

SENATE BILL 137

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; ENHANCING MANDATORY TRAINING FOR LOCAL SCHOOL BOARDS AND GOVERNING BODIES OF CHARTER SCHOOLS; ADDING THE NUMBER OF TRAINING HOURS ATTENDED BY MEMBERS TO THE SCHOOL SUPPORT AND ACCOUNTABILITY SYSTEM; LIMITING A LOCAL SCHOOL BOARD'S ~~SEC~~ **CONTRACT EXTENSION OR** ~~SEC~~ TERMINATION OF A SUPERINTENDENT AFTER A SCHOOL BOARD ELECTION; AMENDING THE CAMPAIGN REPORTING ACT AS IT APPLIES TO LOCAL SCHOOL BOARD CANDIDATES; REQUIRING LOCAL SCHOOL BOARD OR GOVERNING BODY

.227025.4AIC February 1, 2024 (10:05am)

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MEETINGS TO BE WEBCAST AND ARCHIVED.

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

SECTION 1. Section 1-22A-2 NMSA 1978 (being Laws 2013, Chapter 180, Section 2, as amended) is amended to read:

"1-22A-2. DEFINITIONS.--As used in the School District Campaign Reporting Act:

A. "campaign committee" means one or more persons authorized by a candidate to raise, collect or expend contributions on the candidate's behalf for the purpose of electing the candidate to office;

B. "candidate" means a person who seeks or considers an office in an election covered by the School District Campaign Reporting Act and who either has filed a declaration of candidacy or has received contributions or made expenditures of [~~five hundred dollars (\$500)~~] one thousand dollars (\$1,000) or more or authorized another person or campaign committee to receive contributions or make expenditures of [~~five hundred dollars (\$500)~~] one thousand dollars (\$1,000) or more for the purpose of seeking election to a covered office;

C. "contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made or received for a political purpose, including payment of a debt

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incurred in an election campaign; but "contribution" does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or campaign committee;

D. "covered office" means the position of board of education member of a school district [~~that has an enrollment of twelve thousand students or more~~] or the position of board member of a community college organized or operating pursuant to the provisions of Chapter 21, Article 13 or Article 16 NMSA 1978;

E. "election cycle" means the period beginning thirty days after an election for an office and ending thirty days following the subsequent election day for that office;

F. "expenditure" means a payment, transfer or distribution or obligation or promise to pay, transfer or distribute any money or other thing of value for a political purpose, including payment of a debt incurred in an election campaign;

G. "political purpose" means advocating the election or defeat of a candidate in an election;

H. "prescribed form" means a form or electronic format prepared and prescribed by the secretary of state; and

I. "reporting individual" means a candidate or treasurer of a campaign committee."

SEC→SECTION 2. Section 1-22A-3 NMSA 1978 (being Laws

2013, Chapter 180, Section 3, as amended) is amended to read:

"1-22A-3. REPORTS REQUIRED--TIME AND PLACE OF FILING.--

A. A candidate or campaign committee that has received contributions or made expenditures of [~~five hundred dollars (\$500)~~] one thousand dollars (\$1,000) or more shall file with the secretary of state a report of all contributions received and expenditures made on a prescribed form, and the report shall be filed in the same or similar electronic system as that used for the Campaign Reporting Act. Except as otherwise provided in this section, all reports pursuant to the School District Campaign Reporting Act shall be filed electronically and electronically authenticated by the candidate using an electronic signature in conformance with the Electronic Authentication of Documents Act and the Uniform Electronic Transactions Act.

B. A candidate or campaign committee shall file a campaign report of all contributions received and expenditures made during an election cycle and not previously reported by midnight on the twenty-first day before the election and on the thirtieth day following the election.

C. If a reporting date set by Subsection B of this section falls on a holiday, the report shall be filed on the next business day.

D. If a candidate or campaign committee has not

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received any contributions and has not made any expenditures since the last report filed with the secretary of state, the candidate or campaign committee shall only be required to file a statement of no activity, which shall not be required to be notarized, in lieu of a full report when that report would otherwise be due.

