



LFC Requester: Mercer-Garcia

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2025 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: 02/06 /25  
Bill No: SJR8

Sponsor: Soules

**Agency Name and Code:** PED - 924

**PED Lead Analyst:** Steven Heil

**Phone:** (505) 309-1855 **Email:** [steven.heil@ped.nm.gov](mailto:steven.heil@ped.nm.gov)

**Short Title:** RIGHTS OF CHILDREN, CA

**PED Policy Director:** Denise Terrazas

**Phone:** (505) 470-5303 **Email:** [denise.terrazas@ped.nm.gov](mailto:denise.terrazas@ped.nm.gov)

**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

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

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	150.0	None	150.0	Nonrecurring	GF

Duplicates/Relates to Appropriation in the General Appropriation Act: Appropriation to the Secretary of State for Fiscal Year 2026-2027 during which the next general election will occur.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

**Synopsis:** Senate Joint Resolution 8 (SJR8) proposes to amend the New Mexico Constitution by adding a new Section 25 to Article 2 (the Bill of Rights) enumerating the explicit rights that all children in New Mexico shall have. The proposed amendment would be submitted to the people for approval at the next general election (November 2026) or special election called for this purpose.

The bill includes a clause postponing the effect of the provisions of the constitutional amendment until the legislature enacts laws to implement the amendment.

### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

According to the Secretary of State (SoS), under Section 1-16-4 NMSA 1978 and the New Mexico Constitution, SoS is required to print samples of the text of each 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 required to publish them once a week for four weeks preceding the election in newspapers in every county in the state. The estimated cost per constitutional amendment is between \$125 thousand and \$150 thousand, depending upon the size and number of ballots and if additional ballot stations are needed.

As noted in the bill, the effect of the proposed new Section 25 of Article 2 of the New Mexico Constitution would be delayed until the legislature enacts law to implement its provisions, at costs that are currently indeterminate but are possibly significant for both the legislature, compilation commission, and the Executive.

### **SIGNIFICANT ISSUES**

**Predecessors in the New Mexico legislature.** Nearly identical joint resolutions were introduced in 2023 (Senate Joint Resolution 2) and 2024 (Senate Joint Resolution 17). SJR8, however, contains a distinct clause that would limit the effect of the constitutional rights until such time as the legislature enacts laws to support them.

**Background.** Public policy dialogue about rights for the protection of children began in the early twentieth century with the dissemination of the Geneva Declaration of the Rights of the Child, adopted by the League of Nations in 1924, and by the United Nations, in extended form, in 1959. The original document enumerated five general rights, including, (1) the means for normal material and spiritual development; (2) appropriate assistance for hungry, sick, orphaned, delinquent, and children with disabilities; (3) first right to relief in times of distress; (4) the means to earn a livelihood and protection from exploitation; and (5) consciousness and development of their own talents.

A modern incarnation of the [Children's Bill of Rights](#) was first introduced in Congress in 2016 and has been endorsed by more than 120 organizations. This Children's Bill of Rights addresses

three categories of rights for children: (1) physical wellbeing, (2) social and emotional wellbeing, and (3) educational and life skills. Rights enumerated to the category of physical wellbeing include the right to be free from abuse and neglect, the right to a safe and happy environment, and the right to receive appropriate physical and mental medical care. Rights enumerated to social and emotional wellbeing include development of healthy attachments to parents and caregivers, the right to a voice in matters that concern them, the right to have their best interests considered in decisions affecting them, and the right to rehabilitative services if detained as a juvenile. Rights associated with educational and life skills include access to educational services with appropriate educational supports, the right to be heard in relation to issues of their education, access to life-skills training, and the right to protection from unsafe or unfair labor practices.

