

SENATE JOINT RESOLUTION 3

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

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  
SEC→~~REPLACE~~←SEC SEC→CONTINUE←SEC THE PUBLIC EDUCATION  
COMMISSION SEC→~~WITH A STATE SCHOOL~~←SEC SEC→AS THE CHARTERING  
AUTHORITY FOR STATE-CHARTERED CHARTER SCHOOLS AND CREATE A  
STATE←SEC BOARD SEC→OF EDUCATION←SEC TO SET POLICY; TO HAVE  
CONTROL, MANAGEMENT AND DIRECTION, INCLUDING FINANCIAL  
DIRECTION, OF THE DISTRIBUTION OF SCHOOL FUNDS AND FINANCIAL

.229631.1AIC February 21, 2025 (8:20pm)

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ACCOUNTING FOR ALL PUBLIC SCHOOLS AS PROVIDED BY LAW; AND TO 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:

" SEC→~~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 four 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~~

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~~member was elected shall automatically terminate the term of that member.~~

~~C. Five members of the state school board, who shall be state officers, shall be nominated and by and with the consent of the senate appointed by the governor for staggered terms of four 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 regular 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 2028 general election for staggered terms beginning January~~

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~~1, 2029 as provided by law. Appointed members may exercise 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 serve as 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, 2029.~~ ←SEC

SEC→A. The "state board of education", the "public education department" and the "public education commission" are created. The state board of education shall determine public school policy and shall have control, management and direction, including financial direction of 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 educator to be known as the "superintendent of public instruction" to administer and enforce the laws and board policies relating to public education and related matters and supervise the operations of the public education department under the direction of the board. The public education commission shall serve as the state chartering authority for state-chartered charter schools

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and have other powers and duties as provided by law.

B. The state board of education and the public education commission shall each be composed of ten members who shall be elected for staggered terms of four years as provided by law. The state board of education shall have an eleventh member appointed by the governor for a term co-extensive with the governor who appoints the member. Board and commission members shall be residents of the districts from which they are elected. Change of residence of a board or commission member to a place outside the district from which the member was elected shall automatically be deemed as resignation of the member.

C. The governor shall, with the consent of the senate, fill vacancies on the state board of education or the public education commission by appointment of a resident from the district in which the vacancy occurs. That member shall serve for the remainder of the term for which appointed.

D. After the adoption of this amendment, ten members of the state board of education shall be elected at the 2028 general election for staggered terms beginning January 1, 2029 as provided by law. The staggered terms shall be determined by lot as provided by law. The staggered terms of office established for the public education commission prior to the adoption of this amendment shall continue to be the terms

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of office until changed by this constitution or by law.

E. The state board of education and the public education commission districts shall have the same boundaries unless the legislature provides otherwise in a decennial redistricting law.

F. The secretary of public education shall serve as the superintendent of public instruction until replaced by appointment of the superintendent of public instruction by the state board of education. ←SEC "

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.

- 6 -