

Navigating the Roundhouse



*Presented by Dennis J. Roch
Superintendent of Logan Municipal Schools
Former State Representative (District 67)*

Constitution as Authority

https://nmonesource.com/nmos/c/en/nav_date.do

Constitution of the State of New Mexico

ADOPTED JANUARY 21, 1911

PREAMBLE

We, the people of New Mexico, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do ordain and establish this constitution.

PREAMBLE

ARTICLE I Name and Boundaries

- > ARTICLE II Bill of Rights
- > ARTICLE III Distribution of Powers
- > ARTICLE IV Legislative Department
- > ARTICLE V Executive Department
- > ARTICLE VI Judicial Department
- > ARTICLE VII Elective Franchise
- > ARTICLE VIII Taxation and Revenue
- > ARTICLE IX State, County and Municipal Indebtedness
- > ARTICLE X County and Municipal Corporations
- > ARTICLE XI Corporations Other Than Municipal
- > ARTICLE XII Education
- > ARTICLE XIII Public Lands
- > ARTICLE XIV Public Institutions
- > ARTICLE XV Agriculture and Conservation
- > ARTICLE XVI Irrigation and Water Rights

ARTICLE XII Education

- > Section 1. [Free public schools.]
- > Sec. 2. [Permanent school fund.]
- > Sec. 3. [Control of constitutional educational institutions; u...]
- > Sec. 4. [Current school fund.]
- > Sec. 5. [Compulsory school attendance.]
- > Sec. 6. [Public education department; public education co...]
- > Sec. 7. [Investment of permanent school fund.]
- > Sec. 7. (Proposed.) [Investment of permanent school fund.]
- > Sec. 8. [Teachers to learn English and Spanish.]
- > Sec. 9. [Religious tests in schools.]
- > Sec. 10. [Educational rights of children of Spanish descent.]
- > Sec. 11. [State educational institutions.]
- > Sec. 12. [Acceptance and use of Enabling Act educational ...]
- > Sec. 13. [Board of regents for educational institutions.]
- > Sec. 14. [Recall of local school board members.]
- > Sec. 15. [Local school boards having seven single-membe...]

Constitutional provision supersedes law

> **Sec. 14. [Recall of local school board members.]**

Any elected local school board member is subject to recall by the voters of the school district from which elected. A petition for a recall election must cite grounds of malfeasance or misfeasance in office or violation of the oath of office by the member concerned. The recall petition shall be signed by registered voters not less in number than thirty-three and one-third percent of those who voted for the office at the last preceding election at which the office was voted upon. Procedures for filing petitions and for determining validity of signatures shall be as provided by law. If at the special election a majority of the votes cast on the question of recall are in favor thereof, the local school board member is recalled from office and the vacancy shall be filled as provided by law. (As added November 6, 1973; and as amended November 4, 1986.)

NM Statutes

https://nmonesource.com/nmos/nmsa/en/nav_date.do

Current New Mexico Statutes

Search

DATE	TITLE
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83 result(s)

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Current New Mexico Statutes Annotated 1978 - Chapter 1 NMSA 1978
2. **Chapter 2 - Legislative Branch**
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4. **Chapter 4 - Counties**
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5. **Chapter 5 - Municipalities and**
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12. **Chapter 12 - Miscellaneous**
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13. **Chapter 13 - Public Purchases**
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14. **Chapter 14 - Records, Rules and Regulations**
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15. **Chapter 15 - Administration**
Current New Mexico Statutes Annotated 1978 - Chapter 15 NMSA 1978
16. **Chapter 16 - Parks, Recreation and Historic Sites**
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17. **Chapter 17 - Game and Fish**
Current New Mexico Statutes Annotated 1978 - Chapter 17 NMSA 1978
18. **Chapter 18 - Libraries, Museums and Cultural Properties**
Current New Mexico Statutes Annotated 1978 - Chapter 18 NMSA 1978
19. **Chapter 19 - Public Lands**
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20. **Chapter 20 - Military Affairs**
Current New Mexico Statutes Annotated 1978 - Chapter 20 NMSA 1978
21. **Chapter 21 - State and Private Education Institutions**
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22. **Chapter 22 - Public Schools**
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23. **Chapter 22A - Other Public School Laws**
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24. **Chapter 23 - State Health Institutions**
Current New Mexico Statutes Annotated 1978 - Chapter 23 NMSA 1978
25. **Chapter 24 - Health and Safety**
Current New Mexico Statutes Annotated 1978 - Chapter 24 NMSA 1978