E. A report of expenditures and contributions filed after a deadline set forth in this section shall not be deemed to have been timely filed.

F. Except for candidates and campaign committees that file a statement of no activity, each candidate or campaign committee shall file a report of expenditures and contributions pursuant to the filing schedules set forth in this section, regardless of whether any expenditures were made or contributions were received during the reporting period. Reports shall be required until the candidate or campaign committee delivers a report to the secretary of state stating that:

- (1) there are no outstanding campaign debts;
- (2) all money has been expended in accordance with the provisions of Section 1-22A-10 NMSA 1978; and
- (3) the bank account for campaign funds maintained by the candidate or campaign committee has been closed.

G. A candidate who does not ultimately file a

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declaration of candidacy and does not file a statement of no activity shall file reports in accordance with Subsection B of this section.

H. A candidate may apply to the secretary of state for exemption from electronic filing in case of hardship, which shall be defined by the secretary of state."←SEC

SECTION SEC→2.←SEC SEC→3.←SEC Section 22-2F-3 NMSA 1978 (being Laws 2019, Chapter 249, Section 3) is amended to read:

"22-2F-3. SCHOOL SUPPORT AND ACCOUNTABILITY SYSTEM--CREATED--ESTABLISHING A SCHOOL DASHBOARD--PRIORITIZING RESOURCES FOR SCHOOLS RECEIVING ADDITIONAL SUPPORT.--

A. The "school support and accountability system" is created in the department. The department, in consultation with school districts, charter schools, school personnel, tribal nations and the legislative education study committee, shall promulgate rules to carry out the provisions of the School Support and Accountability Act through the system.

B. The system shall:

(1) differentiate Title 1 support to public schools in the state using the metrics identified in Paragraphs (2) and (3) of this subsection to assign, for each public school, a designation of targeted support, comprehensive support or more rigorous intervention to comply with the federal Elementary and Secondary Education Act of 1965;

(2) include indicators of academic achievement

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that shall be afforded substantial weight and, in the aggregate, much greater weight than the indicators described in Paragraph (3) of this subsection, including:

(a) student proficiency on the New Mexico standards-based assessments pursuant to Subsection B of Section 22-2C-4 NMSA 1978;

(b) student growth, which will comprise a substantial part of the weighting of academic achievement indicators both for all students at the public school and disaggregated by quartile on the New Mexico standards-based assessments;

(c) progress of English language learners toward English language proficiency as measured by an assessment determined by the department; and

(d) for high schools, the four-year, five-year and six-year adjusted cohort graduation rates; and

(3) include indicators of school quality and student success that are valid, reliable, comparable and statewide, including:

(a) chronic absenteeism;

(b) college, career and civic readiness;

and

(c) the educational climate of the school.

C. The department shall include in the system

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student data disaggregated by each major racial and ethnic group, economically disadvantaged students, English learner status, children with disabilities, gender and migrant status; provided that ethnicity and race shall be reported using the following categories:

- (1) Caucasian, non-Hispanic;
- (2) Hispanic;
- (3) African American;
- (4) American Indian or Alaska Native;
- (5) Native Hawaiian or other Pacific Islander;
- (6) Asian;
- (7) two or more races; and
- (8) other; provided that if the sample of

students in any category enumerated in Paragraphs (1) through (7) of this subsection is so small that a student in the sample may be personally identifiable in violation of the federal Family Educational Rights and Privacy Act of 1974, the report may combine that sample into the "other" category.

