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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**56th Legislature, 1st Session, 2023**

**Bill Number** HB396      **Sponsor** Herrera/Lara/Trujillo  
**Tracking Number** .224171.2      **Committee Referrals** HEC/HGEIC  
**Short Title** Increase Local School Board Term Length  
**Analyst** Estupiñan      **Original Date** 2/28/2023  
**Last Updated** \_\_\_\_\_

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**BILL SUMMARY**

Synopsis of Bill

House Bill 396 (HB396) would amend several sections of statute to extend the terms of school board members from four years to six years, beginning in the 2023 election cycle. The bill would stagger the proposed six year school board terms by requiring the Secretary of State to decide by lot the initial term of office of each local board position to be elected at the 2023 election. After these initial elections in 2023, school board member terms would each be six years in duration.

The bill does not contain an effective date and thus would become effective June 16, 2023.

**FISCAL IMPACT**

The bill does not contain an appropriation.

**SUBSTANTIVE ISSUES**

There are three sections of statute amended by HB396:

- Section 22-5-3.1 NMSA 1978 would be amended to change the number of years members of seven-member school boards serve if they transition to a five-member school board. If a seven-member school board passes a resolution for decreasing their membership to five, two positions would be eliminated in the next election. This section also specifies how the terms of remaining positions are staggered in a board's transition to a membership of five.
- Section 22-5-8 NMSA 1978 would be amended to increase school board member terms to 6 years and specify the process the Secretary of State would follow to stagger the terms of school board members elected in the following elections. At least 100 days before the election, the Secretary of State would decide by lot the term of office of each school board position, with a different staggered schedule provided for five- and seven-member school boards.

- Section 22-4-14 NMSA 1978 would be amended to strike existing language and instead reference the amended provisions of 22-5-8 NMSA 1978, which would lengthen school board member terms to six years.

**National Landscape of School Board Terms.** Across much of the United States, four-year terms are the norm for school board members. This is true for most school boards in surrounding states, including Arizona, Texas, Colorado, Utah, and Oklahoma. Some states allow school districts to choose the length of their school board member's terms, with New York allowing their school districts to choose between three- or five-year terms. The school board of the Anchorage School District in Alaska has three-year terms.

**Impact of School Board Governance and Key Characteristics of Members.** School boards have historically played a critical role in the nation's public school system, with the roots of school governance tracing back more than 220 years to Massachusetts' representative system of local governance. As public education has evolved, so too has our systems of school governance, with most school boards in the United States shifting to a model of smaller, centralized, policy-making bodies with a professional superintendent as its chief executive officer. They have, however, remained democratically elected bodies that are flexible in their local models of governance that are responsive to the economic and social characteristics of their local communities.

Despite the historical role of school boards in the management of public schools, there has recently been a national shift toward a more [centralized public education system](#) as the federal government and states have taken on a greater role in funding and running educational systems. The increased frequency of state takeovers of struggling school districts is emblematic of this increasing centralization of decision-making authority.

These shifts in decision-making authority are notable in the evolution of school governance, but they have failed to generate greater scholarly inquiry into the impact of the quality of governance. Among the few peer-reviewed studies on the topic of school governance, a growing consensus seems to be that governance has an impact on student achievement. Whether that impact is truly measurable, or whether it is negative or positive, depends on the unique characteristics of the individual school district. Some factors that impact outcomes related to school governance include democratic accountability and electoral models in the school district, collaborative partnerships with superintendents, whether student identities are reflected among school board members, and the extent and rigor of professional development requirements for school board members.

A large number of organizations have published overviews of the key characteristics believed to be important for building and sustaining effective school boards. According to the National School Boards Association, the eight characteristics of effective school boards include:

1. Commitment to a vision of high expectations for student achievement and quality instruction;
2. Strong shared beliefs and values about what is possible for students and their ability to learn;
3. A drive for accountability;
4. Collaborative relationships with staff and communities and strong communication structures;
5. Embracing of data;
6. Aligned and sustained structures of professional development;
7. Mutual trust and strong collaboration with local superintendents; and

8. Participation in team development and training.

## **TECHNICAL ISSUES**

According to the Secretary of State (SOS), “The New Mexico Constitution requires the Board of Education to establish the terms of seven member boards, the proposed changes to the terms of an elected official may run afoul of the separation of powers as those terms are currently constitutionally proscribed through statute. *See State v. Oliver* 2020-NMSC-002 and N.M. Const. art. XII, § 15, "The elections required under this amendment shall be called and conducted as provided by law for other local school board elections. The state board of education shall, by resolution, establish the terms of the first board elected after the creation of such a seven-member board."

## **RELATED BILLS**

Relates to HB325, which would allow the Public Education Department (PED) to suspend individual school board members, penalize the violation of nepotism provisions, require the webcasting and archiving of school board meetings, and specify the areas of training school board members must receive.

## **SOURCES OF INFORMATION**

- LESC Files
- Secretary of State (SOS)

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