

1 SENATE JOINT RESOLUTION

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Steven P. Neville

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE  
12 CONSTITUTION OF NEW MEXICO TO REPLACE THE PUBLIC EDUCATION  
13 COMMISSION WITH A STATE BOARD OF EDUCATION TO SET POLICY AND  
14 DIRECT THE PUBLIC EDUCATION DEPARTMENT; PROVIDING A TRANSITION  
15 PERIOD.

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17 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. It is proposed to amend Article 12, Section 6  
19 of the constitution of New Mexico to read:

20 "A. ~~[There is hereby created a]~~ The "state board of  
21 education" and the "public education department" ~~[and a "public~~  
22 ~~education commission" that]~~ are created and shall have such  
23 powers and duties as provided by law. ~~[The department shall be~~  
24 ~~a cabinet department headed by a secretary of public education~~  
25 ~~who is a qualified, experienced educator who shall be appointed~~

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1 ~~by the governor and confirmed by the senate]~~ The state board of  
2 education shall determine public school policy and vocational  
3 education policy and shall have control and direction,  
4 including financial direction, distribution of school funds and  
5 financial accounting, for school districts and public schools.

6 B. The ten members of the ~~[public education~~  
7 ~~commission]~~ state board of education shall be elected for  
8 staggered terms of four years as provided by law. ~~[Commission]~~  
9 State board of education positions shall be on the general  
10 election ballot, but candidates shall run and be elected as  
11 nonpartisan. Board members shall be residents of the ~~[public~~  
12 ~~education commission]~~ state board of education district from  
13 which they are elected. A change of residence of a  
14 ~~[commission]~~ board member to a place outside the district from  
15 which ~~[he]~~ the member was elected shall automatically terminate  
16 the term of that member.

17 C. The governor shall fill vacancies on the  
18 ~~[commission]~~ state board of education by appointment of a  
19 resident from the district in which the vacancy occurs until  
20 the next regular election for membership on the ~~[commission]~~  
21 board.

22 D. The ~~[secretary of public education]~~ state board  
23 of education shall appoint a qualified person who holds a New  
24 Mexico educator license and has public school teaching and  
25 administration experience to be the state superintendent of

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1 education. The state superintendent shall be appointed without  
2 regard to political party but solely on the qualifications and  
3 ability to perform the powers and duties of the office. The  
4 state superintendent shall [have] perform administrative and  
5 regulatory powers and duties [including all functions relating  
6 to the distribution of school funds and financial accounting  
7 for the public schools to be performed] as provided by law.

8 ~~[E. The elected members of the 2003 state board of~~  
9 ~~education shall constitute the public education commission, if~~  
10 ~~this amendment is approved, until their terms expire and the~~  
11 ~~districts from which the state board of education were elected~~  
12 ~~shall constitute the state public education commission~~  
13 ~~districts until changed by law.]~~

14 E. Upon adoption of this amendment, the elected  
15 members of the public education commission shall be the elected  
16 members of the state board of education until the elected  
17 commission members' terms expire. The districts of the public  
18 education commission in the 2021 Educational Redistricting Act  
19 shall be the districts of the state board of education until  
20 redistricting occurs after the 2030 federal decennial census.  
21 The secretary of public education shall serve as the state  
22 superintendent of education until the secretary's successor has  
23 been appointed by the board and qualified."

24 **SECTION 2.** The amendment proposed by this resolution  
25 shall be submitted to the people for their approval or

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1 rejection at the next general election or at any special  
2 election prior to that date that may be called for that  
3 purpose.

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