

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HJR 13

51st Legislature, 2nd Session, 2014

Tracking Number: .196454.1

Short Title: Sec. of Public Education Requirements, CA

Sponsor(s): Representative Mimi Stewart and Others

Analyst: Kevin Force

Date: February 14, 2014

Bill Summary:

HJR 13 proposes to amend Article XII, Section 6 of the New Mexico constitution to require that the Secretary of Public Education shall be specifically an “educator licensed” in this state, rather than merely a “qualified, experienced” educator, as is currently required.

If HJR 13 passes the Legislature, it must be submitted to the people for approval at the next General Election, or at a special election called for that purpose.

Fiscal Impact:

HJR 13 does not contain an appropriation.

Fiscal Issues:

Under Section 1-16-13 NMSA 1978 and the New Mexico constitution, the Secretary of State is required to:

- print samples of the text of each proposed constitutional amendment, in both Spanish and English, in an amount equal to 10 percent of the registered voters in the state; and
- publish the samples once a week for the four weeks preceding the election in which the proposed amendment will be presented to the voters in newspapers in every county in the state.

In 2012, the cost for the 2012 General Election ballots was \$46,000 per constitutional amendment. However, if the ballot size increases to where it becomes longer than one page, front and back, the cost of conducting the general election would be increased by such costs as those associated with a longer ballot, the additional time required to process individuals as they vote, and additional ballot printing systems, to avoid long lines at voting locations.

Substantive Issues:

This proposed amendment would specify the qualifications necessary to be appointed Secretary of Public Education. Rather than merely requiring the secretary to be a “qualified, experienced educator,” HJR 13 would mandate that a potential secretary be a licensed educator, which carries

specific requirements and connotations. The *School Personnel Act*¹ establishes a cumulative, three-tiered licensure system, wherein each level of licensure builds to the next:

- Level 1 license is a provisional five-year license that requires the licensee to undergo a formal mentorship program from at least one school year, as well as performance evaluations for at least three years before applying for a Level 2 license;
- Level 2 license is a nine-year license for a teacher who has completed the Level 1 license and who meets the specific requirements, under the Public Education Department (PED) rule, for a Level 2 license, and who annually demonstrates competencies essential to teaching;
- a Level 3-A license is a nine-year license granted to a teacher who:
 - has been a Level 2 teacher for at least three years;
 - holds a post-baccalaureate degree or National Board for Professional Teaching Standards² certification; and
 - demonstrates instructional leader competency, as required by PED rule, and verified by the local superintendent, via the teacher evaluation system; and
- a Level 3-B license is granted to a teacher who:
 - holds a Level 2 license and meets the requirements for a Level 3-A license, or who holds a current Level 2 license and has held the highest rank counselor license for at least four years, as required under law and PED rule;
 - holds a post-baccalaureate degree or a National Board for Professional Teaching Standards certification;
 - has completed PED-approved courses in administration and a PED-approved administration apprenticeship program; and
 - demonstrates instructional leader competency, as required by PED rule, and verified by the local superintendent via the teacher evaluation system.

Requirements and qualifications for chief state school officers vary by jurisdiction. For example:

- Nevada requires their Superintendent of Public Instruction to be 21 years old, and to possess the “knowledge and ability” to carry out their duties as required by law and regulation governing K-12 public education;³
- Utah requires that their State Board of Education appoint a superintendent “on the basis of outstanding professional qualifications;”⁴ and
- Colorado requires the Commissioner of Education to have, at a minimum:⁵
 - demonstrated personal and professional leadership success, preferably in the administration of public education; and
 - completed an advanced degree, preferably in education or educational administration from a regionally or nationally accredited college or university.

¹ Chapter 22, Article 10A NMSA 1978

² See National Board for Professional Teaching Standards at <http://www.nbpts.org>.

³ Section 385.160 Nevada Revised Statutes

⁴ Section 53A-1-301 Utah Code

⁵ Section 22-2-10 Colorado Revised Statutes

Legislative Finance Committee (LFC) staff note in their Fiscal Impact Report (FIR) that:

- currently, there are about 24,000 licensed teachers and school administrators in the state;
- HJR 13 would not prevent the Governor from selecting a newly licensed educator, but would prohibit the Governor from considering teachers who might be licensed in other jurisdictions;
- before the substantial educational reforms of 2003 and 2004, the (then-titled) State Superintendent of Public Instruction was required to be a “qualified, experienced educational administrator” appointed by the State Board of Education; and
- the current Secretary-designate of Public Education is not licensed as an educator in New Mexico, and successful passage and approval of the amendment would require the Governor to designate a new secretary, who does meet these qualifications.

Committee Referrals:

HVEC/HEC

Related Bills:

HJR 4 *Create Elected Board of Education, CA*
SJR 2a *Board & Superintendent of Education, CA*
SJR 8a *Public Education Commission, CA*
SJR 23 *Sec. of Education Requirements, CA (Identical)*