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1 SENATE JOINT RESOLUTION 3
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY
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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 PROVIDE FOR AN APPOINTED STATE
13 BOARD OF EDUCATION THAT APPOINTS A SUPERINTENDENT OF PUBLIC
14 INSTRUCTION AS THE HEAD OF THE PUBLIC EDUCATION DEPARTMENT AND
15 SETS POLICY FOR PUBLIC SCHOOLS AS PROVIDED BY LAW AND TO RETAIN
16 THE ELECTED PUBLIC EDUCATION COMMISSION TO SERVE AS THE
17 CHARTERING AUTHORITY FOR STATE-CHARTERED CHARTER SCHOOLS AND
18 HAVE OTHER POWERS AND DUTIES AS PROVIDED BY LAW.
19

20 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. It is proposed to amend Article 12, Section 6
22 of the constitution of New Mexico to read:

23 "A. ~~[There is hereby created a]~~ The "state board of
24 education", the "public education department" and [a] the
25 "public education commission" ~~[that]~~ are created and shall have

1 such powers and duties as provided by this constitution and by
2 law. [~~The department shall be a cabinet department headed by a~~
3 ~~secretary of public education who is a qualified, experienced~~
4 ~~educator who shall be appointed by the governor and confirmed~~
5 ~~by the senate.~~]

6 B. The board shall determine public school policy
7 and shall have control, management and direction, including
8 financial direction, for all public schools pursuant to
9 authority and powers provided by law. The board consists of
10 nine members who are residents of New Mexico, have knowledge
11 and experience with public education in New Mexico and are
12 appointed as provided by law.

13 C. The board shall appoint a qualified, experienced
14 New Mexico eligible licensed educational administrator to be
15 known as the "superintendent of public instruction" who,
16 subject to the policies established by the board, shall direct
17 the operations of the public education department. The
18 department shall perform all functions as provided by law and
19 board policy and direction not inconsistent with law.

20 ~~[B.]~~ D. Ten members of the public education
21 commission shall be elected for staggered terms of four years
22 as provided by law. Commission members shall be residents of
23 the public education commission district from which they are
24 elected. Change of residence of a commission member to a place
25 outside the district from which ~~[he]~~ the member was elected

1 shall automatically terminate the term of that member. [G.]
2 The governor shall fill vacancies on the commission by
3 appointment of a resident from the district in which the
4 vacancy occurs until the next regular election for membership
5 on the commission. The public education commission shall be
6 the chartering authority for state-chartered charter schools
7 and have other powers and duties as provided by law.

8 [D.] E. Until replaced by the board's appointment
9 of a superintendent of public instruction, the secretary of
10 public education shall ~~[have administrative and regulatory~~
11 ~~powers and duties, including all functions relating to the~~
12 ~~distribution of school funds and financial accounting for the~~
13 ~~public schools to be performed as provided by law.~~

14 ~~E. The elected members of the 2003 state board of~~
15 ~~education shall constitute the public education commission, if~~
16 ~~this amendment is approved, until their terms expire and the~~
17 ~~districts from which the state board of education were elected~~
18 ~~shall constitute the state public education commission~~
19 ~~districts until changed by law]~~ serve as the superintendent of
20 public instruction."

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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