

SENATE JOINT RESOLUTION

58 TH LEGISLATURE - **STATE OF NEW MEXICO** – FIRST SESSION, 2026

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12 OF THE CONSTITUTION OF NEW MEXICO BY REPEALING SECTION 6 AND ADDING A NEW SECTION 6 TO CREATE A STATE BOARD OF EDUCATION TO SET POLICY; TO HAVE CONTROL, MANAGEMENT AND DIRECTION, INCLUDING FINANCIAL DIRECTION, OF THE DISTRIBUTION OF SCHOOL FUNDS AND FINANCIAL ACCOUNTING FOR ALL PUBLIC SCHOOLS AS PROVIDED BY LAW; AND TO DIRECT THE PUBLIC EDUCATION DEPARTMENT AND THE PUBLIC EDUCATION COMMISSION.

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

SECTION 1. It is proposed to amend Article 12 of the Constitution of New Mexico by repealing Section 6 and adding a new Section 6 to read:

A. The “State Board of Education,” the “Public Education Department,” and the “Public Education Commission” are created. The State Board of Education shall determine public school policy and career technical education policy and shall have the control, management, and direction, including financial direction, of the distribution of school funds and financial accounting for all public schools, pursuant to the authority and power provided by law. The State Board of Education shall appoint a qualified and experienced educational administrator to be known as the “Chief State School Officer” who, subject to the policies established by the State Board of Education, shall direct the operations of the Public Education Department. The Public Education Department shall perform all functions as provided by law, board policy, and direction. The Public Education Commission is created as a branch of the Public Education Department to oversee and direct charter schools.

B. Ten members of the State Board of Education shall be elected for staggered terms of four years as provided by law. Board members shall be residents of the region from which they are elected. Changes of residence of a board member to a place outside the region from which the member was elected shall automatically terminate the term of that member.

1 C. One additional member of the State Board of Education, who shall be a State Officer,
2 shall be nominated by and, with the confirmation of the Senate, appointed by the Governor for a
3 term of four years as provided by law. Those appointed by the Governor shall be qualified electors
4 of the state. An appointed member shall not be removed from office except for malfeasance,
5 misfeasance, or failure to carry out the duties of the office.

6 D. The filling of vacancies for elected members shall be filled by the State Board of
7 Education by soliciting resumes from interested candidates within the district of the open seat and
8 appointing a new member from the candidates to fill the vacancy until the next regular election.
9 For appointed members, the Governor shall fill vacancies so that the provisions of subsection C
10 are met.

11 E. After the adoption of this amendment, all elected members of the State Board of
12 Education shall be elected at the next general election or at any special election prior to that date
13 that may be called for that purpose as provided by law. Appointed members may exercise their
14 powers and duties while awaiting Senate confirmation. The staggered terms of appointed members
15 shall be determined by lot as provided by law.

16 F. State Board of Education regions shall be determined by the Senate Education
17 Subcommittee, consisting of 3 democrat senators and 3 republican senators, confirmed by the
18 Senate. These regions shall each serve ten percent (10%) $\pm$ one (plus or minus 1) of the total
19 number of public school districts in the state. State Board of Education regions shall be geographic
20 regions of equal to near equal number of school districts, and regions shall only be changed when
21 the number of districts represented in any region is greater or less than any of the other school
22 regions by $\pm$ two (plus or minus 2) districts. Both the Public Education Department and the Public
23 Education Commission shall continue their powers and duties until replaced by the elected
24 members of the State Board of Education.

25 SECTION 2. The amendment proposed by this resolution shall be submitted to the people
26 for their approval or rejection at the next general election or at any special election prior to that
27 date that may be called for that purpose.

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