

1 SENATE JOINT MEMORIAL 2

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

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

19
20 WHEREAS, the United States constitution divides powers
21 between the federal government and state governments and only
22 grants the federal government specific, enumerated powers that
23 do not include a power over education; and

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

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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

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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.

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