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FISCAL IMPACT REPORT

SPONSOR: Roberts DATE TYPED: 2/04/03 HB HJR 10

SHORT TITLE: Cabinet-level Department of Education CA SB _____

ANALYST: L. Baca

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	Indeterminate				

(Parenthesis () Indicate Expenditure Decreases)

Relates to HJR 7, HJR 12, HJR 15, SJR 2, SJR 5, SJR 22 & HB 310

SOURCES OF INFORMATION

LFC Files

Responses Received From

State Department of Education (SDE)

SUMMARY

Synopsis of Bill

House Joint Resolution 10 proposes to amend Article 12, Section 6 of the Constitution of New Mexico to change the State Board of Education to an advisory state board of education appointed by the governor, to create a Department of Public Education within the executive department headed by a Secretary of Public Education who shall be appointed by the Governor with the advise and consent of the Senate, and to dissolve the existing state board on December 31st of the year in which this amendment is adopted.

Significant Issues

HJR 10 proposes to transfer all programmatic and financial duties and responsibilities from the current SDE to the “new” Department of Public Education. The new department is to carry out these duties and responsibilities pursuant to authority and powers as provided by law.

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Unlike the current provisions in the New Mexico State Constitution, HJR 10 does not specify that the Secretary for Education must be a qualified, experienced educator nor does it delineate the responsibilities of the advisory board.

FISCAL IMPLICATIONS

Any additional costs or savings accruing to adoption of this amendment are indeterminate.

ADMINISTRATIVE IMPLICATIONS

If this amendment is adopted, the SDE analysis foresees a restructuring of public education's governance system that could potentially require a reassessment and re-writing of the Public School Code. In addition, the SDE analysis cites the potential for instability in management and philosophies associated with changes in governors.

CONFLICT, RELATIONSHIP

In its analysis, the SDE cites three sections of potential conflict between the proposed amendment and existing provisions of the state Constitution cited below:

Article V, Section 3 provides that "No person shall be eligible to the office of superintendent of public instruction unless he be a trained and experienced educator."

Article V, Section 12 addresses the compensation of executive officers and includes the superintendent of public instruction.

Article XII, section 15 provides that the SBE shall by resolution establish the terms of the first board elected after the creation of a seven-member local school board.

HJR 10 relates to:

HJR 7, Cabinet-level Department of Education and SJR 5, Education and Board, are identical bills that propose amending the state constitution to create a Cabinet-level Secretary of Education and to reconstitute the current board as a ten member group elected from designated districts;

HJR 15, SJR 2, and SJR 12, are identical bills that propose amending the state constitution to create an education department within the executive branch under the direction of an administrator appointed by the Governor and to abolish the SBE.

POSSIBLE QUESTIONS

1. Has the State Board taken a position on this resolution ?
2. How would we improve public schools if this amendment is approved by the voters ?

LRB/yr :pr