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HOUSE JOINT RESOLUTION 4

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Roberto "Bobby" J. Gonzales

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 12, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO TO CREATE A THIRTEEN-MEMBER STATE BOARD OF EDUCATION WITH TEN ELECTED AND THREE APPOINTED MEMBERS AND TO APPOINT A SUPERINTENDENT OF PUBLIC EDUCATION TO MANAGE THE OPERATION OF THE PUBLIC EDUCATION DEPARTMENT.

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 appointed by the governor and confirmed by the senate.~~]

underscored material = new  
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1 thirteen-member "state board of education". The state board of  
2 education shall determine public school policy, distribute  
3 public school funds and control, manage and direct the public  
4 education department and the administration, operation and  
5 finance of public schools as provided by law. The state board  
6 of education shall appoint a superintendent of public education  
7 who is a qualified, experienced and licensed educational  
8 administrator to manage the public education department as  
9 directed by the state board of education.

10 B. Ten members of the [~~public~~] state board of  
11 education [~~commission~~] shall be elected for staggered terms of  
12 four years as provided by law. [~~Commission~~] Board members  
13 shall be residents of the [~~public~~] state board of education  
14 [~~commission~~] district from which they are elected. Change of  
15 residence of a [~~commission~~] board member to a place outside the  
16 district from which [~~he~~] the member was elected shall  
17 automatically terminate the term of that member.

18 C. Three members of the state board of education,  
19 one from each of the three congressional districts, shall be  
20 appointed by the governor, by and with the advice and consent  
21 of the senate, for staggered four-years terms as provided by  
22 law.

23 [~~G.~~] D. The governor shall fill vacancies [~~on the~~  
24 ~~commission~~] of elected members of the state board of education  
25 by appointment of a resident from the district in which the

underscored material = new  
[bracketed material] = delete

1 vacancy occurs [~~until the next regular election for membership~~  
2 ~~on the commission.~~

3 D. ~~The secretary of public education shall have~~  
4 ~~administrative and regulatory powers and duties, including all~~  
5 ~~functions relating to the distribution of school funds and~~  
6 ~~financial accounting for the public schools to be performed as~~  
7 ~~provided by law], who shall serve for the remainder of the~~  
8 ~~unexpired term.~~

9 E. [~~The elected members of the 2003 state board of~~  
10 ~~education]~~ Members of the public education commission elected  
11 on or before the 2016 general election shall constitute the  
12 [~~public education commission]~~ state board of education, if this  
13 amendment is approved, until their terms expire, and the  
14 districts from which the [~~state board of education]~~ public  
15 education commission were elected shall constitute the state  
16 [~~public education commission]~~ board of education districts  
17 until changed by law in the year following each federal  
18 decennial census."

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