

1 SENATE JOINT RESOLUTION 2

2 51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

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 NONPARTISAN ELECTED  
13 STATE BOARD OF EDUCATION TO MAKE EDUCATION POLICY AND APPOINT A  
14 QUALIFIED SUPERINTENDENT OF PUBLIC INSTRUCTION TO DIRECT THE  
15 OPERATION OF THE PUBLIC 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] state board of  
3 education [~~commission~~] shall be elected on a nonpartisan basis  
4 for staggered terms of four years as provided by law.

5 [~~Commission~~] State board of education members shall be  
6 residents of the [public] state board of education [~~commission~~]  
7 district from which [they] the members are elected. Change of  
8 residence of a [~~commission~~] state board of education member to  
9 a place outside the district from which [he] the member was  
10 elected shall automatically terminate the term of that member.

11 C. The governor shall fill vacancies on the  
12 [~~commission~~] state board of education by appointment of a  
13 resident from the district in which the vacancy occurs until  
14 the next regular election for membership on the [~~commission~~]  
15 state board of education.

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

21 ~~E. The elected members of the 2003 state board of~~  
22 ~~education shall constitute the public education commission, if~~  
23 ~~this amendment is approved, until their terms expire and the~~  
24 ~~districts from which the state board of education were elected~~  
25 ~~shall constitute the state public education commission~~

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1 ~~districts until changed by law.]~~

2           D. The state board of education shall determine  
3 public school policy and shall have control, management and  
4 direction, including financial direction, distribution of  
5 school funds and financial accounting, for all public schools,  
6 pursuant to authority and powers provided by law. The board  
7 shall appoint a qualified, experienced educational  
8 administrator to be known as the "superintendent of public  
9 instruction", who shall, subject to policies established by the  
10 state board of education, direct the operation of the public  
11 education department.

12           E. The initial members of the state board of  
13 education shall be those members of the public education  
14 commission elected to the commission in 2012 and 2014, each of  
15 whom shall serve the remainder of the term for which the member  
16 was elected. The districts from which the members of the  
17 public education commission were elected in 2012 and 2014 shall  
18 constitute the state board of education districts until the  
19 districts are redistricted following the federal decennial  
20 census as provided by law."

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

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