D. The department shall provide the technological platform for a dashboard for each public school. The dashboard shall provide school and student information to school stakeholders and policymakers in a transparent manner, including the following indicators:

- (1) the results of each indicator included in Paragraphs (2) and (3) of Subsection B and in Subsection C of

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this section;

(2) designations of school quality and student success for any school meeting a specific standard set by the department for any indicator included in Paragraphs (2) and (3) of Subsection B of this section;

(3) designations of excellence for any school scoring in the ninetieth percentile for any indicator included in Paragraphs (2) and (3) of Subsection B of this section;

(4) designations of school quality and student success for any school meeting a specific standard set by the department for American Indian or Hispanic students for any indicator included in Paragraphs (2) and (3) of Subsection B of this section;

(5) designations of excellence for any school scoring in the ninetieth percentile for American Indian or Hispanic students for any indicator included in Paragraphs (2) and (3) of Subsection B of this section;

(6) the designation of support for schools that meet the criteria for traditional support, targeted support, comprehensive support or more rigorous intervention;

(7) the demographics of the students and staff of the school; ~~and~~

(8) indicators of opportunity to learn standards, including:

(a) a survey of relevant and engaging

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curriculum and instruction;

(b) educational resources, including total school-level expenditures and total instructional expenditures per student; and

(c) qualified and competent school staff, including the percentage of teachers with three or more years of experience, the percentage of teachers who are fully licensed and endorsed in the field they teach, the types of degrees held by staff, information from the highly objective uniform [~~state standards~~] statewide standard of evaluation for teachers and the percentage of national board-certified teachers; and

(9) the number of hours of training attended by each school's local school board members and whether each member met statutory training requirements.

E. The dashboard shall include each school's mission, vision and goals and provide for optional comments from the local school board about the strengths, opportunities for improvement and programmatic offerings corresponding to any of the reported indicators in the dashboard. For local school boards that do not provide this information, the department shall populate this section of the dashboard with information from the public school's educational plan for student success.

F. The department shall ensure that a local school board prioritizes the resources of a public school that has

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received a designation of targeted support, comprehensive support or more rigorous intervention toward improving student performance using evidence-based programs and a continuous improvement plan based on the indicators in Paragraphs (2) and (3) of Subsection B of this section identified through a school-level needs assessment until the public school no longer holds that designation."

SECTION SEC→3.←SEC SEC→4.←SEC A new section of Chapter 22, Article 5 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SEC→CONTRACT EXTENSION OR←SEC TERMINATION OF LOCAL SUPERINTENDENT--LIMITATION.-- SEC→A local school board shall not terminate the local superintendent without cause within sixty days after the first convening of the newly elected board after an election in which one or more members of the board are elected or recalled."←SEC SEC→A local school board shall not, during any time between the date of a regular local election in which school board positions are on the ballot and sixty days after the convening of the newly elected board or until sixty days after a majority of a local school board has been appointed:

A. extend the local superintendent's contract; or

B. terminate the local superintendent without

cause."←SEC

SECTION SEC→4.←SEC SEC→5.←SEC Section 22-5-13 NMSA 1978 (being Laws 2003, Chapter 153, Section 24) is amended to read:

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"22-5-13. LOCAL SCHOOL BOARD MANDATORY TRAINING.--

A. The department shall develop a mandatory training course for local school board members that explains [~~state board rules~~] department rules, policies and procedures, statutory powers and duties of local school boards, legal concepts pertaining to public schools, finance and budget and other matters deemed relevant by the department. The department shall notify local school board members of the dates of the training course, the last of which shall not be later than three months after a local school board election.

B. Local school board members in their first term shall complete at least ten hours of mandatory training during their first year serving on the board. Training for new local school board members shall include:

(1) at least two hours covering laws and department policies and procedures affecting local school boards or public schools, including ethics and school personnel;

(2) at least two hours covering public school finance, budgeting and fiduciary responsibilities of local school boards;

(3) at least two hours covering legal concepts pertaining to local school boards and school districts, including the Open Meetings Act and the Inspection of Public Records Act;

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(4) at least two hours covering effective governance practices and effective methods of supporting and supervising the local superintendent; and

(5) at least two hours covering student achievement and student support services.

C. Mandatory training for all other local school board members shall include at least five hours per year and shall cover:

(1) laws and department policies and procedures affecting local school boards or public schools, including ethics and school personnel;

(2) public school finance, budgeting and fiduciary responsibilities of local school boards and performance-based budgeting;

(3) a local school board's role in evaluating and improving student academic achievement and using data to set individual school goals for student academic achievement in each of the school district's public schools;

(4) a local school board's role in providing a safe learning environment conducive to improving student outcomes;

(5) legal concepts pertaining to local school boards and school districts, including the Open Meetings Act and the Inspection of Public Records Act;

(6) effective governance practices and

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effective methods of supporting and supervising the local superintendent; and

(7) other matters deemed relevant by the department."

