

## ARTICLE 2B

### Regional Cooperative Education

#### 22-2B-1. Short title.

Chapter 22, Article 2B NMSA 1978 may be cited as the "Regional Cooperative Education Act".

**History:** Laws 1993, ch. 232, § 1; 2001, ch. 293, § 3.

#### ANNOTATIONS

**The 2001 amendment**, effective June 15, 2001, substituted "Chapter 22, Article 2BNMSA 1978" for "Sections 1 through 6 of this act".

#### 22-2B-2. Definitions.

As used in the Regional Cooperative Education Act:

A. "council" means a regional education coordinating council; and

B. "cooperative" means a regional education cooperative.

**History:** Laws 1993, ch. 232, § 2; 2001, ch. 293, § 4.

#### ANNOTATIONS

**The 2001 amendment**, effective June 15, 2001, deleted Subsection C which formerly read "'fund' means an educational cooperative fund".

#### 22-2B-3. Regional education cooperatives authorized.

A. The department may authorize the existence and operation of "regional education cooperatives". Upon authorization by the department, local school boards may join with other local school boards or other state-supported educational institutions to form cooperatives to provide education-related services. Cooperatives shall be deemed individual state agencies administratively attached to the department; provided that:

(1) pursuant to the rules of the department, cooperatives may own, and have control and management over, buildings and land independent of the director of the facilities management division of the general services department;

(2) cooperatives shall not submit budgets to the department of finance and administration but shall submit them to the department. The department shall, by rule, determine the provisions of the Public School Finance Act [Chapter 22, Article 8 NMSA 1978] relating to budgets and expenditures that are applicable to cooperatives; and

(3) pursuant to the rules of the department, the secretary may, after considering the factors specified in Section 22-8-38 NMSA 1978, designate a cooperative council as a board of finance with which all funds appropriated or distributed to it shall be deposited. If such a designation is not made or if such a designation is suspended by the secretary, the money appropriated or to be distributed to a cooperative shall be deposited with the state treasurer. Unexpended or unencumbered balances in the account of a cooperative shall not revert.

B. The department shall, by rule, establish minimum criteria for the establishment and operation of cooperatives. The department shall also establish procedures for oversight of cooperatives to ensure compliance with department rule. Cooperatives shall be exempt from the provisions of the Personnel Act [Chapter 10, Article 9 NMSA 1978].

C. With council approval, a cooperative may provide revenue-generating education-related services to nonmembers, so long as those services do not detract from the cooperative's ability to fulfill its responsibilities to its members.

D. With council approval, a cooperative may apply for and receive public and private grants as well as gifts, donations, bequests and devises and use them to further the purposes and goals of the cooperative.

E. Each cooperative shall cooperate with the department as required by federal-state plans or department rules in the effectuation and administration of its educational programs. Each cooperative shall submit reports to the department at such times and in such form as required by department rule. Reports shall include an evaluation of the effectiveness of the technical assistance and other services provided to members of the cooperative and any nonmember public and private entities to which the cooperative provided educational services. The reports and evaluations submitted pursuant to this subsection shall be made available upon request to the legislative education study committee and the legislative finance committee.

**History:** Laws 1993, ch. 232, § 3; 2001, ch. 293, § 5; 2009, ch. 64, § 1; 2013, ch. 115, § 22.

## ANNOTATIONS

**Cross references.** — For references to the former state board, see 9-24-15 NMSA 1978.

For the legislative finance committee, see 2-5-1 NMSA 1978.

For the legislative education study committee, see 2-10-1 NMSA 1978.

**The 2013 amendment**, effective June 14, 2013, changed the name of the property control division of the general services department to the facilities management division; and in Paragraph (1) of Subsection A, deleted "property control" and added "facilities management" before "division".

**The 2009 amendment**, effective July 1, 2009, in Subsections A and B, changed "state board" to "department"; in Paragraph (3) of Subsection A, changed "state superintendent" to "secretary"; deleted former Subsection C, which provided for the development of a statewide long-range plan for educational and technical assistance activities in public and charter schools served by cooperatives; and added Subsections C, D and E.

**The 2001 amendment**, effective June 15, 2001, in Subsection A, deleted "to qualified school-age residents of participating educational entities" from the end of the second sentence, added "provided that" at the end of the third sentence, and added Paragraphs (1) through (3); substituted "rule" for "regulation" twice in Subsection B; and added Subsection C.

