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## FISCAL IMPACT REPORT

SPONSOR Stewart ORIGINAL DATE 02/10/14  
LAST UPDATED \_\_\_\_\_ HJR 13  
SHORT TITLE Sec. of Public Education Requirements, CA SB \_\_\_\_\_  
ANALYST Gudgel

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		>\$46.0		>\$46.0	Nonrecurring	Election Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with SJR2, SJR8, and HJR4  
Duplicates SJR 23

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Attorney General's Office (AGO)

No Response From  
Public Education Department (PED)

### SUMMARY

#### Synopsis of Bill

House Joint Resolution 13 proposes an amendment to Article XII, Section 6 of the New Mexico Constitution to require the Secretary of Public Education to be an educator licensed in New Mexico.

This proposed amendment is to be submitted to the voters at the next general election or at any special election prior to that date which may be called for that purpose.

### FISCAL IMPLICATIONS

Under Section 1-16-13 NMSA 1978 and the NM constitution, the SOS is required to print samples of the text of each constitutional amendment, in both Spanish and English, in an amount equal to ten 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. In 2012, the cost for the 2012 General Election ballots was \$46,000 per constitutional amendment. However, if the ballot size is greater than one page, front and back, it would increase the cost of conducting the general election. In addition to the cost of the ballot, there will be added time for processing voters to vote and would mean additional ballot printing systems would be required to avoid having lines at voting convenience centers.

### **SIGNIFICANT ISSUES**

House Joint Resolution 13 proposes to require the Secretary of Public Education to be a New Mexico licensed educator. The changes proposed in the constitutional amendment eliminate the requirement that the secretary be a “qualified, experienced” educator.

Pursuant to current statutes, the state issues level one, two, and three-a teaching licenses and level three-b administrator licenses. A level one license is a five year license and a teacher must advance to level two. A level two license is a nine year license and a teacher may renew their level two license for the duration of their teaching career – they are not required to advance to a level three-a teaching license. A level three-a teaching license is a nine year teaching license. As a teacher advances license levels they must show increased competency. A level three-b license is an administrator license, also a nine year license. In order to be eligible for a level 3-b license, a teacher must hold a level two license and meet statutory requirements. There are approximately 24,000 teachers and school administrators licensed in the state currently.

The constitutional amendment would not preclude the Governor from selecting a newly licensed educator as currently written; however, it would prohibit the Governor from considering educators licensed in other states.

Prior to the 2003 constitutional amendment, the constitution required the “superintendent of public instruction” to be a “qualified, experienced educational administrator.”

### **ADMINISTRATIVE IMPLICATIONS**

Secretary of Public Education Designate Skandera is not an educator licensed in the state of New Mexico, or any other state. If this constitutional amendment is passed the Governor would be required to appoint a new secretary who meets the requirements of the constitutional amendment.

### **CONFLICT, DUPLICATION**

Conflicts with SJR 2, SJR 8, and HJR 4. Duplicates SJR 23.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Neither the term “qualified” nor “experienced” are defined by the constitution. By not enacting this Bill the legislature will leave in place as undefined and non-specific requirements of the Secretary of Public Education.