

SENATE RULES COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION 1

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12 OF THE CONSTITUTION OF NEW MEXICO BY REPEALING SECTION 6 AND ADDING A NEW SECTION 6 TO REPLACE THE PUBLIC EDUCATION COMMISSION WITH A STATE SCHOOL BOARD TO SET POLICY AND DIRECT THE PUBLIC EDUCATION DEPARTMENT.

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

**SECTION 1.** It is proposed to amend Article 12 of the constitution of New Mexico by repealing Section 6 and adding a new Section 6 to read:

"A. The "state school board" and the "public education department" are created. The state school board shall determine public school policy and career technical educational policy and shall have control, management and direction, including financial direction, of distribution of school funds and financial accounting for all public schools

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

1 pursuant to authority and powers provided by law. The board  
2 shall appoint a qualified, experienced educational  
3 administrator to be known as the "superintendent of public  
4 instruction", who, subject to the policies established by the  
5 board, shall direct the operations of the public education  
6 department. The department shall perform all functions as  
7 provided by law and board policy and direction.

8 B. Ten members of the state school board shall be  
9 elected for staggered terms of six years as provided by law.  
10 Board members shall be residents of the state school board  
11 district from which they are elected. Change of residence of a  
12 board member to a place outside the district from which the  
13 member was elected shall automatically terminate the term of  
14 that member.

15 C. Five members of the state school board, who  
16 shall be state officers, shall be nominated and by and with the  
17 consent of the senate appointed by the governor for staggered  
18 terms of six years as provided by law. Those appointed by the  
19 governor shall be qualified electors of the state and no more  
20 than three of whom at the time of their appointment shall be  
21 members of the same political party. One of the five members  
22 shall be a tribal representative and no more than two members  
23 shall be appointed from the same county. An appointed member  
24 shall not be removed from office except for malfeasance,  
25 misfeasance or failure to carry out the duties of the office.

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1           D. For elected members, the governor shall fill  
2 vacancies on the board by appointment of a resident from the  
3 district in which the vacancy occurs until the next regular  
4 election. For appointed members, the governor shall fill  
5 vacancies so that the provisions of Subsection C of this  
6 section are met.

7           E. After the adoption of this amendment, all  
8 elected members of the state school board shall be elected at  
9 the 2026 general election for staggered terms beginning January  
10 1, 2027 as provided by law. Appointed members may be appointed  
11 before January 1, 2027 for staggered terms beginning January 1,  
12 2027 and may exercise their powers and duties while awaiting  
13 senate confirmation. The staggered terms of appointed members  
14 shall be determined by lot as provided by law.

15           F. The public education commission districts shall  
16 be the state school board districts until redistricted after  
17 the 2030 federal decennial census. The public education  
18 commission shall continue its powers and duties until replaced  
19 by the elected members of the state school board on January 1,  
20 2027."

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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