

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS 1, 12 & 16

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
CONSTITUTION OF NEW MEXICO TO ELIMINATE THE STATE BOARD OF
EDUCATION AND CHANGE THE STATE DEPARTMENT OF PUBLIC EDUCATION
TO A CABINET DEPARTMENT UNDER THE CONTROL OF THE GOVERNOR.

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 ~~[and a "state board of education". The~~
~~state board of education]~~ department" within the executive
department headed by a secretary of public education who shall
be appointed by the governor with the consent of the senate to
serve as a member of the governor's cabinet. The secretary
shall be a qualified, experienced educator who shall direct

.141542.1

underscored material = new
[bracketed material] = delete

1 the operation of the department as provided by law.

2 B. The public education department shall determine
3 public school policy and vocational educational policy and
4 shall have control, management and direction, including
5 financial direction, distribution of school funds and
6 financial accounting for all public schools, pursuant to
7 authority and powers provided by law. [~~The board shall~~
8 ~~appoint a qualified, experienced educational administrator to~~
9 ~~be known as the superintendent of public instruction~~
10 ~~who shall, subject to the policies established by the board,~~
11 ~~direct the operation of the state department of public~~
12 ~~education.~~

13 ~~B. Ten members of the state board of education who~~
14 ~~shall be state officers shall be elected for staggered terms~~
15 ~~of four years as provided by law. Board members shall be~~
16 ~~residents of the board of education district from which they~~
17 ~~are elected. Change of residence of a board member to a place~~
18 ~~outside the district from which he was elected shall~~
19 ~~automatically terminate the term of that member.~~

20 ~~C. Five members of the state board of education~~
21 ~~who shall be state officers shall be nominated and by and with~~
22 ~~the consent of the senate appointed by the governor from five~~
23 ~~districts substantially equal in population for staggered~~
24 ~~four-year terms as provided by law. Those appointed by the~~
25 ~~governor shall be qualified electors of the state of New~~

1 ~~Mexico, no more than one-half or a simple majority of whom at~~
2 ~~the time of their appointment shall be members of the same~~
3 ~~political party. After 1990, the number of appointed members~~
4 ~~may be changed by law not to exceed five members.~~

5 ~~D. The governor shall fill vacancies on the board~~
6 ~~by appointment of a resident from the district in which the~~
7 ~~vacancy occurs until the next regular election for membership~~
8 ~~on the board.~~

9 ~~E. Upon adoption of this amendment]~~

10 C. All functions relating to the distribution of
11 school funds and financial accounting for the public schools
12 shall be transferred to the [~~state department of~~] public
13 education department to be performed as provided by law.

14 D. The state board of education in existence at
15 the time of adoption of this amendment shall assist with the
16 orderly transition to the public education department. The
17 board shall cease to exist and the terms of state board of
18 education members shall expire on July 1, 2003."

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