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HOUSE JOINT RESOLUTION 7

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
CONSTITUTION OF NEW MEXICO TO TRANSFER THE STATE DEPARTMENT OF
PUBLIC EDUCATION TO A CABINET DEPARTMENT HEADED BY A SECRETARY
OF PUBLIC EDUCATION WHO SHALL SERVE IN THE EXECUTIVE CABINET
AND TO CREATE AN ALL-ELECTED STATE BOARD OF EDUCATION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. It is proposed to amend Article 12, Section 6
of the constitution of New Mexico to read:

"A. There is hereby created a "[~~state department~~
~~of~~] public education department" and a "state board of
education". The [~~state board of education shall determine~~
~~public school policy and vocational educational policy and~~
~~shall have control, management and direction, including~~
~~financial direction, distribution of school funds and financial~~

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[bracketed material] = delete

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1 ~~accounting for all public schools, pursuant to authority and~~
2 ~~powers provided by law. The board shall appoint a qualified,~~
3 ~~experienced educational administrator to be known as the~~
4 ~~superintendent of public instruction, who shall, subject to the~~
5 ~~policies established by the board, direct] department shall be~~
6 a cabinet department headed by a secretary of public education
7 who is a qualified, experienced educator who shall be appointed
8 by the governor and confirmed by the senate. The secretary of
9 public education, with the advice of the state board of
10 education, shall determine public school policy and vocational
11 educational policy. The secretary, after consulting with the
12 state board of education, shall have control, management and
13 direction, including financial direction, distribution of
14 school funds and financial accounting for all public schools,
15 pursuant to authority and powers provided by law. The
16 operation of the [state department of] public education
17 department shall be as provided by law.

18 B. Ten members of the state board of education who
19 shall be state officers shall be elected for staggered terms of
20 four years as provided by law. Board members shall be
21 residents of the board of education district from which they
22 are elected. Change of residence of a board member to a place
23 outside the district from which he was elected shall
24 automatically terminate the term of that member.

25 ~~[C. Five members of the state board of education~~

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1 ~~who shall be state officers shall be nominated and by and with~~
2 ~~the consent of the senate appointed by the governor from five~~
3 ~~districts substantially equal in population for staggered~~
4 ~~four-year terms as provided by law. Those appointed by the~~
5 ~~governor shall be qualified electors of the state of New~~
6 ~~Mexico, no more than one-half or a simple majority of whom at~~
7 ~~the time of their appointment shall be members of the same~~
8 ~~political party. After 1990, the number of appointed members~~
9 ~~may be changed by law not to exceed five members.~~

10 ~~D.]~~ C. The governor shall fill vacancies on the
11 board by appointment of a resident from the district in which
12 the vacancy occurs until the next regular election for
13 membership on the board.

14 ~~[E. Upon adoption of this amendment]~~ D. All
15 functions relating to the distribution of school funds and
16 financial accounting for the public schools shall be
17 transferred to the ~~[state department of]~~ public education
18 department to be performed as provided by law.

19 E. If this amendment is approved, the members of
20 the 2002 state board of education shall constitute the state
21 board of education until their terms expire."

22 Section 2. The amendment proposed by this resolution
23 shall be submitted to the people for their approval or
24 rejection at the next general election or at any special
25 election prior to that date that may be called for that

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