How to Find Statutes

- > ARTICLE 1 General Provisions
- > ARTICLE 2 Public Education Department and Commission
- > ARTICLE 2A Tutor-Scholars Program (Repealed.)
- > ARTICLE 2B Regional Cooperative Education
- > ARTICLE 2C Assessment and Accountability
- > ARTICLE 2D Family and Youth Resources
- > ARTICLE 2E A-B-C-D-F Schools Rating (Repealed.)
- > ARTICLE 2F School Support and Accountability
- > ARTICLE 3 Educational Apportionment (Repealed.)
- > ARTICLE 3A 2011 Educational Redistricting
- > ARTICLE 4 Creation, Consolidation and Annexation of School Districts
- > ARTICLE 4A Advisory Referenda (Repealed.)
- > ARTICLE 5 Local School Boards
- > ARTICLE 5A School Alcohol-Free Zone
- > ARTICLE 6 School District Elections (Repealed.)
- > ARTICLE 7 Local School Board Member Recall (Repealed, R.S. 22:5-7)
- > ARTICLE 8 Public School Finance
- > ARTICLE 8A Charter Schools (Repealed.)
- > ARTICLE 8B Charter Schools

- ▼ ARTICLE 5 Local School Boards
 - > 22-5-1. Local school boards; members.
 - > 22-5-1.1. Local school board members; elected from districts.
 - > 22-5-2. Repealed.
 - > 22-5-3. School board membership; optional form.
 - > 22-5-3.1. Local school boards; reversion to five members.
 - > 22-5-4. Local school boards; powers; duties.
 - > 22-5-4.1. Repealed.
 - > 22-5-4.2. Child abuse; report coordination; confirmation.
 - > 22-5-4.3. School discipline policies; racial sensitivity and a...
 - > 22-5-4.4. School employees; reporting drug and alcohol us...
 - > 22-5-4.5. Pledge of allegiance.
 - > 22-5-4.6. Recompiled.
 - > 22-5-4.7. Additional student discipline policies; weapon-free...
 - > 22-5-4.8. Area vocational high schools.
 - > 22-5-4.9. High school diplomas; World War II veterans.
 - > 22-5-4.10. High school diplomas; Korean conflict veterans.
 - > 22-5-4.11. Psychotropic medication; prohibition on compul...
 - > 22-5-4.12. Use of restraint and seclusion; techniques; requ...
 - > 22-5-4.13. Local school board; consideration of opening or...
 - > 22-5-4.14. High school diplomas; Vietnam conflict veterans.
 - > 22-5-5. Compensation; prohibited employment.
 - > 22-5-6. Nepotism prohibited.

How to Read a Statute

22-5-6. Nepotism prohibited.

A. A local superintendent shall not initially employ or approve the initial employment in any capacity of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister or sister-in-law of a member of the local school board or the local superintendent. The local school board may waive the nepotism rule for family members of a local superintendent.

B. Nothing in this section shall prohibit the continued employment of a person employed on or before July 1, 2008.

History: 1953 Comp., § 77-4-3.1, enacted by Laws 1971, ch. 199, § 1; 1981, ch. 86, § 1; 2003, ch. 153, § 22; 2009, ch. 195, § 1.



ANNOTATIONS

The 2009 amendment, effective June 19, 2009, in Subsection A, after "daughter-in-law", added "brother, brother-in-law, sister or sister-in-law" and in Subsection B, changed March 1, 2003 to July 1, 2008.

The 2003 amendment, effective April 4, 2003, in Subsection A substituted "superintendent" for "school board" following "local" near the beginning and inserted "or the local superintendent. The local school board may waive the nepotism rule for family members of a local superintendent." at the end; and substituted "2003" for "1981" at the end of Subsection B.

