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SENATE JOINT RESOLUTION 10

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

William P. Soules

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 12, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO TO REPLACE THE PUBLIC EDUCATION COMMISSION AND THE SECRETARY OF PUBLIC EDUCATION WITH A NINE-MEMBER STATE BOARD OF EDUCATION OF FIVE ELECTED AND FOUR APPOINTED MEMBERS TO SET PUBLIC SCHOOL POLICY AS PROVIDED BY LAW AND TO APPOINT A SUPERINTENDENT OF PUBLIC EDUCATION.

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 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, experienced educator who shall be~~

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1 ~~appointed by the governor and confirmed by the senate]~~ "state
2 board of education". As provided by law, the state board of
3 education shall determine public school policy, distribute
4 public school funds and control and manage the public education
5 department and the administration, operation and finance of
6 public schools. The state board of education shall appoint a
7 superintendent of public education who is a trained,
8 experienced and licensed educational administrator to manage
9 the public education department as directed by the state board
10 of education.

11 B. ~~[Ten]~~ The state board of education shall have
12 ten members through December 31, 2020. Beginning January 1,
13 2021, the state board of education shall have nine members.
14 Beginning with the general election of 2020, five members of
15 the ~~[public education commission]~~ state board of education
16 shall be elected for staggered terms of four years ~~[as provided~~
17 by law. ~~Commission]~~; provided that those elected at the first
18 general election after the adoption of this amendment shall
19 immediately classify themselves by lot, so that two of them
20 shall serve a term of office of two years and three of them
21 shall serve a term of office of four years. State board of
22 education districts shall share the same district boundaries as
23 the public regulation commission's district boundaries as
24 determined by law following each federal decennial census.
25 Board members shall be residents of the ~~[public education~~

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1 ~~commission]~~ state board of education district from which they
2 are elected. Change of residence of a ~~[commission]~~ board
3 member to a place outside the district from which ~~[he]~~ the
4 member was elected shall automatically terminate the term of
5 that member.

6 C. Effective January 1, 2021, the governor shall
7 nominate and, by and with the consent of the senate, shall
8 appoint four members of the state board of education for
9 staggered terms of four years; provided that two of those
10 members shall be appointed to serve an initial term of two
11 years; and provided further that the governor shall determine
12 which two of the governor's appointees shall serve the first
13 two-year terms. Members of the state board of education shall
14 not be removed except for incompetence, neglect of duty or
15 malfeasance in office. The New Mexico supreme court is hereby
16 given exclusive original jurisdiction over proceedings to
17 remove members of the board under such rules as it may
18 promulgate, and the court's decision in connection with such
19 matters shall be final.

20 ~~[G.]~~ D. The governor shall fill vacancies of
21 elected members on the ~~[commission]~~ state board of education by
22 appointment of a resident from the district in which the
23 vacancy occurs ~~[until the next regular election for membership~~
24 ~~on the commission.~~

25 ~~D. The secretary of public education shall have~~

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1 ~~administrative and regulatory powers and duties, including all~~
2 ~~functions relating to the distribution of school funds and~~
3 ~~financial accounting for the public schools to be performed as~~
4 ~~provided by law.~~

5 ~~E. The elected members of the 2003 state board of~~
6 ~~education shall constitute the public education commission, if~~
7 ~~this amendment is approved, until their terms expire and the~~
8 ~~districts from which the state board of education were elected~~
9 ~~shall constitute the state public education commission~~
10 ~~districts until changed by law] to serve the remainder of the~~
11 ~~unexpired term. The governor shall fill vacancies of appointed~~
12 ~~members on the state board of education by appointment of a~~
13 ~~member to serve the remainder of the unexpired term.~~

14 E. The members of the public education commission
15 elected or appointed for terms beginning January 1, 2017 and
16 January 1, 2019 shall serve as the state board of education
17 through December 31, 2020."

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