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SENATE JOINT MEMORIAL 2

**57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE PUBLIC EDUCATION COMMISSION TO CREATE A  
COMPREHENSIVE PLAN FOR THE STATE TO ASSUME FULL RESPONSIBILITY  
FOR THE EDUCATION PROGRAMS CURRENTLY ADMINISTERED BY THE UNITED  
STATES DEPARTMENT OF EDUCATION IN SUPPORT OF EFFORTS TO  
DISMANTLE THE FEDERAL DEPARTMENT OF EDUCATION AND RETURN THE  
PLENARY POWER OVER EDUCATION TO THE STATES IN ACCORDANCE WITH  
THE PRINCIPLES OF THE UNITED STATES CONSTITUTION AND THE  
MANDATES OF THE CONSTITUTION OF NEW MEXICO.

WHEREAS, the United States constitution divides powers  
between the federal government and state governments and only  
grants the federal government specific, enumerated powers that  
do not include a power over education; and

WHEREAS, the powers not granted to the federal government  
are reserved to the states and the people and include the

1 plenary police power, which is the power of states to provide  
2 for the health, safety, welfare and education of the people;  
3 and

4 WHEREAS, the creation of the United States department of  
5 education has significantly encroached on the ability of the  
6 states to wield the plenary power over education and has led to  
7 troubling trends in students' performance in reading and  
8 mathematics and in students' knowledge of civics, which is  
9 crucial to their ability to be productive members of society  
10 and active participants in the democratic process; and

11 WHEREAS, instead of improving education outcomes, the  
12 creation of the United States department of education has only  
13 diverted resources away from classrooms toward unnecessary  
14 bureaucracy in the federal government; and

15 WHEREAS, the United States secretary of education has  
16 significantly restructured the department and reduced the  
17 department's workforce without causing adverse effects on  
18 education, and the president of the United States has committed  
19 to dismantling the department and shifting the department's  
20 core responsibilities to other federal agencies and to the  
21 states; and

22 WHEREAS, the constitution of New Mexico guarantees free,  
23 uniform and sufficient education to every student and creates a  
24 public education department and a public education commission  
25 with powers and duties assigned by the legislature; and

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1 WHEREAS, pursuant to Section 22-2-2.2 NMSA 1978, the  
2 duties of the public education commission include the duty to:

3 A. work with the public education department to  
4 develop a five-year strategic plan for public elementary and  
5 secondary education in the state and to solicit input on the  
6 plan from persons who have an interest in public school policy;  
7 and

8 B. solicit input from local school boards, school  
9 districts and the public regarding public education policy and  
10 governance issues and to report its findings and  
11 recommendations to the secretary of public education and the  
12 legislature; and

13 WHEREAS, members of the commission are accountable to  
14 students' families and New Mexico taxpayers because, in  
15 accordance with the constitution of New Mexico, members of the  
16 commission are directly elected by the people of the local  
17 communities where the members reside; and

18 WHEREAS, consistent with the principles of the United  
19 States constitution and the mandates of the constitution of New  
20 Mexico, the legislature recognizes that the state and local  
21 communities are responsible for the education of New Mexico  
22 students and supports efforts to dismantle the United States  
23 department of education and return the plenary power over  
24 education back to the states;

25 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE

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1 STATE OF NEW MEXICO that the public education commission be  
2 requested to create, as part of the five-year strategic plan  
3 for public elementary and secondary education, a comprehensive  
4 plan for the state to assume full responsibility for the  
5 education programs currently administered by the United States  
6 department of education that includes:

7 A. recommendations for necessary state and federal  
8 statutory changes;

9 B. recommendations for the administration of state  
10 and federal funding and for any necessary waivers, transfers or  
11 block grants that the state should request from the federal  
12 government; and

13 C. the identification of federal education mandates  
14 not required by statute that the state should decline; and

15 BE IT FURTHER RESOLVED that, in accordance with the public  
16 education commission's duty to solicit input regarding public  
17 education policy and governance, each member of the commission  
18 be requested to convene families, teachers and local leaders  
19 residing in the member's district to provide input on how the  
20 state and local communities should carry out the plenary power  
21 over education and assume full responsibility for the education  
22 programs currently administered by the United States department  
23 of education and incorporate that input in the commission's  
24 comprehensive plan; and

25 BE IT FURTHER RESOLVED that pursuant to Section 2-3-14.1  
.233174.1

1 NMSA 1978, the secretary of public education be requested to  
2 create a report that inventories all federal education programs  
3 the state participates in and all federal education grants and  
4 other funding the state receives, and that the secretary  
5 provide that report to the public education commission and the  
6 legislative education study committee on or before August 1,  
7 2026 to inform the creation of the commission's comprehensive  
8 plan; and

9 BE IT FURTHER RESOLVED that the public education  
10 commission be requested to report its comprehensive plan to the  
11 governor, the secretary of public education and the legislature  
12 on or before December 31, 2026; and

13 BE IT FURTHER RESOLVED that copies of this memorial be  
14 transmitted to the president of the United States, the United  
15 States secretary of education, the governor, the secretary of  
16 public education, the public education commission and the  
17 legislative education study committee.