

1 HOUSE JOINT RESOLUTION 4

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Alan T. Martinez

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 12 OF THE CONSTITUTION OF NEW MEXICO  
12 BY REPEALING SECTION 6 AND ADDING A NEW SECTION 6 TO REPLACE  
13 THE CURRENT PUBLIC EDUCATION COMMISSION WITH A STATE BOARD OF  
14 EDUCATION THAT APPOINTS A SUPERINTENDENT OF PUBLIC INSTRUCTION  
15 TO CARRY OUT THE POLICIES OF THE BOARD AND TO PROVIDE BY LAW  
16 FOR AN INDEPENDENT STATE CHARTERING AUTHORITY FOR STATE-  
17 CHARTERED CHARTER SCHOOLS.

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

20 SECTION 1. It is proposed to amend Article 12 of the  
21 constitution of New Mexico by repealing Section 6 and adding a  
22 new Section 6 to read:

23 "A. The "state board of education" and the "public  
24 education department" are created. The state board of  
25 education shall determine public school policy and career

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1 technical education policy and shall have control, management  
2 and direction, including financial direction, distribution of  
3 school funds and financial accounting, for all public schools  
4 pursuant to the authority and powers provided by law. The  
5 board shall appoint a qualified, experienced and currently  
6 licensed educator to be known as the "superintendent of public  
7 instruction" who shall direct the operations of the public  
8 education department pursuant to board policies and directions.

9 B. The state board of education shall consist of  
10 ten members elected for staggered terms of four years as  
11 provided by law. Members shall be residents of the district  
12 from which the members are elected. Change of residence of a  
13 member to a place outside the district from which the member  
14 was elected shall automatically be deemed the resignation of  
15 the member. The legislature shall provide by law for  
16 qualifications of members.

17 C. A vacancy on the state board of education shall  
18 be filled by appointment by the governor, with the advice and  
19 consent of the senate, for the remainder of the original term.

20 D. After the adoption of this amendment, all  
21 members of the state board of education shall be elected at the  
22 general election held in 2028 for staggered terms beginning  
23 January 1, 2029 as provided by law.

24 E. The public education commission districts shall  
25 be the state board of education districts until redistricted

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1 after the 2030 federal decennial census. The public education  
2 commission shall exercise its powers and duties until replaced  
3 by members of the state board of education on January 1, 2029.

4 F. The secretary of public education shall serve as  
5 the superintendent of public instruction until the secretary is  
6 replaced by the state board of education.

7 G. The legislature shall provide by law for an  
8 independent state chartering authority for state-chartered  
9 charter schools."

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