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FISCAL IMPACT REPORT

SPONSOR: Marquardt DATE TYPED: 2/26/01 HB HJR-12
 SHORT TITLE: Create Secretary of Education, CA SB _____
 ANALYST: Gilbert

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		See Discussion - Fiscal Implications			

(Parenthesis () Indicate Expenditure Decreases)

Relates to: House Joint Resolution 4, Senate Joint Resolution 22, Senate Joint Resolution 17, Senate Joint Resolution 11, House Bill 81, House Bill 610

SOURCES OF INFORMATION

LFC Files
 State Department of Education (SDE)

SUMMARY

Synopsis of Bill

House Joint Resolution 12 proposes, through an amendment to Article XII, Section 6 of the Constitution of New Mexico, to abolish the State Board of Education (SBE) and replace it with a cabinet-level department and a cabinet secretary appointed by the Governor.

Significant Issues

The public education governance structure in New Mexico is now composed of 10 elected and 5 appointed SBE members. The SBE is charged with appointing a Superintendent of Public Instruction who directs operations of the State Department of Education (SDE). This process grants the citizens of New Mexico a constitutional right to influence state educational policy and establishes a direct link between citizens, communities, and policy-makers.

If this bill passes and the citizens of New Mexico subsequently vote to amend the Constitution, the Governor will appoint, with the advice and consent of the Senate, a qualified and experienced educational administrator to serve as secretary of a new cabinet-level department of public education. Upon adoption of the amendment, all functions relating to public schools and the distribution of school funds and financial accounting for the public schools are transferred to the public education department to be performed as provided by law. If the amendment is adopted at the 2002 general election, the position of SBE member will cease to be an elected position in the 2006 general election and the terms of all SBE

members will terminate on December 31, 2006.

FISCAL IMPLICATIONS

Passage of this bill, along with House Bill 610, will result in a \$1.5 million impact to the general fund. House Bill 610 appropriates \$1.5 million from the general fund to the Secretary of State for expenditure in FY02 to hold a special election in 2001 for a constitutional amendment to abolish the state board of education if a resolution to that effect passes the first session of the Forty-Fifth Legislature.

Indeterminable costs to the general fund may arise if this bill passes and the citizens of New Mexico subsequently vote to amend the Constitution. For example, a comprehensive reassessment and revision of the Public School Code and a reorganization and restructuring of the SDE could result in fiscal impact to the general fund.

Termination of the 15-member SBE may generate cost savings for the SDE.

ADMINISTRATIVE IMPLICATIONS

Revision of the Public School Code and adoption of new or revised regulatory provisions may be necessary.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

This bill is very similar to House Joint Resolution 22 (Roberts). However, this bill does not provide for a seven member advisory board appointed by the Governor and the terms of SBE members terminate on December 31, 2006, instead of on December 31 of the year the amendment is adopted.

OTHER SUBSTANTIVE ISSUES

According to the SDE, New Mexico and many other states have determined that educational policy should be made in a manner requiring the involvement of as many citizens as possible. Centralizing education under one state-level entity, whether a bureaucracy or a single elected state official, would operate in a manner inconsistent with the current system of broad-based citizen involvement. New Mexico's elected SBE members represent defined districts and establish a link between individuals and communities; voters now have the right to directly express their concerns relating to educational issues. Also, revision of the state's public educational system and philosophy on a periodic basis in accordance with the goals of a newly elected governor could make long-term planning more difficult.

Additionally, the SDE states that current data does not indicate that a change in governance will improve student achievement. An analysis of 42 participating states and their National Assessment of Educational Progress ("NAEP") test scores does not show a significant correlation between student achievement and various governance models.

Only two states, Wisconsin and Minnesota, currently do not have a state board of education. In Wisconsin, however, the chief state school officer is a nonpartisan elected constitutional state official.

TECHNICAL ISSUES

The following sections of the Constitution of New Mexico also relate to the SBE and the State Superintendent of Public Instruction and may require revision:

Article V, Section 3 of the Constitution of New Mexico provides that "*No person shall be eligible to the office of superintendent of public instruction unless he be a trained and experienced educator.*"

Article V, Section 12 addresses the compensation of executive officers and includes therein the superintendent of public instruction.

LG/njw