## **22-2B-4. Regional education coordinating councils created; membership.**

A. Subject to regulations adopted by the state board [department] , each cooperative shall be governed by a regional education coordinating council.

B. Councils shall be composed of the superintendents or chief administrative officers of each local school district or state-supported educational institution participating in the cooperative.

C. Members of each council shall elect a chairman from its members. Meetings shall be held at the call of the chairman. A meeting of a majority of the members of the council constitutes a quorum for the purpose of conducting business.

**History:** Laws 1993, ch. 232, § 4.

### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and is not part of the law.

Laws 2004, ch. 25, § 27, provided that all references to the superintendent of public instruction shall be deemed references to the secretary of public education and all references to the former state board of education or state department of education shall be deemed references to the public education department. See 9-24-15 NMSA 1978.

**Cross references.** — For references to the former state board, see 9-24-15 NMSA 1978.

## **22-2B-5. Regional education coordinating councils; duties.**

A. Each council shall oversee the function and operation of a cooperative. At the direction of the council, the cooperative shall provide:

- (1) education-related services to members of the cooperative;
- (2) technical assistance and staff development opportunities to members of the cooperative;
- (3) cooperative purchasing capabilities and fiscal management opportunities to members of the cooperative;
- (4) such additional services to members of the cooperative as may be determined by the council to be appropriate; and
- (5) revenue-generating education-related services to nonmembers when the council determines that the provision of such services will not interfere with the cooperative's ability to fulfill its responsibilities to its members.

B. Pursuant to rule of the department, each council shall:

- (1) adopt a budget and administrative guidelines as necessary to carry out the purposes of the cooperative; and
- (2) hire an executive director and necessary additional staff.

**History:** Laws 1993, ch. 232, § 5; 2009, ch. 64, § 2.

### ANNOTATIONS

**Cross references.** — For references to the former state board, see 9-24-15 NMSA 1978.

**The 2009 amendment**, effective July 1, 2009, in Subsection A, changed "all entities participating in" to "members of"; added Paragraph (5) of Subsection A; and in Subsection B, changed "regulation" and added "rule", and changed "state board" to "department".

## 22-2B-6. Repealed.

**History:** Laws 1993, ch. 232, § 6; repealed by Laws 2001, ch. 293, § 7.

### ANNOTATIONS

**Repeals.** — Laws 2001, ch. 293, § 7 repealed 22-2B-6 NMSA 1978, as enacted by Laws 1993, ch. 232, § 6, relating to the creation of educational cooperative funds, effective June 15, 2001. For provisions of former section, see the 2000 NMSA 1978 on *NMOneSource.com*.

## 22-2B-7. Culturally and linguistically diverse student populations; professional development for school personnel.

A. All cooperatives that want to provide technical assistance and professional development for teachers, educational assistants and other instructional support staff in the educational needs of culturally and linguistically diverse students shall join together and submit one application to the department for funding. The group of participating cooperatives shall assign one cooperative to provide coordination, financial accounting and disbursement of funding received from the department to all participating cooperatives.

B. With council approval, each cooperative may provide or contract for technical assistance and professional development for teachers, educational assistants and other instructional support staff that are focused on the educational needs of culturally and linguistically diverse students.

C. Technical assistance and professional development programs shall be aligned with state academic content standards, benchmarks and performance standards for bilingual multicultural education and shall meet school district and charter school educational plans related to bilingual multicultural education, Indian education and Hispanic education.

D. Professional development programs shall be centered on the following:

- (1) research-based bilingual multicultural education and language revitalization programs and implications for instruction;
- (2) best practices in teaching English as a second language, English language development, bilingual multicultural education and language revitalization programs;
- (3) classroom assessments that support academic and language development;

- (4) principles of first and second language acquisition, including language revitalization, differentiated language instruction and sheltered content instruction; and
- (5) effective practices of program implementation and program evaluation.

E. With council approval, a cooperative may offer professional development to school personnel in school districts and charter schools that are not members of the cooperative and may charge a course fee, which shall not be more than the actual per-participant cost of attendance at the professional development program.

F. Each participating cooperative shall provide direct technical assistance, in addition to professional development, that results in improved culturally and linguistically responsive education in public schools. The participating cooperatives shall work closely with appropriate service providers to build and support cooperative, school district and charter school internal capacity of their staff and their members' staff to ensure long-term, local, sustained support to teachers and other school personnel who work with culturally and linguistically diverse students.

**History:** Laws 2019, ch. 200, § 1.