

1 SENATE BILL 171

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

3 INTRODUCED BY

4 David M. Gallegos and Gay G. Kernan

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; REQUIRING LOCAL SCHOOL BOARDS TO
12 DETERMINE IF PUBLIC SCHOOLS SHOULD OPEN FOR ON-CAMPUS
13 INSTRUCTION DURING A TIME WHEN THE STATE HAS ISSUED A PUBLIC
14 HEALTH EMERGENCY ORDER, INCLUDING SUCH ORDERS ISSUED DURING THE
15 REMAINDER OF THE 2020-2021 SCHOOL YEAR OR OTHER SCHOOL YEAR IF
16 THE CORONAVIRUS DISEASE 2019 REMAINS AT EPIDEMIC LEVELS IN NEW
17 MEXICO; REQUIRING EACH LOCAL SCHOOL BOARD TO MAKE THE
18 DETERMINATION BASED ON FEDERAL CENTERS FOR DISEASE CONTROL AND
19 PREVENTION RECOMMENDATIONS; DECLARING AN EMERGENCY.

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

22 SECTION 1. A new section of the Public School Code is
23 enacted to read:

24 "[NEW MATERIAL] CORONAVIRUS DISEASE 2019 PANDEMIC--
25 LEGISLATIVE FINDINGS--ON-CAMPUS INSTRUCTION--LOCAL SCHOOL BOARD

.219204.1

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1 DUTY.--

2 A. As used in this section:

3 (1) "local school board" includes the
4 governing board of a charter school; and

5 (2) "school district" includes charter
6 schools.

7 B. The legislature finds that public schools are in
8 the essential business of taking care of the academic and
9 socio-emotional needs of students and, without the advantages
10 of on-campus public education, students all across the state
11 are not only losing academic momentum, but are suffering from
12 the lack of structure, socialization and emotional support that
13 students get from school, teachers and friends during the
14 coronavirus disease 2019 pandemic. The legislature recognizes
15 that the pandemic has robbed students of a sense of stability
16 and normality, which endangers their entire future and finds
17 further that even limited access to on-campus instruction,
18 through fewer days on campus or many fewer students in
19 classrooms, can benefit students by providing that needed sense
20 of stability and normality.

21 C. When public schools have been closed due to a
22 public health emergency order, each local school board shall
23 confer with school personnel and health officials to determine
24 when public schools may safely reopen for teachers and students
25 to once again participate in on-campus instruction as a hybrid

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1 model of on-campus and virtual instruction. School personnel
2 who opt for virtual teaching or the provision of other services
3 and students who opt for virtual school attendance while the
4 state public health emergency order is in effect shall not be
5 discriminated against."

6 SECTION 2. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] ON-CAMPUS INSTRUCTION DURING THE
9 CORONAVIRUS DISEASE 2019 PANDEMIC.--

10 A. During the coronavirus disease 2019 pandemic,
11 public schools may be opened using a hybrid model of on-campus
12 and virtual instruction; provided that a student's parent may
13 choose the option of all-virtual instruction for the student.
14 The means and methods of reopening and the hybrid model adopted
15 by the local school board shall be based on the recommendations
16 of the federal centers for disease control and prevention.

17 B. The local school board shall disseminate to all
18 parents in the school district the reopening model, including
19 the number of days and hours that a student may be on campus
20 and the number of students that may be in a classroom, along
21 with any other pertinent information. Parents shall inform the
22 school district of their choice of either the hybrid model or
23 the all-virtual model for their children.

24 C. The local school board shall decide whether or
25 when to offer on-campus instruction during the remainder of the

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1 2020-2021 school year or other school year while there is a
2 public health emergency order in effect.

3 D. As used in this section:

4 (1) "local school board" includes the
5 governing board of a charter school; and

6 (2) "school district" includes charter
7 schools."

8 SECTION 3. EMERGENCY.--It is necessary for the public
9 peace, health and safety that this act take effect immediately.