Object of section is to prevent nepotism in initial hiring of school employees. The hiring of a teacher closely related to a member of the school board justifiably arouses public suspicion that the teacher was hired on the basis of relationship rather than merit. Such suspicions, however, relate only to the initial hiring of the teacher. There is no reason to suspect nepotism in the continued employment of a tenured teacher whose competency has been established by years of service, merely because a family member is elected to the school board at some time during the teacher's career. *N.M. State Bd. of Educ. v. Board of Educ.*, 1981-NMSC-031, 95 N.M. 588, 624 P.2d 530 (decided prior to 1981 amendment).

NM Regulations

<http://164.64.110.134/nmac>

NMAC TITLES

TITLE 1	GENERAL GOVERNMENT ADMINISTRATION
TITLE 2	PUBLIC FINANCE
TITLE 3	TAXATION
TITLE 4	CULTURAL RESOURCES
TITLE 5	POST-SECONDARY EDUCATION
TITLE 6	PRIMARY AND SECONDARY EDUCATION
TITLE 7	HEALTH

TITLE 6 - PRIMARY AND SECONDARY EDUCATION

CHAPTER 1	STATE BOARD OF EDUCATION [RESERVED]
CHAPTER 2	STATE BOARD OF EDUCATION COMMISSIONS AND ADVISORY BOARDS
CHAPTERS 3 - 5	[RESERVED]
CHAPTERS 6 - 9	STATE DEPARTMENT OF PUBLIC EDUCATION [RESERVED]
CHAPTER 10	PUBLIC SCHOOL ADMINISTRATION - PROCEDURAL REQUIREMENTS
CHAPTER 11	PUBLIC SCHOOL ADMINISTRATION - STUDENT RIGHTS AND RESPONSIBILITIES
CHAPTER 12	PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
CHAPTER 13	PUBLIC SCHOOL ADMINISTRATION - INTERSCHOLASTIC ACTIVITIES
CHAPTERS 14 - 18	[RESERVED]
CHAPTER 19	PUBLIC SCHOOL ACCOUNTABILITY

How to read regulations (ie, administrative code)

TITLE 6 **PRIMARY AND SECONDARY EDUCATION**
CHAPTER 41 **TRANSPORTATION - SCHOOL BUS SAFETY**
PART 2 **SCHOOL BUS INSPECTIONS**

- 6.41.2.8** **REQUIREMENTS OF THE PUBLIC EDUCATION DEPARTMENT:** The department, working cooperatively with other agencies, shall
- A. randomly audit district school bus maintenance and inspections records;
 - B. conduct random school bus inspections as a division, or through joint power agreements with other agencies, or contract with other agencies;
 - C. conduct random school bus inspections in compliance with the department's guide for school bus maintenance and safety audit program;
 - D. maintain records of the school districts inspection and safety audits.

[12-31-98; 6.41.2.8 NMAC - Rn, 6 NMAC 9.5.1.8 & A, 07-31-01; A, 11-13-09]

- 6.41.2.9** **REQUIREMENTS OF SCHOOL DISTRICTS:** School districts shall ensure that all school buses are inspected semi-annually by the department or its authorized representative.
- A. School districts must maintain the following:
 - (1) maintenance records in accordance with the department's guide for school bus maintenance and safety audit program;
 - (2) semi-annual inspection records completed by the contractor or in the case of owned operations, the local school district supervisor;
 - (3) pre-and-post trip records of daily inspections for the school year completed by the contractor or school district transportation manager;
 - (4) inspection records of random inspections conducted by inspectors or auditor authorized by the department.
 - B. School districts must certify to the department that semi-annual inspections and daily driver inspections have been conducted.

