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**TOWN OF ESTANCIA
BOARD OF TRUSTEES
RESOLUTION NO. R 2021-25**

A RESOLUTION IN SUPPORT THE TORRANCE COUNTY BOARD OF COUNTY COMMISSIONERS' RESOLUTION R2021-33 SUPPORTING THE MUNICIPAL SCHOOL DISTRICT BOARDS OF EDUCATION LOCAL CONTROL AND AUTHORITY TO MAKE DECISIONS IN THE BEST INTEREST OF STUDENTS, STAFF, AND PARENTS

WHEREAS, our community and nation's future depends on investing in and student access to high-quality primary and secondary education systems that prepare students for college, vocational school, careers, and lifelong learning; and

WHEREAS, the Torrance County municipal school district boards of education ("school boards"), of which the Estancia School District Board is one, are local school boards established and operating in accordance with the New Mexico Public School Code, NMSA 1978, Section 22-5-1 et seq.; and

WHEREAS, the Public School Code in NMSA 1978, Section 22-5-4, grants the Torrance County municipal school boards certain powers and duties which include developing educational policies for school districts, overseeing budgeting and procurement, and adopting rules pertaining to the administration of all powers and duties of the Torrance County municipal school boards; and

WHEREAS, the Public School Code in NMSA 1978, Section 22-5-4.3, grants the Torrance County municipal school boards the power to establish student discipline policies governing areas of student and school activity, detailing specific prohibited acts and activities, and enumerating possible disciplinary sanctions, and that the development of these policies requires the involvement of parents, school personnel, and students; and

WHEREAS, the New Mexico Administrative Code at 6.12.2.10(D), further requires the Torrance County municipal school boards to involve parents, staff, and students in the development of policies and the review of instructional materials; and

WHEREAS, Torrance County municipal school boards are elected by their communities and are often the most in tune to the community and students' individual educational, health, and safety needs; and

WHEREAS, specific decisions about operations, programs, how to meet goals, and how to address specific public safety measures should be left to the Torrance County municipal school boards; and

1 **WHEREAS**, the Constitution of the State of New Mexico in Article XII, Section 14,
2 provides that the duly-elected members of Torrance County municipal school boards may be
3 recalled only by the voters of the school district from which those Torrance County municipal
4 school board members are elected; and,
5


6 **WHEREAS**, the Constitution of the State of New Mexico in Article XII, Section 14,
7 further provides that a recall election may occur only if first the petition for a recall election cites
8 grounds of malfeasance or misfeasance in office or violation of the oath of office and is signed by
9 registered voters not less in number than thirty-three and one-third percent (33 1/3%) of those who
10 voted for the office at the last preceding election at which the office was voted upon; and
11


12 **WHEREAS**, dictates by the New Mexico Public Education Department to Torrance
13 County municipal school boards threatening punitive actions such as adverse licensure decisions
14 against school district personnel, suspension of Torrance County municipal school board
15 governance, and other enforcement measures, and regarding operations and policy decisions
16 without legislative approval or going through the proper rule-making process and that do not
17 include input from the local community are antithetical to the concepts of local control, federalism,
18 and the rule of law and violate state statute, the New Mexico Administrative Code, and the
19 Constitution of the State of New Mexico.
20

21 **NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Town of
22 Estancia within the County of Torrance, support Torrance County Resolution 2021-33, which
23 supports the Torrance County municipal school district boards of education local control and
24 authority to make policy decisions the Torrance County municipal school boards believe best
25 reflect and are in the best interest of students, staff, parents, and the Torrance County community.
26

27 **BE IT FURTHER RESOLVED**, that the Torrance County municipal school district
28 boards of education be permitted to adopt rules and policies pertaining to the administration of all
29 powers and duties of the Torrance County municipal school boards, of which the Estancia School
30 District Board is one, which include the responsibility to identify community and school district
31 needs and opinions, and to develop short term and long term strategies for the educational success,
32 health, safety, and welfare of students and staff.
33

34
35 **THIS RESOLUTION PASSED, APPROVED, AND ADOPTED THIS 16th DAY OF**
36 **AUGUST 2021.**

37 
38 _____
39 **Nathan M. Dial**
40 **Mayor**
41
42

 Attest: 
 Michelle M. Jones
 Clerk/Treasurer