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**TORRANCE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. R 2021- 33**

**RESOLUTION SUPPORTING THE TORRANCE COUNTY 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”) 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

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

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

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9           **WHEREAS**, the Constitution of the State of New Mexico in Article XII, Section 14,  
10 provides that the duly-elected members of Torrance County municipal school boards may be  
11 recalled only by the voters of the school district from which those Torrance County municipal  
12 school board members are elected, and

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

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

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29           **NOW, THEREFORE**, be it resolved that the Board of County Commissioners of  
30 Torrance County supports the Torrance County municipal school district boards of education  
31 local control and authority to make policy decisions the Torrance County municipal school

1 boards believe best reflect and are in the best interest of students, staff, parents, and the Torrance  
2 County community.

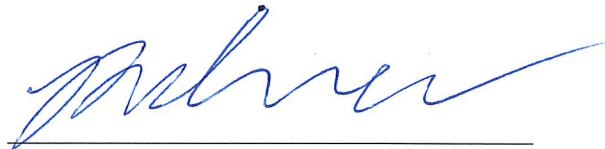
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4 **BE IT FURTHER RESOLVED**, that the Torrance County municipal school district  
5 boards of education be permitted to adopt rules and policies pertaining to the administration of  
6 all powers and duties of the Torrance County municipal school boards, which include the  
7 responsibility to identify community and school district needs and opinions, and to develop short  
8 and long term strategies for the educational success, health, safety, and welfare of students and  
9 staff.

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11 **DONE** this 13th day of August, 2021, in Estancia, New Mexico, by the Board of County  
12 Commissioners of Torrance County.


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15 **APPROVED AS TO FORM ONLY:**


**BOARD OF COUNTY COMMISSIONERS**

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County Attorney

  
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Ryan Schwebach, Chair, District 2

20 Date: 8/13/2021

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Kevin McCall, Vice Chair, District 1

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LeRoy M. Candelaria, Member, District 3

26 **ATTEST:**

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28 \_\_\_\_\_  
Yvonne Otero, County Clerk

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30 Date: 8-13-2021