[12-31-98; 6.41.2.9 NMAC - Rn, 6 NMAC 9.5.1.9 & A, 07-31-01; A, 11-13-09]

Locating legislation via www.nmlegis.gov



The screenshot shows the homepage of the New Mexico Legislature website. At the top, there is a blue header with the New Mexico State Seal on the left and the text "New Mexico Legislature" in a large, gold, serif font. Below the header is a navigation menu with links for Home, Legislators, Legislation, Committees, Publications, What's Happening, Webcast, Quick Links, Highlights, and Contact Us. The main content area features a date bar indicating "Today is Tuesday, June 29, 2021" and an "Accessibility Accommodations" section with contact information for Rebecca Griego. At the bottom, there is a large banner image of the Seal of the State of New Mexico with the text "2021 Interim Committees are Updated" and a "Click here to view" link. Navigation arrows and a progress indicator are also visible on the banner.

New Mexico
Legislature

Home Legislators Legislation Committees Publications What's Happening Webcast Quick Links Highlights Contact Us

Home

Today is Tuesday, June 29, 2021

Accessibility Accommodations

If you are an individual with a disability who is in need of a qualified sign language interpreter or other form of auxiliary aid or service for access to legislative hearings or other information, please contact Rebecca Griego at (505) 986-4620 or rebecca.griego@nmlegis.gov at least three days in advance or as soon as possible.

2021 Interim Committees are Updated
Click here to view

Tracking bills


Search by:

-bill number

-sponsor

-keyword

-subject



The image shows a screenshot of the New Mexico Legislature website. The header features the state seal and the text "New Mexico Legislature". The navigation menu includes "Home", "Legislators", "Legislation", "Committees", "Publications", and "What's Happening". The "Legislation" menu is open, displaying the following options:

- Find Legislation by Number
- Find Legislation by Sponsor
- Find Legislation by Keyword
- Find Legislation by Subject
- Bill Finder
- Capital Outlay
- Daily Bill Locator
- Key to Abbreviations
- MyRoundhouse
- Finding Legislation – Tutorial
- How to Track Legislation – Tutorial
- New Mexico Law (Statutes)

Other visible elements include a "Home" link, a date indicator "Today is Tuesday," and an "Accessibility Acc" link. A partial text box on the left reads: "If you are an individual... hearings or other inf... possible."

ID

SB 40

Title

K-5 PLUS & EXTENDED LEARNING AT ALL SCHOOLS

Sponsor

Mimi Stewart

Current Location

Chaptered

Text

Introduced (PDF) 1/19/21

Introduced (HTML) 1/19/21

SFC Committee Substitute 2/24/21

Amendments in Context 3/18/21

Final Version 4/09/21

1 Sponsors

2 Votes

2 Analysis

ActionText: [1] SEC/SFC-SEC [3] DP-SFC [9] DNP-CS/DP [11] PASSED/S (31-9) [9] HEC-HEC [15] DP/a [17] PASSED/H (56-13) [20] s/cncrd SGND BY GOV (Apr. 8) Ch.134.

(!) Indicates that a committee recommendation has been announced by the House of Representatives, but the report has not been formally adopted by the body. Adoption of these actions will be considered by the House at a later date.

[Key to Abbreviations](#)

ID

SB 40

Title

K-5 PLUS & EXTENDED LEARNING AT ALL SCHOOLS

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Final Version 4/09/21

1 Sponsors

2 Votes

2 Analysis

Fiscal Impact Report

LESC Analysis

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment to Senate Finance Committee substitute for Senate Bill 40 (SB40/SFCS/aHEC) strikes the mandate requiring all public schools, including charter schools, to provide K-5 Plus or Extended Learning Time Programs to all students in FY22. The bill also amends the application process for K-5 Plus. Under the HEC amendment, public schools that previously offered a K-5 Plus program shall simply notify Public Education Department of its intent to provide the K-5 Plus program with no formal application process.

Synopsis of Original Bill

Senate Finance Committee Substitute for Senate Bill 40 (SB40/SFCS) amends the K-5 Plus Act and Section 22-8-23 NMSA 1978 of the Public School Finance Act (Extended Learning Time Programs) to clarify provisions that have been difficult to implement and administer during the first two years of implementation and to provide for some additional flexibilities in both programs. The bill additionally requires all public schools, including charter schools, to provide K-5 Plus or Extended Learning Time Programs to all students in FY22 if in-person instruction is not prohibited by executive order.

