



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: SJR3

Committee Referrals: SRC/SEC

Agency Name and Code: PED - 924

Sponsor: Soules

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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
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act:
None as of 1/28/26.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Joint Resolution 3 (SJR3) proposes an amendment to the New Mexico Constitution to create the State Board of Education (SBE) and delineates the roles of the SBE, a Superintendent of Public Instruction, the Public Education Department (PED) and the Public Education Commission (PEC) for the control, management, direction, and administration of public schools:

- SBE would have nine appointed members who are New Mexico residents with public education experience.
- The SBE would appoint a qualified, experienced, New Mexico eligible licensed educational administrator as the Superintendent to direct the operations of PED. The current Secretary of Public Education would serve as the Superintendent until replaced by the SBE's appointee.
- PED would administer the law as well as board policy and direction that is consistent with the law.
- PEC's current role as chartering authority of state-chartered charter schools would be explicitly described in the Constitution.

If SJR3 passes, the public will vote on the provisions of the resolution in the next regular election or in any special election called for that purpose prior to that date.

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.

FISCAL IMPLICATIONS

The joint resolution does not indicate whether the members of the proposed SBE will be paid.

Given that this bill would require extensive reorganization of the department itself, and the number and volume of statutes and rules implicated by public education, the cost to move toward a board of education, while indeterminate, would be high.

According to the Secretary of State (SoS), under Section 1-16-4 NMSA 1978 and the New Mexico Constitution, the SoS is required to print samples of the text of each constitutional amendment, in both Spanish and English, in an amount equal to 10 percent of the registered voters in the state. SoS is also required to publish them once a week for four weeks preceding the election in newspapers in every county in the state. The estimated cost per constitutional amendment is \$125,000—\$150,000, depending upon the size and number of ballots and whether additional ballot stations are needed. If SJR3 passes the legislature and the proposed constitutional amendment is ratified by the people at the next appropriate election, substantial amendment of the Public School Code will be required at uncertain cost to the legislature and the Compilation Commission.

SIGNIFICANT ISSUES

The resolution does not specify the exact process for appointing SBE members, stating only that

they are to be "appointed as provided by law." This indicates that the appointment process must be defined through subsequent legislation or a concurrent companion bill. The resolution's lack of a specified appointment process leaves open the possibility of significant politicization of the SBE. By deferring appointment procedures to future legislation, the bill allows a political party that controls both houses of the legislature and the governorship, to create the selection process. This structure could subject the board—and by extension, public schools—to abrupt and potentially frequent shifts in ideological direction based on changes in political power.

In 2003, the people of New Mexico ratified and affirmed constitutional amendments that converted the SBE to the current PEC and created, instead, PED as a cabinet-level agency with comprehensive authority over the administration of public primary and secondary education in the state. Former members of the previous SBE cited [slow, politicized decision-making and a struggle to pursue unified goals](#) as a driving factor behind the change. Adelmo Archuleta, the last chairman of New Mexico's state school board, spoke against a joint resolution similar to SR3 that was heard before the House Education Committee in the 2024 regular legislative session.

[Wide variation in education governance](#) between states makes it difficult to study the impacts of centralized authority on student outcomes, though quantitative research provides [tentative evidence](#) that stronger gubernatorial control can result in higher student performance and lower achievement gaps for economically disadvantaged students. The University of Michigan's Education Policy Initiative conducted [quantitative and qualitative studies](#) to assess the efficacy of Michigan's SBE, which appoints the state's Superintendent of Education. The 2025 report recommends shifts toward a system in which the governor has greater authority over the SBE and the appointment of the superintendent, citing misalignment between Michigan's SBE, executive office, department of education, and legislature. Survey responses indicate that decentralized authority over education policy in Michigan leads to inconsistent strategy and lack of a clear, collaborative vision. These results should be cautiously interpreted due to disparities in social and political environments between states; however, issues cited regarding New Mexico's previous SBE may indicate parity in policy recommendations.

PERFORMANCE IMPLICATIONS

PED works with other state education and cabinet level departments daily. Removing PED from the Executive could create a barrier to working with other state agencies and hamper the execution of a unified system of education from cradle to career. As mentioned in the previous section, [tentative quantitative evidence](#) indicates that centralization of education governance improves student achievement and lowers achievement gaps for economically disadvantaged students.

ADMINISTRATIVE IMPLICATIONS

If SJR3 passes, and the constitutional amendment is ratified by New Mexico voters, the Executive would be tasked with ensuring a seamless transition of authority, ensuring both the SBE and the department understand their respective roles and responsibilities.

Additionally, such a fundamental and comprehensive change would have numerous unintended consequences on requirements imposed on PED by federal or other outside entities. Importantly, these questions would also need to be addressed in the substantial work to review and amend the entirety of the Public School Code. The work review would require personnel to conduct.

A fundamental change of this nature would require substantial amendment to the vast body of PED's current rules to reflect the transformation in leadership and administration.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

Under an SBE governance structure, consultation on educational issues with tribes, pueblos, and nations would decrease if the legislature designs an appointment process that does not include significant pueblo, nation, and tribe representation. Under the current governance structure, the Governor is responsible to all of the state's constituencies.

Under current governance, PED policy and work is aligned with other state agencies including the Higher Education Department (HED), the Early Childhood Education and Care Department (ECECD), and others. All department secretaries report to the Governor and support statewide initiatives. Under the proposed SBE governance structure, PED policy and work may not align with other state agencies; this could hamper statewide efforts on current initiatives such as longitudinal data systems, special education services, and cradle to career family supports.

The current governance structure ensures the Governor is accountable for and responsible for a continuous system of education from early childhood through public education to higher education. SJR3 would complicate data-sharing and accountability across the components of the current system: longitudinal responsibility for a person's education would be handed off from the Governor's ECECD to the SBE, and then back again to the Governor's HED. Education policy would be shared between two state agencies, with the SBE accountable to different authorities. Collaboration between SBE and the Executive agencies responsible for wraparound services of health, workforce development, and economic development, could become problematic with a reduction in aligned services for students if the proposals in SJR3 were realized.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

The sponsors may wish to consider amending the joint resolution to address the appointment process for SBE members proactively, rather than waiting until the joint resolution may be

ratified by the electorate. This would give the voting public a better idea of what they are considering, when deciding how to vote on the proposed constitutional amendment.