



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 02/10 /25

Bill No: [HJR13](#)

Agency Name and Code: PED - 924

Sponsor: Block/Lord

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	150.0	None	150.0	Nonrecurring	GF

Duplicates/Relates to Appropriation in the General Appropriation Act: None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Joint Resolution 13 (HJR13) would repeal Section 6 of Article 12 of the New Mexico Constitution and replace it with a new Section 6 to create a State Board of Education (SBE). HJR13 would continue the role of the Public Education Commission (PEC) as the chartering authority for state-chartered charter schools, with current members continuing their terms. Members of both the SBE and the PEC would be elected for staggered terms, with vacancies being filled by appointment of the Governor with consent of the senate, with the PEC and SBE districts maintaining the same boundaries. The SBE would appoint a qualified, experienced educator to serve as superintendent of public instruction, administering and enforcing the laws and board policies relating to public education and related matters and supervising the operations of the public education department under the direction of the board.

The current Secretary of Public Education would serve as the state Superintendent of Instruction until the SBE appoints another experienced and qualified person to serve as such. Notably, the structure defined by HJR13 would transfer fiscal functions and oversight to the SBE directly, and the superintendent would merely be permitted to perform administrative and regulatory powers and duties.

If approved by voters, the transition would take effect on January 1, 2029, following elections in 2028. If approved by voters in a general or special election, the amendment would significantly restructure education governance in New Mexico. The PED would no longer be a cabinet-level agency within the executive branch.

FISCAL IMPLICATIONS

The joint resolution does not indicate whether the members of the proposed SBE will be paid or unpaid.

According to the Secretary of State (SoS), under [Section 1-16-4 NMSA 1978](#) and the New Mexico Constitution, the SoS is required to print samples of the text of each constitutional amendment, in both Spanish and English, in a quantity equal to 10 percent of the registered voters in the state. The SoS is also required to publish them once a week for four weeks preceding the election in newspapers in every county in the state. The estimated cost per constitutional amendment is \$125,000-\$150,000 depending upon the size and number of ballots and if additional ballot stations are needed.

If HJR13 were to pass in the legislature and the proposed constitutional amendment were ratified by the voters at the next appropriate election, substantial amendment of the Public School Code would be required, with uncertain but likely substantial cost to the legislature and the Compilation Commission.

SIGNIFICANT ISSUES

There is no body of research to suggest that a state school board provides better outcomes for students. However, the provisions of HJR13 would require significant time and resources be spent

on making the administrative change to a school board rather than supporting schools to achieve better student outcomes.

In 2003, the people of New Mexico ratified and affirmed constitutional amendments that converted the SBE to the current PEC and created, instead, the PED as a cabinet-level agency, with comprehensive authority over the administration of public primary and secondary education in the state. PEC, by contrast, was initially assigned nominal duties, such as acting as a passthrough agency for citizen input into public education policy for the Secretary of Public Education and the legislature (see, for example, [Section 22-2-2.2 NMSA 1978](#)).

Under the proposed governance structure, SBE members would be elected, eliminating the Executive's direct authority over public education in favor of the 10-member board. This will make consensus on education policy difficult to achieve and will hamper the execution of a unified vision for public education with the diffuse authority of a board. This consideration may be of particular concern, given the transfer of fiscal authority from a single administrator to the SBE as a body.

With education technology, research and pedagogy developing more quickly every year, reverting to the slow-moving governance structure of a board will limit the speed at which education policy is updated to allow for innovative practices. Education policy will stagnate.

Schools will experience slower response times from the distributed governance model. Answers to urgent questions requiring immediate action will have to wait for regularly scheduled board meetings.

Additionally, having two elected boards responsible for various aspects of public education will lead to confusion or conflict about the authority and responsibility of the PEC and the SBE. While charter schools would need to follow guidance from the PEC to ensure they maintain their charter, they would also be responsible to the SBE. It is unlikely that the two elected boards share the same priorities or policies.

The comprehensive, statewide oversight responsibilities and authority of the PED were most recently emphasized in the District Court's decision in the *Martinez* and *Yazzie* consolidated lawsuit. The Court has retained jurisdiction over this matter to ensure long-term, comprehensive reforms are implemented by the State. While this historic case remains in the court's jurisdiction the effects of HJR13's changes may be difficult to predict.

