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## FISCAL IMPACT REPORT

SPONSOR: Marquardt DATE TYPED: 1-31-02 HB HJR 9  
SHORT TITLE: Secretary of Public Education SB \_\_\_\_\_  
ANALYST: Baca

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	NFI				

(Parenthesis) Indicate Expenditure Decreases)

Relates to SJR 1, SJR 12, HJR 1

### SOURCES OF INFORMATION

State Department of Education (SDE)  
LFC files

### SUMMARY

#### Synopsis of Bill

House Joint Resolution 9 proposes to amend Article XII, Section 6 of the New Mexico Constitution to provide for a Secretary of Public Education appointed by the Governor with the advise and consent of the Senate and to abolish the State Board of Education (SBE).

If the people in the general election of 2002 adopt HJR 9, the Secretary of State shall not certify the results of the 2002 election of state board members, and the SBE will be abolished as of January 1, 2003. All functions and responsibilities of the State Department of Education (SDE) will be transferred to the Public Education Department.

The amendment proposed by this resolution is to be submitted to the people for their approval or rejection at the next general election or at any special election called prior to that time.

#### Significant Issues

The public education governance structure in New Mexico is now composed of 10 elected and 5 appointed SBE members. The SBE is charged with appointing a Superintendent of Public Instruction who directs the operations of the SDE. This process grants the citizens of New Mexico a constitutional right to influence state educational policy makers and establishes a direct link between

citizens, communities and policy-makers. The five board members appointed by the Governor with the consent of the Senate can provide him with an opportunity to influence the development of educational policy for the state. Adoption of this amendment require that different approaches be developed to all citizen "input" in the development of educational policy for public schools.

### **FISCAL IMPLICATIONS**

Indeterminable costs to the general fund may arise if this bill passes and New Mexico citizens subsequently vote to amend the constitution. A comprehensive review of the Public School Code and existing policies and regulations may be necessary.

### **ADMINISTRATIVE IMPLICATIONS**

Revision of the Public School code and comprehensive review and adoption of new or revised regulatory provisions may be necessary.

### **CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP**

HJR 9 relates to HJR 1 (Secretary of Public Education), SJR 1 (Secretary of Public Education) and SJR 12 (Secretary of Public Education).

### **OTHER SUBSTANTIVE ISSUES**

According to SDE, New Mexico and many other states have determined that educational policy should be made in a manner requiring the involvement of as many citizens as possible. Centralization education under one state-level entity, whether a bureaucracy or single elected official, would operate in a manner inconsistent with the current system of broad-based citizen involvement. New Mexico's elected SBE members represent defined districts and establish a link between individuals and communities, and voters now have the right to directly express their concerns relating to educational issues. Also, revision of the state's public educational system and philosophy on a periodic basis in accordance with the goals of a newly elected governor could make long-term planning difficult.

In addition, the SDE states that the current data does not indicate that a change in governance 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 various governance models.

### **TECHNICAL ISSUES**

The following sections of the Constitution of New Mexico also relate to the SBE and State Superintendent of Public and may require revision:

Article V, Section 3 provides that "*No person shall be eligible to the office of superintendent of public instruction unless he be a trained and experienced educator.*"

Article V, Section 12 addresses the compensation of executive officers and includes therein the superintendent of public instruction.

**LB/njw**