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FISCAL IMPACT REPORT

SPONSOR: Romero DATE TYPED: 1/31/03 HB _____

SHORT TITLE: Cabinet-level Education department SB SJR 12

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 SJR 12 and HJR 7

Relates to SJR 5

SOURCES OF INFORMATION

Responses Received From

State Department of Education

SUMMARY

Synopsis of Bill

Senate Joint Resolution 12 proposes an amendment to article XII, Section 6 of the Constitution of New Mexico to create a cabinet-level state education department in the Executive Branch to be directed by an administrator appointed by the Governor and abolishes the State Board of Education

Significant Issues

If adopted by the voters, SJR 12 will abolish the current state board of education (SBE), transfer all financial and programmatic functions to the state education department, authorizes the governor to appoint a qualified, experienced educational administrator to direct the operation of the department and stipulates that all of the state education department's functions are to be performed as provided by law.

FISCAL IMPLICATIONS

Costs or savings associated with this change, if adopted by the voters, are unknown.

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

In its analysis, the SDE cites two conflicts 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.

OTHER SUBSTANTIVE ISSUES

SDE concerns cited in its analysis of SJR 2 state that SJR 2 does not:

provide for the advise and consent of the state senate as is required for all cabinet-level secretary positions,

address authority for determining school policy, and

specifically designate the administrator of the education department as the secretary of education or otherwise indicate that the administrator serves as the chief state school officer.

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 ?