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HOUSE JOINT RESOLUTION 13

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

James G. Townsend and Rod Montoya

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 12, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO TO CREATE THE NEW MEXICO EDUCATION AGENCY AND THE STATE BOARD OF EDUCATION, WHICH IS MADE UP OF TEN ELECTED MEMBERS AND FIVE APPOINTED MEMBERS AND WHICH SHALL APPOINT A SUPERINTENDENT OF PUBLIC INSTRUCTION.

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]~~ The "state board of education" and the "New Mexico education agency" are created and 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,

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1 ~~experienced educator who shall be appointed by the governor and~~  
2 ~~confirmed by the senate.]~~

3 B. The state board of education shall consist of  
4 ten elected members and five at-large members. The governor  
5 shall appoint three at-large members with the advice and  
6 consent of the senate. The president pro tempore of the senate  
7 and the speaker of the house of representatives shall each  
8 nominate one at-large member who shall be appointed by the  
9 respective house. The gubernatorially and legislatively  
10 appointed members shall draw lots for staggered terms such that  
11 three members shall be appointed for an initial term of two  
12 years and two members shall be appointed for an initial term of  
13 four years. Terms of appointed members begin January 1.

14 C. Elected members may be removed in the same  
15 manner as other elected officers of the executive department.  
16 Appointed members may be removed by their appointing authority  
17 for malfeasance, misfeasance or neglect of duty.

18 ~~[B.]~~ D. The ten elected members of the ~~[public~~  
19 ~~education commission]~~ state board of education shall be elected  
20 for staggered terms of four years as provided by law.

21 ~~[Commission]~~ Elected board members shall be residents of the  
22 ~~[public education commission]~~ state board of education district  
23 from which they are elected. Change of residence of a  
24 ~~[commission]~~ board member to a place outside the district from  
25 which ~~[he]~~ the member was elected shall ~~[automatically~~

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1 ~~terminate the term of that member]~~ be deemed to be a  
2 resignation.

3 [G.] E. The governor shall fill vacancies of  
4 elected positions on the [commission] state board of education  
5 by appointment of a resident from the district in which the  
6 vacancy occurs ~~[until the next regular election for membership~~  
7 ~~on the commission.~~

8 ~~D.~~ ~~The secretary of public education shall have~~  
9 ~~administrative and regulatory powers and duties, including all~~  
10 ~~functions relating to the distribution of school funds and~~  
11 ~~financial accounting for the public schools to be performed as~~  
12 ~~provided by law]~~ and shall fill vacancies of gubernatorially  
13 appointed positions with the advice and consent of the senate.  
14 A vacancy in a legislatively appointed position shall be filled  
15 by the house that appointed the member whose position is vacant  
16 as that house determines. An appointment to fill a vacancy  
17 shall be for the remainder of the unexpired term.

18 F. As provided by law, the state board of education  
19 shall determine public school policy, distribute public school  
20 funds and control and manage the New Mexico education agency  
21 and the administration, operation and finance of public  
22 schools. The board shall appoint a superintendent of public  
23 instruction who is a qualified, experienced and licensed New  
24 Mexico public school administrator or public school  
25 superintendent to manage the New Mexico education agency.

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1            ~~[E.]~~ G. The elected members of the ~~[2003 state~~  
2 ~~board of education shall constitute the]~~ public education  
3 commission ~~[if this amendment is approved]~~ or members elected  
4 to the public education commission in the general election of  
5 2022 shall constitute the elected members of the state board of  
6 education until their terms expire and the districts from which  
7 the ~~[state board of education]~~ public education commission were  
8 elected shall constitute the state ~~[public education~~  
9 ~~commission]~~ board of education districts until changed by law."

10            SECTION 2. The amendment proposed by this resolution  
11 shall be submitted to the people for their approval or  
12 rejection at the next general election or at any special  
13 election prior to that date that may be called for that  
14 purpose.