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FISCAL IMPACT REPORT

SPONSOR: Marquardt DATE TYPED: 2/6/03 HB HJR 12

SHORT TITLE: Abolish State Board 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 10, HJR 15, SJR2, SJR 5, SJR12 and HB 310

SOURCES OF INFORMATION

Responses Received From

State Department of Education (SDE)

SUMMARY

Synopsis of Bill

House Joint Resolution 12 proposes to amend Article 12, Section of the Constitution of New Mexico to provide for a Secretary of Education appointed by the Governor, with the advise and consent of the Senate; and abolishes the State Board of Education (SBE).

Significant Issues

HJR 12 creates a Public Education Department headed by a Secretary of Education, who shall be a qualified, experienced administrator who shall direct the operation of the agency. All public school functions, duties and responsibilities of the current SDE shall be transferred to new department and will be carried out as provided by law. The SBE shall cease to exist on January 1 next succeeding the adopting of this amendment.

ADMINISTRATIVE IMPLICATIONS

The SDE analysis sees a potential for instability based on the political and administrative philosophy of incumbent governors, a condition that could compromise or eliminate continuity and

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stability in the state's public school system.

In addition, states the SDE analysis, the adoption of HJR 12 could require a reassessment, rewriting and re-adoption of the Public School Code and all existing rules and regulations.

CONFLICT

In its analysis, the SDE cites three sections of potential conflict between the proposed amendment and existing provision 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.

RELATIONSHIP

HJR 12 relates to:

HJR 10, Cabinet-level Department of Education, which proposes a cabinet-level Secretary of Education and an Advisory State Board of Education appointed by the Governor;

HJR 7, HJR 15, SJR 2, SJR 12, Cabinet-level (State) Education Department, identical bills creating a Public Education Department in the Executive Branch with a cabinet-level Secretary of Education appointed by the Governor, and propose abolishing the SBE;

SJR 5, Education Department and Board, creates a cabinet-level Secretary of Education and to reconstitute the existing SBE as a ten member elected board, and

HB 310, School-related Constitutional Amendments, which specifies the fourth Tuesday of September 2003 as the date for a special election for amendments to the State Constitution related to the public school system, and appropriates \$900.0 from the general fund to the Secretary of State for the conduct of the election.

POSSIBLE QUESTIONS

1. Would it be desirable to reassess all existing statutes and rules and regulations?
2. The "new" agency would operate as provided in law. Wouldn't this provide stability?
3. How would this proposed change improve the effectiveness of the public schools?
4. If the current SBE ceases to exist on January 1 next succeeding adoption of this amendment, will there be a period when the state shall have no state policymaking board of education, advisory or otherwise?

LRB/yr:sb