

SENATE JOINT RESOLUTION 9

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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; HAVE CONTROL, MANAGEMENT AND DIRECTION OF DISTRIBUTION OF SCHOOL FUNDS AND FINANCIAL ACCOUNTING FOR ALL PUBLIC SCHOOLS AS PROVIDED BY LAW; AND DIRECT THE PUBLIC EDUCATION DEPARTMENT.

.227399.1AIC January 26, 2024 (2:25pm)

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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 the distribution of school funds and financial accounting for all public schools pursuant to authority and powers provided by law. The board shall appoint a qualified, experienced educational administrator to be known as the "superintendent of public instruction", who, subject to the policies established by the board, shall direct the operations of the public education department. The department shall perform all functions as provided by law and board policy and direction.

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

C. Five members of the state school board, who

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shall be state officers, shall be nominated SEC→~~and by~~←SEC and SEC→,←SEC with the consent of the senate SEC→,←SEC appointed by the governor for staggered terms of six years as provided by law. Those appointed by the governor shall be qualified electors of the state and no more than three of whom at the time of their appointment shall be members of the same political party and shall not have changed their party affiliation within two years prior to appointment. One of the five members shall be a tribal representative and no more than two members shall be appointed from the same county. An appointed member shall not be removed from office except for malfeasance, misfeasance or failure to carry out the duties of the office.

D. For elected members, the governor shall fill vacancies on the board by appointment of a resident from the district in which the vacancy occurs until the next SEC→~~regular~~←SEC SEC→~~general~~←SEC election. For appointed members, the governor shall fill vacancies so that the provisions of Subsection C of this section are met.

E. After the adoption of this amendment, all elected members of the state school board shall be elected at the 2026 SEC→~~regular~~←SEC SEC→~~general~~←SEC election for staggered terms beginning January 1, 2027 as provided by law. Appointed members may be appointed before January 1, 2027 for staggered terms beginning January 1, 2027 and may exercise

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their powers and duties while awaiting senate confirmation.
The staggered terms of appointed members shall be determined by lot as provided by law.

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

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