



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2026 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: January 28 2026

Bill No: HB185

Committee Referrals: Not Printed

Sponsor: Herrera / Baca / Garratt /  
Sariñana

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of January 29, 2026.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: House Bill 185 (HB185) would add a new section to Public School Code ([Section 22-2-14.1 NMSA 1978](#)) authorizing the secretary of public education to suspend individual local school board members. The bill outlines clear grounds for which the secretary may take this action, while ensuring that a school board can continue to function. Current statute only allows the secretary to remove a board in its entirety.

The bill would require written notice when there are reasonable grounds to suspect a board member is willfully failing to perform required duties, with detail on specific failures, proposed remedial action, and a corrective deadline for the individual board member. Suspension would only be permitted if the board member does not complete required remedial actions within the specified timeframe, which cannot be less than 30 days. Upon suspension, the member has a right to request a hearing to challenge the suspension to be held in accordance with the [Administrative Procedures Act](#) (APA). Additionally, the suspended member would be able to appeal the decision of the hearing via the procedures outlined in [Section 39-3-1.1 NMSA 1978](#).

HB185 would limit the secretary's role during the suspension, permitting the secretary or a designee to assume the duties of the suspended member's office only to break a deadlock during voting for the approval of the annual budget of the member's school district.

This bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 20, 2026.

This bill is endorsed by the Legislative Education Study Committee.

### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

### **SIGNIFICANT ISSUES**

Current statutes ([Section 22-2-2 NMSA 1978](#) and [Section 22-2-14 NMSA 1978](#)) allow for the suspension or removal of an entire school board, local superintendent, or school principal for cause and the appointment of a replacement authority (a "local school board of control") to assume governance. However, there is no current mechanism for suspending or removing individual board members. This legislation would provide a more targeted and proportional tool to address misconduct, legal violations, or disruptive behavior without destabilizing entire boards. This authority would be consistent with the aforementioned statutory authority for suspending entire boards, superintendents, and school principals.

Nationally, both [Vermont](#) and [Michigan](#) have laws that allow for the removal of individual school board members by the Governor, although the former is solely for the Vermont State Board of Education. Both states include that the removal must be for cause and there must be processes in

place that allow the individual to offer a response.

The bill does not address what may happen in the case where suspension of more than one board member is necessary. Potentially, this could lead to a loss of quorum for an affected board. The Secretary's currently proposed tie-breaking authority would be insufficient in such a case to enable the board to conduct regular business.

HB185 proposes a higher standard for suspension of an individual school board members than for that of an entire board. Under the bill, a member can only be suspended for "willful failure to perform a duty," while [Section 22-2-14 NMSA 1978](#) permits suspension of an entire board for "failure to meet requirements." Consistent failure, whether willful or not, may pose significant problems to the effective management of a local school district.

Additionally, it should be noted that current law and rule do not allow for an entire school board to request a hearing governed by the APA, to which the PED is generally not subject. A local school board may request a hearing be held by the department and may appeal the department's determination after a hearing under [Section 39-3-1.1 NMSA 1978](#). Furthermore, the additional administrative requirements of the APA adjudicative procedures would hamper the department's ability to more efficiently address issues impacting students in a school district that are caused by the actions of an individual board member.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

The department would need to amend Rule [6.30.6 NMAC](#), Suspension of Authority of a Local School Board, to address suspension of individual school board members. Additional rulemaking may be required of the department to implement processes for adherence to the APA adjudicative proceedings.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

## **TECHNICAL ISSUES**

The sponsors may wish to clarify whether the secretary's suspension authority applies to charter school governing boards.

## **OTHER SUBSTANTIVE ISSUES**

During the 2023 New Mexico legislative session lawmakers considered similar legislation ([House Bill 143](#) and [House Bill 325](#)) that bundled multiple school governance reforms, including new reporting requirements for PED and expanded oversight tools related to individual board members. Both bills were introduced as part of a broader effort to strengthen local governance, increase transparency, and reduce conflicts of interest in charter and district boards. However, neither bill passed despite coalitional support. This bill revives that policy question but includes a more

systematic approach and explicit procedural safeguards.

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

## **AMENDMENTS**

The sponsors may wish to consider making the threshold for suspension the same for individual members as it is for an entire school board, by striking the requirement that an individual member's failure be "willful."

Similarly, the sponsors may also wish to consider striking the availability of hearings governed by the APA, to which the PED is not generally subject, in favor of a hearing process currently provided for in statute and department rule for entire school boards.

The sponsors may wish to amend the bill to address the eventuality of more than one member being suspended from the same board, as well as a potential loss of quorum for a board that experiences several simultaneous member suspensions.