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FISCAL IMPACT REPORT

SPONSOR: Boitano DATE TYPED: 3/7/01 HB _____
 SHORT TITLE: Secretary of Public Education SB SJR 17
 ANALYST: Wilson

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|---------------|-----------------------------|------|----------------------|---------------|
| FY01 | FY02 | FY01 | FY02 | | |
| | See Narrative | | | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

State Department of Education (SDE)

SUMMARY

Synopsis of Bill

SJR 17 proposes to amend the Constitution of New Mexico by abolishing the State Board of Education (SBE) and transferring its duties to the State Department of Public Education and to change the State Department of Public Education to a cabinet department headed by a secretary of public education.

Significant Issues

The SDE believes that the current governance structure in which the control and authority for education is diffused, may reflect a belief on the part of the voters that elective education offices afford an important opportunity relative to specifically influencing local and state educational policy and direction. Historically, New Mexico, as well as other states, has determined that educational policy should be made in a manner requiring the involvement of as many citizens as possible. Centralizing education under one state-level entity, whether a bureaucracy or a single elected state official, would operate in a manner inconsistent with this broad-based involvement. Certainly, an elected State Board of Education representing defined districts affords a link between individuals and communities and state-level structures and an opportunity for the voters to speak directly to educational issues and concerns.

On the other hand, many believe that the current system lacks accountability. There has been much criticism about the current public school educational system in New Mexico. Proponents of SJM 17

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believe that if the Governor appointed the Education Department Secretary there would be a central place and one individual who reports directly to the Governor who could be charged with the responsibility of managing, directing and improving the public schools. Proponents also note that many other important programs are part of the current cabinet structure and they believe that education would profit through centralization of control.

FISCAL IMPLICATIONS

SJR 17 will have no fiscal implications other than the cost of placing it on the ballot. If, however the voters approve the provisions of the resolution there will be some reorganization of the SDE which will certainly involve some costs.

There will be some savings since the current 15-member board will cease to function.

ADMINISTRATIVE IMPLICATIONS

SJR 17 will, if adopted, require a comprehensive reassessment of the Public School Code and may further require re-adoption of the regulatory provisions currently in place. In addition, legislation will be required to delineate the parameters of the newly created executive department.

RELATIONSHIP

Relates to:

HJR 4, Create Secretary of Education
HJR 12 Create Secretary of Education
SJR 11, Secretary of Public Education

OTHER SUBSTANTIVE ISSUES

The SDE claims that the data does not support the tenet that a governance system will improve student achievement. An analysis of 42 participating states and their National Assessment of Educational Progress (NAEP) test scores does not show a significant correlation between student achievement and governance models.

The SDE further says that sweeping change in the state's educational governance system will interrupt significant initiatives, including the accountability program, currently in progress. These initiatives have been developed as the result of constructive engagement with parents, teachers, students, local boards of education, school district and community leaders, tribal leaders, legislators and the governor.

The SDE has provided a history of the amendments to the New Mexico Constitution regarding education:

- c The 1910 Constitution of the State of New Mexico provided for a state board of education composed of seven members, five of whom were gubernatorial appointees subject to Senate confirmation and including "the head of some state educational institution", "a county superintendent of schools" and "one other person actually connected with educational work." The remaining two members consisted of the governor and the elected state superintendent of public instruction, who served as ex officio members.

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- c In 1951, the voters rejected an amendment which would have allowed the legislature to determine whether the SBE was elected or appointed and would further have allowed the Board to appoint the state superintendent of public instruction.
- c On November 4, 1958, the voters approved an amendment to the Constitution of New Mexico whereby provision was made for an elected state board of education and the removal of the state superintendent of public instruction from the list of elected state officers. The constitutional mandate of the state board of education was "pursuant to authority and powers provided by law." The ten elected SBE members were elected from the ten judicial districts within the state for terms of six years. If additional judicial districts were created by the Legislature, the Constitution provided that the Legislature "may provide by law for the election by the people of a board of not less than seven members nor more than ten members from the board of education districts created by the legislature."
- c The proposed 1969 Constitution, rejected by the voters in November 1969, provided for a nine-member state board of education, appointed by the governor with the consent of the Senate.
- c In 1976, the voters rejected an amendment whereby the SBE would be comprised of nine gubernatorial appointed members. The amendment would have included the requirement that budgets and expenditures of funds by public schools be controlled by the Board.
- c On November 4, 1986, the voters approved an amendment whereby the finance responsibilities were transferred to the SBE, the membership of which was expanded from the ten elected members to included five gubernatorial appointed members. The amendment also reduced the terms of Board members from six years to four year terms.

DW/njw