

1 HOUSE JOINT RESOLUTION 7

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 John Block

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 12, SECTION 6 OF THE CONSTITUTION OF
12 NEW MEXICO TO REPLACE THE PUBLIC EDUCATION DEPARTMENT WITH THE
13 PUBLIC SCHOOL ADMINISTRATIVE OFFICE UNDER THE DIRECTION AND
14 CONTROL OF THE PUBLIC EDUCATION COMMISSION; LIMITING THE POWERS
15 OF THE COMMISSION AND ADMINISTRATIVE OFFICE SO AS NOT TO
16 INFRINGE ON THE POWERS AND DUTIES OF LOCAL SCHOOL BOARDS,
17 SCHOOL DISTRICTS AND GOVERNING BODIES OF CHARTER SCHOOLS;
18 PROVIDING A TRANSITION.

19
20 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. It is proposed to amend Article 12, Section 6
22 of the constitution of New Mexico to read:

23 "A. ~~[There is hereby created a "public education~~
24 ~~department" and a] The "public education commission" [that~~
25 ~~shall have such powers and duties as provided by law. The~~

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underscoring material = new
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1 ~~department shall be a cabinet department headed by a secretary~~
2 ~~of public education who is a qualified, experienced educator~~
3 ~~who shall be appointed by the governor and confirmed by the~~
4 ~~senate] is created to administer public school law, including~~
5 ~~public school funding and functions relating to the~~
6 ~~distribution of school funds and financial accounting for the~~
7 ~~public schools, that does not infringe on the powers and duties~~
8 ~~of local school boards, school districts and governing bodies~~
9 ~~of charter schools.~~

10 B. The ten members of the public education
11 commission shall be elected for staggered terms of four years
12 as provided by law. Commission members shall be residents of
13 the public education commission district from which they are
14 elected. Change of residence of a commission member to a place
15 outside the district from which ~~[he]~~ the member was elected
16 shall automatically terminate the term of that member.

17 C. The governor shall fill vacancies on the
18 commission by appointment of a resident from the district in
19 which the vacancy occurs until the next regular election for
20 membership on the commission.

21 ~~[D. The secretary of public education shall have~~
22 ~~administrative and regulatory powers and duties, including all~~
23 ~~functions relating to the distribution of school funds and~~
24 ~~financial accounting for the public schools to be performed as~~
25 ~~provided by law.~~

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underscoring material = new
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1 ~~E. The elected members of the 2003 state board of~~
2 ~~education shall constitute the public education commission, if~~
3 ~~this amendment is approved, until their terms expire and the~~
4 ~~districts from which the state board of education were elected~~
5 ~~shall constitute the state public education commission~~
6 ~~districts until changed by law.]~~

7 D. The "public school administrative office" is
8 created as an executive agency to staff the commission and
9 administer public school finance, school personnel licensure
10 and other state laws that do not infringe on the powers and
11 duties of local school boards, school districts and governing
12 bodies of charter schools. The commission shall hire the
13 director of the office, who shall be known as the "state
14 superintendent of education". The state superintendent may
15 hire professional and clerical staff sufficient to carry out
16 the powers and duties of the office as provided by law.

17 E. The public education commissioners serving on
18 January 1, 2025 shall continue to serve until their terms have
19 expired. The secretary of public education shall serve as the
20 state superintendent of education until replaced by the public
21 education commission. The public education department shall
22 become the public school administrative office.

23 F. Upon approval by the people of this amendment,
24 the legislature shall provide for a thorough review of public
25 school laws to identify those provisions that infringe on the

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1 powers and duties of local school boards, school districts and
2 governing bodies of charter schools."

3 SECTION 2. The amendment proposed by this resolution
4 shall be submitted to the people for their approval or
5 rejection at the next general election or at any special
6 election prior to that date that may be called for that
7 purpose.

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