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SENATE JOINT RESOLUTION 11

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

William P. Soules

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 12, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO TO CREATE A NINE-MEMBER STATE BOARD OF EDUCATION OF FIVE ELECTED AND FOUR APPOINTED MEMBERS TO SET PUBLIC SCHOOL POLICY AS PROVIDED BY LAW AND TO APPOINT A SUPERINTENDENT OF PUBLIC EDUCATION.

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 "public education department" and a [~~"public education commission" that shall have such powers and duties as provided by law. The department shall be a cabinet department headed by a secretary of public education who is a qualified, experienced educator who shall be appointed by the governor and confirmed by the senate~~] nine-

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1 member "state board of education". As provided by law, the  
2 state board of education shall determine public school policy,  
3 distribute public school funds and control and manage the  
4 public education department and the administration, operation  
5 and finance of public schools. The state board of education  
6 shall appoint a superintendent of public education who is a  
7 qualified, experienced and licensed educational administrator  
8 to manage the public education department as directed by the  
9 state board of education.

10 B. ~~[Ten]~~ Five members of the ~~[public education~~  
11 ~~commission]~~ state board of education shall be elected for  
12 staggered terms of four years as provided by law ~~[Commission]~~;  
13 provided that those elected at the first general election after  
14 the adoption of this amendment shall immediately classify  
15 themselves by lot, so that two of them shall hold office for  
16 two years and three of them shall hold office for four years.  
17 State board of education districts shall share the same  
18 district boundaries as the public regulation commission's  
19 district boundaries as determined for the next and subsequent  
20 federal decennial redistricting. Board members shall be  
21 residents of the ~~[public education commission]~~ state board of  
22 education district from which they are elected. ~~[Change of~~  
23 ~~residence of a commission member to a place outside the~~  
24 ~~district from which he was elected shall automatically~~  
25 ~~terminate the term of that member.~~

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1           ~~C. The governor shall fill vacancies on the~~  
2           ~~commission by appointment of a resident from the district in~~  
3           ~~which the vacancy occurs until the next regular election for~~  
4           ~~membership on the commission.~~

5           ~~D. The secretary of public education shall have~~  
6           ~~administrative and regulatory powers and duties, including all~~  
7           ~~functions relating to the distribution of school funds and~~  
8           ~~financial accounting for the public schools to be performed as~~  
9           ~~provided by law.~~

10           ~~E. The elected members of the 2003 state board of~~  
11           ~~education shall constitute the public education commission, if~~  
12           ~~this amendment is approved, until their terms expire and the~~  
13           ~~districts from which the state board of education were elected~~  
14           ~~shall constitute the state public education commission~~  
15           ~~districts until changed by law.] A board member who permanently~~  
16           ~~removes the member's residence from or maintains no residence~~  
17           ~~in the district from which the member was elected shall be~~  
18           ~~deemed to have resigned.~~

19           C. Four members of the state board of education  
20           shall be appointed at-large by the governor, by and with the  
21           advice and consent of the senate, for staggered terms of four  
22           years; provided that the governor shall determine which two of  
23           the governor's appointees shall serve the first two-year term;  
24           and provided further that the appointed members of the state  
25           board of education shall not be voting members until their

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1 respective confirmations by the senate."

2 SECTION 2. The amendment proposed by this resolution  
3 shall be submitted to the people for their approval or  
4 rejection at the next general election or at any special  
5 election prior to that date that may be called for that  
6 purpose.

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