

1 SENATE JOINT RESOLUTION 1

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

3 INTRODUCED BY

4 Steven P. Neville

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
12 CONSTITUTION OF NEW MEXICO TO REPLACE THE PUBLIC EDUCATION
13 COMMISSION WITH A STATE BOARD OF EDUCATION TO SET POLICY AND
14 DIRECT THE PUBLIC EDUCATION DEPARTMENT; PROVIDING A TRANSITION
15 PERIOD.

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17 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

20 "A. ~~[There is hereby created a]~~ The "state board of
21 education" and the "public education department" ~~[and a "public~~
22 ~~education commission" that]~~ are created and shall have such
23 powers and duties as provided by law. ~~[The department shall be~~
24 ~~a cabinet department headed by a secretary of public education~~
25 ~~who is a qualified, experienced educator who shall be appointed~~

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1 ~~by the governor and confirmed by the senate]~~ The state board of
2 education shall determine public school policy and vocational
3 education policy and shall have control and direction,
4 including financial direction, distribution of school funds and
5 financial accounting, for school districts and public schools.

6 B. The ten members of the ~~[public education~~
7 ~~commission]~~ state board of education shall be elected for
8 staggered terms of four years as provided by law. ~~[Commission]~~
9 State board of education positions shall be on the general
10 election ballot, but candidates shall run and be elected as
11 nonpartisan. Board members shall be residents of the ~~[public~~
12 ~~education commission]~~ state board of education district from
13 which they are elected. A change of residence of a
14 ~~[commission]~~ board member to a place outside the district from
15 which ~~[he]~~ the member was elected shall automatically terminate
16 the term of that member.

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

22 D. The ~~[secretary of public education]~~ state board
23 of education shall appoint a qualified person who holds a New
24 Mexico educator license and has public school teaching and
25 administration experience to be the state superintendent of

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1 education. The state superintendent shall be appointed without
2 regard to political party but solely on the qualifications and
3 ability to perform the powers and duties of the office. The
4 state superintendent shall [have] perform administrative and
5 regulatory powers and duties [including all functions relating
6 to the distribution of school funds and financial accounting
7 for the public schools to be performed] as provided by law.

8 ~~[E. The elected members of the 2003 state board of~~
9 ~~education shall constitute the public education commission, if~~
10 ~~this amendment is approved, until their terms expire and the~~
11 ~~districts from which the state board of education were elected~~
12 ~~shall constitute the state public education commission~~
13 ~~districts until changed by law.]~~

14 E. Upon adoption of this amendment, the elected
15 members of the public education commission shall be the elected
16 members of the state board of education until the elected
17 commission members' terms expire. The districts of the public
18 education commission in the 2021 Educational Redistricting Act
19 shall be the districts of the state board of education until
20 redistricting occurs after the 2030 federal decennial census.
21 The secretary of public education shall serve as the state
22 superintendent of education until the secretary's successor has
23 been appointed by the board and qualified."

24 **SECTION 2.** The amendment proposed by this resolution
25 shall be submitted to the people for their approval or

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1 rejection at the next general election or at any special
2 election prior to that date that may be called for that
3 purpose.

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