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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/2/17

SPONSOR Padilla LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Public Education Board & Superintendent, CA SJR 2

ANALYST Fernandez

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

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$50.0			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Secretary of State (SOS)

Regional Education Cooperative Association (RECA)

#### No Response

Public Education Department (PED)

### SUMMARY

#### Synopsis of Bill

Senate Joint Resolution 2 proposes to amend Article XII, Section 6 of the New Mexico Constitution to create a 10 member elected State Board of Education that would make education policy decisions and would appoint a Superintendent of Public Instruction. The amendment would be submitted to the voters for approval or rejection at the next general election or special election prior to that date which may be called for that purpose.

### FISCAL IMPLICATIONS

Section 1-16-13 NMSA 1978 requires the Secretary of State (SOS) to print the full text of each proposed constitutional amendment, in both Spanish and English, in an amount equal to 10 percent of the registered voters in the state. The SOS is also constitutionally required to publish the full text of each proposed constitutional amendment once a week for four weeks preceding the election in newspapers in every county in the state.

## **Senate Joint Resolution 2 – Page 2**

LFC staff estimate each constitutional amendment may cost up to \$50 thousand dollars in printing and advertising costs based on 2016 actual expenditures.

### **SIGNIFICANT ISSUES**

SJR 2 proposes to amend Article XII, Section 6 of the New Mexico Constitution to return the Public Education Department back to a non-cabinet level state agency governed by a State Board of Education, and includes the following:

- Policy making and control, management and direction, including financial direction, and distribution of school funds and financial accounting for all public schools would lie with the State Board of Education, effective December 15, 2018.
- The State Board of Education shall appoint a qualified, experienced and licensed educational administrator as the “Superintendent of Public Instruction” by July 1, 2019.
- The State Board of Education shall consist of 10 members who shall be elected for staggered terms of four years and each elected member must be a resident of the State Board of Education district from which the member was elected.
- Stipulates that those members of the Public Education Commission, elected in 2014 and 2016, shall serve the remainder of the term for which they were elected; and
- Specifies the districts from which the public education commission members were elected in 2014 and 2016 shall constitute the State Board of Education districts until redistricted following the next federal decennial census.

### **OTHER SUBSTANTIVE ISSUES**

Prior to the 2003, a 15 member State Board of Education determined public and vocational educational policies; controlled, managed and directed the distribution of school funds and financial accounting for all public schools; and appointed the Superintendent of Public Instruction. The Superintendent, subject to the policies established by the boards, was the chief administrative officer directing the operation of the State Department of Public Education. Board members served staggered four-year terms. Ten members were elected from geographic districts, and five members were appointed by the Governor with the consent of the Senate.

This arrangement was overturned by the voters who passed a constitutional amendment, supported by the governor, to eliminate the Superintendent of Public Instruction and establish a cabinet level Public Education Department.

CTF/jle