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HOUSE JOINT RESOLUTION 14
45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY
Rick Miera

A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
CONSTITUTION OF NEW MEXICO TO TRANSFER THE STATE DEPARTMENT OF
PUBLIC EDUCATION TO A CABINET DEPARTMENT HEADED BY A SECRETARY
OF PUBLIC EDUCATION WHO SHALL SERVE IN THE EXECUTIVE CABINET
AND TO CREATE AN ALL-ELECTED STATE BOARD OF EDUCATION.

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

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

"A. There is hereby created a "[~~state department~~
~~of~~] public education department" and a "state board of
education". The [~~state board of education shall determine~~
~~public school policy and vocational educational policy and~~
~~shall have control, management and direction, including~~
~~financial direction, distribution of school funds and~~

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1 ~~financial accounting for all public schools, pursuant to~~
2 ~~authority and powers provided by law. The board shall appoint~~
3 ~~a qualified, experienced educational administrator to be known~~
4 ~~as the superintendent of public instruction, who shall,~~
5 ~~subject to the policies established by the board, direct]~~
6 department shall be a cabinet department headed by a secretary
7 of public education who is a qualified, experienced
8 educational administrator and who shall be appointed by the
9 governor on the recommendation of the state board of education
10 as prescribed by law and confirmed by the senate. The
11 secretary of public education, with the advice of the state
12 board of education, shall determine public school policy and
13 vocational educational policy. The secretary, after
14 consulting with the state board of education, shall have
15 control, management and direction, including financial
16 direction, distribution of school funds and financial
17 accounting for all public schools, pursuant to authority and
18 powers provided by law. The operation of the [state
19 ~~department of]~~ public education department shall be as
20 provided by law.

21 B. Ten members of the state board of education who
22 shall be state officers shall be elected for staggered terms
23 of four years as provided by law. Board members shall be
24 residents of the board of education district from which they
25 are elected. Change of residence of a board member to a place

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1 outside the district from which he was elected shall
2 automatically terminate the term of that member.

3 ~~[C. Five members of the state board of education~~
4 ~~who shall be state officers shall be nominated and by and with~~
5 ~~the consent of the senate appointed by the governor from five~~
6 ~~districts substantially equal in population for staggered~~
7 ~~four-year terms as provided by law. Those appointed by the~~
8 ~~governor shall be qualified electors of the state of New~~
9 ~~Mexico, no more than one-half or a simple majority of whom at~~
10 ~~the time of their appointment shall be members of the same~~
11 ~~political party. After 1990, the number of appointed members~~
12 ~~may be changed by law not to exceed five members.~~

13 ~~D.]~~ C. The governor shall fill vacancies on the
14 board by appointment of a resident from the district in which
15 the vacancy occurs until the next regular election for
16 membership on the board.

17 ~~[E. Upon adoption of this amendment]~~ D. All
18 functions relating to the distribution of school funds and
19 financial accounting for the public schools shall be
20 transferred to the ~~[state department of]~~ public education
21 department to be performed as provided by law.

22 E. On January 1, 2003, the elected members of the
23 2002 state board of education and members elected at the
24 general election of 2002 shall constitute the state board of
25 education if this amendment is approved."

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