SECTION SEC→5.←SEC SEC→6.←SEC A new section of Chapter 22, Article 5 NMSA 1978 is enacted to read:

"[NEW MATERIAL] LOCAL SCHOOL BOARD MEETINGS--WEBCASTING AND ARCHIVING.--Except as otherwise provided in this section, live audio and video webcasts of local school board meetings shall be accessible through the school district's website and shall include a user interface that allows members of the public to submit written or verbal comments. A webcast shall begin as soon as practicable after the chair has called the meeting to order and shall terminate as soon as practicable after the local school board has adjourned. Recordings of the webcasts and an electronic copy of any minutes approved at the meeting shall be posted on the school district's website within one week of the meeting's conclusion and shall be publicly available for at least SEC→five←SEC SEC→three←SEC years following the date of the meeting unless the state records retention schedule provides otherwise."

SECTION SEC→6.←SEC SEC→7.←SEC Section 22-8B-5.1 NMSA 1978 (being Laws 2009, Chapter 18, Section 1) is amended to read:

"22-8B-5.1. GOVERNING BODY TRAINING.--

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A. The department shall develop a mandatory training course for all governing body members that explains department rules, policies and procedures, statutory powers and duties of governing boards, legal concepts pertaining to public schools, finance and budget and other matters deemed relevant by the department. The department shall notify the governing body members of the dates of the training courses.

B. Governing body members in their first term shall complete at least ten hours of mandatory training during their first year serving on the governing body. Training for new members shall include:

(1) at least two hours covering laws and department policies and procedures affecting governing bodies or charter schools, including ethics and school personnel;

(2) at least two hours covering public school finance, budgeting and fiduciary responsibilities of governing bodies;

(3) at least two hours covering legal concepts pertaining to governing bodies and charter schools, including the Open Meetings Act and the Inspection of Public Records Act;

(4) at least two hours covering effective governance practices and effective methods of supporting and supervising a charter school leader; and

(5) at least two hours covering student achievement and student support services.

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C. Mandatory training for all other governing body members shall include at least five hours per year and shall cover:

(1) laws and department policies and procedures affecting governing bodies or charter schools, including ethics and school personnel;

(2) public school finance, budgeting and fiduciary responsibilities of governing bodies and performance-based budgeting;

(3) a governing body's role in evaluating and improving student academic achievement and using data to set individual school goals for student academic achievement in charter schools;

(4) a governing body's role in providing a safe learning environment conducive to improving student outcomes;

(5) legal concepts pertaining to governing bodies and charter schools, including the Open Meetings Act and the Inspection of Public Records Act;

(6) effective governance practices and effective methods of supporting and supervising charter school leaders; and

(7) other matters deemed relevant by the department."

SECTION ~~SEC~~^{7.} ~~SEC~~ ~~SEC~~^{8.} ~~SEC~~ A new section of Chapter

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22, Article 8B NMSA 1978 is enacted to read:

"[NEW MATERIAL] GOVERNING BODY MEETINGS--WEBCASTING AND ARCHIVING.--Except as otherwise provided in this section, live audio and video webcasts of governing body meetings shall be accessible through the charter school's website and shall include a user interface that allows members of the public to submit written or verbal comments. A webcast shall begin as soon as practicable after the chair has called the meeting to order and shall terminate as soon as practicable after the governing body has adjourned. Recordings of the webcasts and an electronic copy of any minutes approved at the meeting shall be posted on the charter school's website within one week of the meeting's conclusion and shall be publicly available for at least SEC→five←SEC SEC→three←SEC years following the date of the meeting unless the state records retention schedule provides otherwise."

SECTION SEC→8.←SEC SEC→9.←SEC EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2024.