

1 SENATE JOINT RESOLUTION 9

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLE 12 OF THE CONSTITUTION OF NEW
12 MEXICO BY REPEALING SECTION 6 AND ADDING A NEW SECTION 6 TO
13 REPLACE THE PUBLIC EDUCATION COMMISSION WITH A STATE SCHOOL
14 BOARD TO SET POLICY; HAVE CONTROL, MANAGEMENT AND DIRECTION OF
15 DISTRIBUTION OF SCHOOL FUNDS AND FINANCIAL ACCOUNTING FOR ALL
16 PUBLIC SCHOOLS AS PROVIDED BY LAW; AND DIRECT THE PUBLIC
17 EDUCATION DEPARTMENT.

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

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

23 "A. The "state school board" and the "public
24 education department" are created. The state school board
25 shall determine public school policy and career technical

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1 educational policy and shall have control, management and
2 direction, including financial direction, of the distribution
3 of school funds and financial accounting for all public schools
4 pursuant to authority and powers provided by law. The board
5 shall appoint a qualified, experienced educational
6 administrator to be known as the "superintendent of public
7 instruction", who, subject to the policies established by the
8 board, shall direct the operations of the public education
9 department. The department shall perform all functions as
10 provided by law and board policy and direction.

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

18 C. Five members of the state school board, who
19 shall be state officers, shall be nominated and by and with the
20 consent of the senate appointed by the governor for staggered
21 terms of six years as provided by law. Those appointed by the
22 governor shall be qualified electors of the state and no more
23 than three of whom at the time of their appointment shall be
24 members of the same political party and shall not have changed
25 their party affiliation within two years prior to appointment.

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1 One of the five members shall be a tribal representative and no
2 more than two members shall be appointed from the same county.
3 An appointed member shall not be removed from office except for
4 malfeasance, misfeasance or failure to carry out the duties of
5 the office.

6 D. For elected members, the governor shall fill
7 vacancies on the board by appointment of a resident from the
8 district in which the vacancy occurs until the next regular
9 election. For appointed members, the governor shall fill
10 vacancies so that the provisions of Subsection C of this
11 section are met.

12 E. After the adoption of this amendment, all
13 elected members of the state school board shall be elected at
14 the 2026 regular election for staggered terms beginning January
15 1, 2027 as provided by law. Appointed members may be appointed
16 before January 1, 2027 for staggered terms beginning January 1,
17 2027 and may exercise their powers and duties while awaiting
18 senate confirmation. The staggered terms of appointed members
19 shall be determined by lot as provided by law.

20 F. The public education commission districts shall
21 be the state school board districts until redistricted after
22 the 2030 federal decennial census. The public education
23 commission shall continue its powers and duties until replaced
24 by the elected members of the state school board on January 1,
25 2027."

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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.