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HOUSE JOINT RESOLUTION 13

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

John Block and Stefani Lord

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 12 OF THE CONSTITUTION OF NEW MEXICO BY REPEALING SECTION 6 AND ADDING 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 DETERMINES SCHOOL POLICY AND HAS CONTROL, MANAGEMENT AND DIRECTION FOR PUBLIC SCHOOLS AS PROVIDED BY LAW AND THAT APPOINTS A SUPERINTENDENT OF PUBLIC INSTRUCTION TO CARRY OUT THE POLICIES OF THE BOARD.

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

SECTION 1. It is proposed to amend Article 12 of the constitution of New Mexico by repealing Section 6 and adding a new Section 6 to read:

"A. The "state board of education", the "public education department" and the "public education commission" are

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1 created. The state board of education shall determine public
2 school policy and shall have control, management and direction,
3 including financial direction of distribution of school funds
4 and financial accounting, for all public schools pursuant to
5 authority and powers provided by law. The board shall appoint
6 a qualified, experienced educator to be known as the
7 "superintendent of public instruction" to administer and
8 enforce the laws and board policies relating to public
9 education and related matters and supervise the operations of
10 the public education department under the direction of the
11 board. The public education commission shall serve as the
12 state chartering authority for state-chartered charter schools
13 and have other powers and duties as provided by law.

14 B. The state board of education and the public
15 education commission shall each be composed of ten members who
16 shall be elected for staggered terms of four years as provided
17 by law. Board and commission members shall be residents of the
18 districts from which they are elected. Change of residence of
19 a board or commission member to a place outside the district
20 from which the member was elected shall automatically be deemed
21 as resignation of the member.

22 C. The governor shall, with the consent of the
23 senate, fill vacancies on the state board of education or the
24 public education commission by appointment of a resident from
25 the district in which the vacancy occurs. The appointed member

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1 shall serve for the remainder of the term for which appointed.

2 D. After the adoption of this amendment, all
3 members of the state board of education shall be elected at the
4 2028 general election for staggered terms beginning January 1,
5 2029 as provided by law. The staggered terms shall be
6 determined by lot as provided by law. The staggered terms of
7 office established for the public education commission prior to
8 the adoption of this 2026 amendment shall continue to be the
9 terms of office until changed by this constitution or by law.

10 E. The state board of education and the public
11 education commission districts shall have the same boundaries
12 unless the legislature provides otherwise in a decennial
13 redistricting law.

14 F. The secretary of public education shall serve as
15 the superintendent of public instruction until replaced by the
16 state board of education."

17 SECTION 2. The amendment proposed by this resolution
18 shall be submitted to the people for their approval or
19 rejection at the next general election or at any special
20 election prior to that date that may be called for that
21 purpose.