1 SENATE BILL 40

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Mimi Stewart

5
6
7
8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9
10 AN ACT

11 RELATING TO PUBLIC EDUCATION; REQUIRING K-5 PLUS AND EXTENDED
12 LEARNING TIME PROGRAMS AT ALL PUBLIC SCHOOLS FOR THE 2021-2022
13 SCHOOL YEAR IF IN-PERSON INSTRUCTION IS NOT PROHIBITED BY
14 EXECUTIVE ORDER OR RESOLUTION OF A LOCAL SCHOOL BOARD; MAKING
15 APPROPRIATIONS.

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 40

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

AN ACT

RELATING TO PUBLIC EDUCATION; SPECIFYING HOW INSTRUCTIONAL TIME
IS CALCULATED FOR K-5 PLUS AND EXTENDED LEARNING TIME PROGRAMS;
REQUIRING K-5 PLUS AND EXTENDED LEARNING TIME PROGRAMS AT ALL
PUBLIC SCHOOLS FOR THE 2021-2022 SCHOOL YEAR IF IN-PERSON
INSTRUCTION IS NOT PROHIBITED BY EXECUTIVE ORDER.

1 B. For the 2021-2022 school year, if in-person
2 instruction is not prohibited by executive order:
3 (1) each public elementary school shall
4 provide K-5 plus pursuant to the K-5 Plus Act or an extended
5 learning time program pursuant to Section 22-8-23.10 NMSA 1978;
6 and
7 (2) each public school that is not an
8 elementary school as provided in Paragraph (1) of this
9 subsection shall provide an extended learning time program
10 pursuant to Section 22-8-23.10 NMSA 1978.

Your **EDUCATION COMMITTEE**, to whom has been referred

**SENATE FINANCE COMMITTEE SUBSTITUTE
FOR SENATE BILL 40**

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

1. On page 1, line 12, strike the semicolon, strike lines 13 through 15 in their entirety and insert in lieu thereof a period.

2. On page 8, line 18, after "a", insert "new".

3. On page 8, between lines 21 and 22, insert the following new subsection:

"B. For public schools that previously offered a K-5 plus program, each school district and charter school, in lieu of submitting an application in its annual educational plan, shall notify the department of its intent to provide the K-5 plus program and no formal application shall be required."

4. Reletter the succeeding subsections.

5. On pages 9 through 11, strike Section 6 in its entirety.,

Committee Members

Title	Name	District	Party	Role
Representative	G. Andrés Romero	10	D	Chair
Representative	Joy Garratt	29	D	Vice Chair
Representative	Alonzo Baldonado	8	R	Member
Representative	Jack Chatfield	67	R	Member
Representative	Rebecca Dow	38	R	Member
Representative	Natalie Figueroa	30	D	Member
Representative	T. Ryan Lane	3	R	Member
Representative	Raymundo Lara	34	D	Member
Representative	Derrick J. Lente	65	D	Member
Representative	Willie D. Madrid	53	D	Member
Representative	Patricia Roybal Caballero	13	D	Member
Representative	Sheryl Williams Stapleton	19	D	Member
Representative	Candie G. Sweetser	32	D	Member
Representative	Christine Trujillo	25	D	Member

Committee Members

Title	Name	District	Party	Role
Senator	William P. Soules	37	D	Chair
Senator	Harold Pope	23	D	Vice Chair
Senator	Steven P. Neville	2	R	Ranking Member
Senator	Craig W. Brandt	40	R	Member
Senator	Martin Hickey	20	D	Member
Senator	Gay G. Kernan	42	R	Member
Senator	Michael Padilla	14	D	Member
Senator	Shannon D. Pinto	3	D	Member

2021 Interim LESC Tentative Meeting Schedule

Meetings in Santa Fe will be in Room 322 at the State Capitol

The general public may view the meeting at www.nmlegis.gov

May 27 - 28

Santa Fe

June 23-25

Hobbs

July 28-30

Shiprock

August 30 - September 1

Socorro

October 4-6

Santa Fe

November 17-19

Santa Fe

December 15-17**

Santa Fe

January 3-5**

Santa Fe

January 17

Santa Fe