PERFORMANCE IMPLICATIONS

Regardless of the details of specific changes made to PED programs and bureaus, the department will need to undergo significant reorganization under the authority of the SBE and its appointed Superintendent of Public Instruction.

The Public Education Department works with other state education and cabinet level departments daily. Removing the PED from the Executive will create an extensive barrier to working with other state agencies, translating to disjointed student transitions from early childhood, to K-12 public school, and then to post-secondary schools.

The provisions of HJR13 will lead to schools and early childhood providers receiving

contradictory guidance from the SBE and the Early Childhood Education and Care Department as priorities and policies of the state agency and the board will differ.

ADMINISTRATIVE IMPLICATIONS

If HJR13 were to pass and the constitutional amendment were to be ratified, the Executive would need to consider how to ensure a seamless transition of authority, ensuring the SBE, PEC, and the PED understand their respective roles and responsibilities. Additionally, there will be numerous unintended consequences to requirements made of PED as a state educational agency that are imposed by federal or other outside entities due to such a fundamental and comprehensive change. Importantly, these questions will need to be addressed in the substantial work to review and amend the entirety of the Public School Code to reflect this change. Additionally, a fundamental change of this nature will require substantial amendment to the large body of PED's current rules, at considerable effort and expense.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Two other joint resolutions have been proposed this session that would introduce similar constitutional amendments. They include Senate Joint Resolution 3 (SJR3) and House Joint Resolution 4 (HJR4). The key differences in details of each proposal are as follows:

- SJR3 proposes a mix of elected and appointed board members, while HJR4 and HJR13 advocate for entirely elected boards.
- HJR4 calls for an independent state chartering authority, whereas HJR13 designates the existing Public Education Commission as the chartering authority.
- SJR3 includes specific requirements for appointed members, such as political party limitations and tribal representation, which are not present in HJR4 or HJR13.

Senate Joint Resolution 8 (SJR8) proposes a constitutional amendment to establish rights of children to include health care, nutrition, safe housing, transportation, home visitation, early childhood programs, fully resourced community schools, school-based health centers, youth mentorship programs and attainment of skills for quality employment.

House Bill 365 proposes amendments to the Public Education Department Act to create the PEC as an independent state chartering authority, removes their administrative attachment to PED, removes the PED's Charter Schools Division from PED's divisions, and creates a "State Charter Schools Office to staff the PEC, creating competing public education authorities in the state.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

Voters in 2003 elected to replace the State Board of Education (SBE) with the current governance structure. Under an SBE governance structure, consultation on educational issues with tribes, pueblos, and nations will decrease as many board members will not have significant pueblo, nation, and tribe representation in their constituencies. Under the current governance structure, the Governor is responsible to all of the state's constituencies.

Under current governance, PED policy and work are aligned with other state agencies including the Higher Education Department, the Early Childhood Education and Care Department, and others. All of the department secretaries report to the Governor and support statewide initiatives. Under the proposed SBE governance structure, the PED policy and work may not align with other state agencies, and this could hamper statewide efforts on current initiatives such as longitudinal data systems (Rise NM), special education services, and cradle-to-career family supports.

The current governance structure ensures the Governor is accountable and responsible for a continuous system of education from early childhood through public education to higher education. The resolution would introduce the problem of data-sharing and accountability across the components of a system in which longitudinal responsibility for a person's education is handed off from the Governor's Early Childhood Education and Care Department to the SBE and then back again to the Governor's Higher Education Department. Education policy would be shared between two state agencies, with the SBE accountable to different authorities. Differences in policy between the majority of elected SBE members and the agencies of the elected governor will lead to unaligned policymaking, with potentially adverse consequences for students at all levels of education. Collaboration between SBE and the Executive agencies responsible for wraparound services of health, workforce development, and economic development, will become problematic with a reduction in aligned services for students if the proposals in HJR13 were realized.

The ECECD and the PED share administrative oversight for preschool programs located in K-12 public schools. Currently the PED and ECECD work together to reduce reporting burden and both agencies access data through the K-12 Nova reporting system. The provisions of HJR13 will lead to additional reporting burdens as the SBE and ECECD would not share priorities or policies and may not have data sharing agreements.

Of note, the last chairman of New Mexico's state school board, Adelmo Archuleta, spoke in committee against a similar resolution in 2024, stating that the rationale for moving away from an SBE still applies.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.