DO NOT PASS, but that
15

16 SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
17 SENATE BILL 1147
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19 DO PASS, and thence referred to the FINANCE COMMITTEE.
20

21 Respectfully submitted,
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25 _____
Cynthia Nava, Chairman

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 3 Against

Yes: 5

No: Boitano, Gorham, Rawson

Excused: Pinto, Maloof

Absent: None

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SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 1147

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

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO
PROVIDE FOR LANDMARK SCHOOLS.

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

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

"22-1-1. PUBLIC SCHOOL CODE. -- Chapter [~~77 NMSA 1953~~] 22
NMSA 1978 may be cited as the "Public School Code". "

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

"22-1-2. DEFINITIONS. -- As used in the Public School Code:

- A. "state board" means the state board of education;
- B. "state superintendent" means the superintendent of
public instruction;
- C. "department of education" means the state

1 department of public education;

2 D. "certified school instructor" means any person
3 holding a valid certificate authorizing the person to teach,
4 supervise an instructional program, counsel or provide special
5 instructional services in the public schools of the state;

6 E. "certified school administrator" means any person
7 holding a valid certificate authorizing the person to administer
8 in the public schools of the state;

9 F. "certified school employee" or "certified school
10 personnel" means any employee who is either a certified school
11 instructor or a certified school administrator or both;

12 G. "non-certified school employee" means any employee
13 who is not a certified school employee;

14 H. "certificate" means a certificate issued by the
15 state board authorizing a person to teach, supervise an
16 instructional program, counsel, provide special instructional
17 services or administer in the public schools of the state;

18 I. "chief" or "director" means the state
19 superintendent or his designee unless the context clearly
20 indicates otherwise;

21 J. "private school" means a school offering on-site
22 programs of instruction not under the control, supervision or
23 management of a local school board, exclusive of home
24 instruction offered by the parent, guardian or one having
25 custody of the student;

1 K. "school district" means an area of land established as
2 a political subdivision of the state for the administration of
3 public schools and segregated geographically for taxation and
4 bonding purposes;

5 L. "local school board" means the governing body of a
6 school district;

7 M. "public school" means that part of a school district
8 that is a single attendance center where instruction is offered by
9 a certified school instructor or a group of certified school
10 instructors and is discernible as a building or group of buildings
11 generally recognized as either an elementary, secondary, junior
12 high or high school or any combination thereof;

13 N. "school year" means the total number of teaching days
14 offered by public schools in a school district during a period of
15 twelve consecutive months;

16 O. "consolidation" means the combination of part or all
17 of the geographical area of an existing school district with part
18 or all of the geographical area of one or more contiguous existing
19 school districts;

20 P. "consolidated school district" means a school district
21 created by order of the state board by combining part or all of the
22 geographical area of an existing school district with part or all
23 of the geographical area of one or more contiguous existing school
24 districts;

25 Q. "state institution" means the New Mexico military

1 institute, the New Mexico school for the visually handicapped, the
2 New Mexico school for the deaf, the New Mexico boys' school, the
3 New Mexico youth diagnostic and development center, the Los Lunas
4 medical center, the Fort Stanton hospital, the Las Vegas medical
5 center or the Carrie Tingley crippled children's hospital;

6 R. "state educational institution" means an institution
7 enumerated in Article 12, Section 11 of the constitution of New
8 Mexico;

9 S. "forty-day report" means the report of qualified
10 student membership of each school district and of those eligible to
11 be qualified students but enrolled in a private school or a home
12 school for the first forty days of school;

13 T. "school" means any supervised program of instruction
14 designed to educate a person in a particular place, manner and
15 subject area;

16 U. "school-age person" means any person who is at least
17 five years of age prior to 12:01 a.m. on September 1 of the school
18 year and who has not received a high school diploma or its
19 equivalent. A maximum age of twenty-one shall be used for persons
20 who are classified as special education membership as defined in
21 Section 22-8-2 NMSA 1978 or as residents of state institutions;

22 V. "home school" means the operation by a parent,
23 guardian or other person having custody of a school-age person who
24 instructs a home study program that provides a basic academic
25 educational program, including but not limited to reading, language

1 arts, mathematics, social studies and science; [~~and~~]

2 W. "school building" means a public school, an
3 administration building and related school structure or facilities,
4 including teacher housing, as may be owned, acquired or constructed
5 by the local school board and as necessary to carry out the powers
6 and duties of the local school board; and

7 X. "landmark school" means a nondenominational and
8 nonsectarian school that is authorized, owned and operated by a
9 governmental entity wholly located within the state but that is not
10 a political subdivision of the state, if the governmental entity
11 has been recognized by the state for any other purpose; provided
12 that a landmark school shall have been in operation since a time
13 prior to the time in which the state was admitted to the union; and
14 provided further that the school serves students from widely
15 separated, multiple school districts. "

16 Section 3. A new section of the Public School Code is enacted
17 to read:

18 "[NEW MATERIAL] LANDMARK SCHOOLS. --

19 A. A school that meets the definition of a landmark
20 school may apply to the state board to be designated as a landmark
21 school.

22 B. A landmark school shall provide at a minimum the
23 following enrichment programs:

24 (1) a leadership development program that will train
25 future leaders and assure quality interaction between governments

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1 in addressing and resolving issues of mutual concern;

2 (2) a community-based curriculum program that
3 defines issues essential to quality of life and incorporates those
4 issues into the school's science, mathematics and technology
5 curricula through field-based learning experiences and technology
6 applications;

7 (3) a native arts program that teaches both
8 traditional and contemporary art and provides for the development
9 of talented artists who will continue to make important
10 contributions to the art-based culture of New Mexico; and

11 (4) a language instructional program that
12 incorporates native language as an instructional tool used in the
13 classroom and in the student's communities in recognition of the
14 fact that native language is essential in community, cultural and
15 other traditions.

16 C. A landmark school shall agree to serve as a site-based
17 research laboratory on issues facing schools and students,
18 including efforts to contain and lower dropout rates, and to target
19 at-risk student populations for enrichment and other programs that
20 will enable them to graduate from high school.

21 D. A landmark school shall file accountability and school
22 violence and vandalism reports with the department of education as
23 required by Sections 22-1-6 and 22-1-7 NMSA 1978. "

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 15, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 1147

has had it under consideration and reports same with recommendation
that it DO PASS.

Respectfully submitted,

Ben D. Altamirano, Chairman

SEC/SB 1147

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 2 Against
Yes: 5
No: Carraro, Lyons
Excused: Aragon, Eisenstadt, Ingle, McKibben
Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 1147

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Samuel F. Vigil, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SEC/SB 1147

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Mallory, McSherry, Nicely, Trujillo, W.C. Williams

Absent: None

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