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FISCAL IMPACT REPORT

SPONSOR: Nava DATE TYPED: 01/30/03 HB _____

SHORT TITLE: Education Department and Board SB SJR 5

ANALYST: L. Baca

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HJR 7

Relates to SJR 5 and SJR 12

SOURCES OF INFORMATION

Responses Received From

State Department of Education (SDE)

SUMMARY

Synopsis of Bill

Senate Joint Resolution 5 proposes to amend Article 12, Section 6 of the New Mexico Constitution to transfer the SDE to a cabinet department headed by a Secretary of Public Education appointed by the Governor, abolish the current State Board of Education (SBE) and create a ten member all-elected SBE.

This SJR was submitted for the LESC.

Significant Issues

This bill proposes a change in the governance structure of New Mexico's public school system by making SDE a cabinet level agency in the Executive Branch and having the Secretary of Public Education appointed by the Governor with the consent of the State Senate. The Secretary, with the advise of the SBE, shall determine school policy and vocational education policy. The Secretary, after consulting with the SBE shall have control, management and direction, including

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financial direction, distribution of school funds and financial accounting for all public schools pursuant to authority and powers provided by law.

The current 15 member SBE is abolished and replaced with a ten member all-elected SBE.

FISCAL IMPLICATIONS

Any additional expenses or cost savings associated with this change are unknown.

ADMINISTRATIVE IMPLICATIONS

The SDE analysis sees a potential for instability based on the political and administrative philosophy of incumbent governors, a condition which could compromise or eliminate continuity and stability in the state's public school system.

In addition, states the SDE analysis, the adoption of SJR 5 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.

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.

LRB/sb