

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE JOINT RESOLUTION 9

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

William P. Soules

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 12, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO TO REPLACE THE PUBLIC EDUCATION COMMISSION WITH A NINE-MEMBER STATE BOARD OF EDUCATION OF FIVE ELECTED AND FOUR APPOINTED MEMBERS TO SET PUBLIC SCHOOL POLICY AS PROVIDED BY LAW AND TO APPOINT A SUPERINTENDENT OF PUBLIC EDUCATION; PROVIDING A TRANSITION PERIOD.

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

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

"A. There is hereby created a "public education department" and a [~~"public education commission" that shall have such powers and duties as provided by law. The department shall be a cabinet department headed by a secretary of public education who is a qualified, experienced educator who shall be~~

underscored material = new
[bracketed material] = delete

1 ~~appointed by the governor and confirmed by the senate] nine-~~

2 member "state board of education". As provided by law, the

3 state board of education shall determine public school policy,

4 distribute public school funds and control and manage the

5 public education department and the administration, operation

6 and finance of public schools. The state board of education

7 shall appoint a superintendent of public education who is a

8 qualified, experienced and licensed New Mexico school

9 administrator or school superintendent to manage the public

10 education department as directed by the state board of

11 education.

12 B. [~~Ten~~] Five members of the [~~public education~~

13 ~~commission~~] state board of education shall be elected for

14 staggered terms of four years as provided by law [~~Commission~~];

15 provided that those elected at the first general election after

16 the adoption of this amendment shall immediately classify

17 themselves by lot, so that two of them shall hold office for an

18 initial term of two years and three of them shall hold office

19 for four years. State board of education districts shall share

20 the same district boundaries as the public regulation

21 commission's district boundaries as determined for the next and

22 subsequent federal decennial redistricting. Board members

23 shall be residents of the [~~public education commission~~] state

24 board of education district from which they are elected.

25 [~~Change of residence of a commission member to a place outside~~

.211707.2

underscored material = new
[bracketed material] = delete

1 ~~the district from which he was elected shall automatically~~
2 ~~terminate the term of that member.~~

3 ~~C. The governor shall fill vacancies on the~~
4 ~~commission by appointment of a resident from the district in~~
5 ~~which the vacancy occurs until the next regular election for~~
6 ~~membership on the commission.~~

7 ~~D. The secretary of public education shall have~~
8 ~~administrative and regulatory powers and duties, including all~~
9 ~~functions relating to the distribution of school funds and~~
10 ~~financial accounting for the public schools to be performed as~~
11 ~~provided by law.~~

12 ~~E. The elected members of the 2003 state board of~~
13 ~~education shall constitute the public education commission, if~~
14 ~~this amendment is approved, until their terms expire and the~~
15 ~~districts from which the state board of education were elected~~
16 ~~shall constitute the state public education commission~~
17 ~~districts until changed by law.] A board member who permanently~~
18 ~~removes the member's residence from or maintains no residence~~
19 ~~in the district from which the member was elected shall be~~
20 ~~deemed to have resigned.~~

21 ~~C. Four members of the state board of education~~
22 ~~shall be appointed at-large by the governor, by and with the~~
23 ~~advice and consent of the senate, for staggered terms of four~~
24 ~~years; provided that the governor shall appoint two of the~~
25 ~~members for an initial term of two years; and provided further~~

.211707.2

underscoring material = new
~~[bracketed material] = delete~~

1 that the appointed members of the state board of education
2 shall not be voting members until their respective
3 confirmations by the senate.

4 D. During the transition from the public education
5 commission to the state board of education, the elected members
6 of the commission shall serve as the state board of education
7 until January 1 following the general election in 2022. At
8 that election, the five elected positions from the state board
9 of education districts shall be elected and the governor shall
10 appoint, with the senate's consent, the four appointed at-large
11 members."

12 SECTION 2. The amendment proposed by this resolution
13 shall be submitted to the people for their approval or
14 rejection at the next general election or at any special
15 election prior to that date that may be called for that
16 purpose.