

1 SENATE JOINT RESOLUTION 2

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Michael Padilla

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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 CREATE A TEN-MEMBER ELECTED STATE
13 BOARD OF EDUCATION TO MAKE EDUCATION POLICY AND APPOINT A
14 SUPERINTENDENT OF PUBLIC INSTRUCTION TO MANAGE THE PUBLIC
15 EDUCATION DEPARTMENT.

16
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 "public education
21 department" and a [~~"public education commission"~~] "state board
22 of education" that shall have such powers and duties as
23 provided by law. [~~The department shall be a cabinet department~~
24 ~~headed by a secretary of public education who is a qualified,~~
25 ~~experienced educator who shall be appointed by the governor and~~

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1 ~~confirmed by the senate.~~

2 ~~B. Ten members of the public education commission~~
3 ~~shall be elected for staggered terms of four years as provided~~
4 ~~by law. Commission members shall be residents of the public~~
5 ~~education commission district from which they are elected.~~
6 ~~Change of residence of a commission member to a place outside~~
7 ~~the district from which he was elected shall automatically~~
8 ~~terminate the term of that member.~~

9 ~~C. The governor shall fill vacancies on the~~
10 ~~commission by appointment of a resident from the district in~~
11 ~~which the vacancy occurs until the next regular election for~~
12 ~~membership on the commission.~~

13 ~~D. The secretary of public education shall have~~
14 ~~administrative and regulatory powers and duties, including all~~
15 ~~functions relating to the distribution of school funds and~~
16 ~~financial accounting for the public schools to be performed as~~
17 ~~provided by law.~~

18 ~~E. The elected members of the 2003 state board of~~
19 ~~education shall constitute the public education commission, if~~
20 ~~this amendment is approved, until their terms expire and the~~
21 ~~districts from which the state board of education were elected~~
22 ~~shall constitute the state public education commission~~
23 ~~districts until changed by law.]~~

24 B. The state board of education shall consist of
25 ten members who shall be elected for staggered terms of four

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1 years. Each elected member shall be a resident of the state
2 board of education district from which the member was elected.
3 An elected member who no longer resides in the district from
4 which the member was elected shall be deemed to have resigned.

5 C. Those members of the public education commission
6 elected to the public education commission in 2014 and 2016,
7 shall each serve the remainder of the term for which the public
8 education commission member was elected. The districts from
9 which the public education commission members were elected in
10 2014 and 2016 shall constitute the state board of education
11 districts until redistricted following the next federal
12 decennial census.

13 D. State board of education members shall be
14 entitled to receive per diem and mileage as provided for public
15 officers by law, but shall receive no other perquisite,
16 compensation or allowance.

17 E. Effective December 15, 2018, the state board of
18 education shall have the authority to determine public school
19 policy, distribute public school funds and manage and direct
20 the public education department and the administration,
21 operation and finances of public schools. The state board of
22 education or the board's designee shall perform all duties and
23 have all authority that the secretary of public education
24 possessed on November 1, 2018; provided that the designee is a
25 qualified, experienced and licensed educational administrator.

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