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HOUSE JOINT RESOLUTION 10

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Earlene Roberts

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
CONSTITUTION OF NEW MEXICO TO CHANGE THE STATE BOARD OF
EDUCATION TO AN APPOINTED BOARD AND TO CHANGE THE STATE
DEPARTMENT OF PUBLIC EDUCATION TO A CABINET DEPARTMENT HEADED
BY A SECRETARY OF PUBLIC EDUCATION WHO SHALL SERVE IN THE
EXECUTIVE CABINET.

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

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

13 ~~[B. Ten members of the state board of education who~~
14 ~~shall be state officers shall be elected for staggered terms of~~
15 ~~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 who~~
21 ~~shall be state officers shall be nominated and by and with the~~
22 ~~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~~

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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 B. The governor shall appoint an advisory "state
11 board of education" as provided by law.

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

16 D. The state board of education in existence at the
17 time of adoption of this amendment shall cease to exist and the
18 terms of state board of education members shall expire on
19 December 31 of the year this amendment is adopted."

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