**Rights proposed by SJR8.** The rights proposed by SJR8 are an expansion of rights currently enjoyed by citizens of New Mexico. They include rights to specific programs which do not yet exist in New Mexico broadly, such as publicly funded transportation, home visitation programs, community schools, and mentorship programs. The presence of these as rights in SJR8 assumes that these specific programs will have a positive effect upon children's lives, an assumption which may warrant further examination. Their presence also assumes that they have been selected from among other specific programs because the positive effects of these outweigh the potential good of other potential programs. Other potentially beneficial programs have not been included among the rights in SJR8 and included programs may prove less effective than anticipated.

Other rights enumerated in SJR8, however, are less specific and assume a more direct relationship to positive outcomes, such as health care, behavioral health care, freedom from hunger, and adequate housing.

One right enumerated in SJR8 for children describes an outcome rather than an input into the lives of children, which is the right to acquire employment-related skills.

The children's rights provided for in SJR8 are listed below:

- (1) the right to medical and dental health care that is timely and accessible;
- (2) the right to behavioral health care that is solution-focused and culturally sensitive, available to all children's families and household members;
- (3) the right to nutritious food without having to endure hunger, food insecurity or stigma;
- (4) the right to stable, healthy and safe housing with electricity, plumbing, heat and internet access;
- (5) the right to transportation in order to reach educational, recreational and vital services;
- (6) the right to live in a community that provides home visitation programs starting at birth to ensure safe households, parental support and education and navigation to local vital services;
- (7) the right to early childhood learning programs that prepare children for school;
- (8) the right to fully resourced community schools, with staffing to ensure an enriching academic and cultural experience, as well as a school-based health center to provide medical, dental and mental health care to students and family members;
- (9) the right to youth mentorship programs in many forms in order to support recreational activities and strengthen physical health, academic skills and interpersonal

- communication skills; and
- (10) the right to acquire all the skills needed to maintain quality employment, including education aligned with job markets and job readiness and placement programs.

Gaps are substantial between current provisions in law for New Mexico children and the vision for laws supporting children as articulated in the joint resolution. Unlike its 2023 and 2024 predecessors cited above, SJR8 would not immediately grant new rights to children upon passage. Instead, it would create a framework for rights that will only take effect once the legislature enacts detailed implementation laws. This would allow lawmakers to control the timing and scope of implementation.

The proposed children’s right to “acquire all the skills needed to maintain quality employment” aligns with the New Mexico Constitution’s current sufficiency clause but focuses in particular on outcomes of sufficient education. Interpretation of “all the skills needed to maintain quality employment” may be left to the legislature enacting supporting laws, the courts adjudicating cases brought under the amended constitution, and the executive agencies implementing educational standards and administrative law to provide for the children’s rights.

In the consolidated *Martinez* and *Yazzie* lawsuit, the district court found the children of New Mexico have a right to an education sufficient to prepare them for college, career, and civic life, which aligns with the right to necessary skills for employment articulated in SJR8.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

The Public Education Department (PED) would be required to promulgate and amend rule and guidance to address new programs and changes to existing programs arising from any legislation responding to SJR8, at currently indeterminate costs.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to Senate Joint Resolution 3, which would repeal Section 6 of Article 12 of the New Mexico Constitution and replace it with a new Section 6 that creates a State Board of Education (SBE) that would appoint a superintendent of public instruction.

Relates to House Joint Resolution 4, which would amend Article 12 of the New Mexico Constitution by repealing Section 6 and adding a new Section 6 to replace the current Public Education Commission with a State Board of Education that appoints a superintendent of public instruction to carry out the policies of the board and to provide by law for an independent state chartering authority for state-chartered charter schools.

Relates to House Joint Resolution 13, which would amend Article 12 of the New Mexico Constitution by repealing Section 6 and replacing it with a new Section 6 that continues the Public Education Commission as the chartering authority for state-chartered charter schools and creates a State Board of Education that appoints a superintendent of public instruction to carry out the policies of the board.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

None.

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

None.

## **AMENDMENTS**

The sponsor may wish to amend SJR8 to remove from the enumerated rights the specific programs of home visitation, community schools, and mentorship programs, allowing the legislature and executive to develop specific programs to provide for other children's rights enumerated in the proposed amendment.