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Contact: Matt Garcia-Sierra, m.garciasierra@nmlegis.gov, 505.205.5486

House Republicans present transformative education plans

Santa Fe – House Republican Leader Jim Townsend (Artesia) today rolled out Republican backed transformative education policies designed to reverse historical deficiencies in New Mexico educational policy and funding. [HJR 11, the Expanding Options for Educational Choice constitutional amendment](#), will empower students and families to have more options in educational choice. A second measure that will be filed today, is a House Bill that will allow voters to decide on breaking apart the state's Public Education Department (PED) and create an elected Board of Education that would empower local control versus Santa Fe centered education policies. Additionally, Leader Townsend will file a House Memorial to direct the Legislative Education Study Committee to create a taskforce that would report back to the Legislature on potential rule changes necessary to enhance local school board control.

"There is no baseline, positive nor negative, for what is going on in our schools and we are ultimately failing the next generation," said House Republican Leader Jim Townsend (Artesia). "Decades of status quo educational policies have created an environment in which many New Mexicans are fearful of the future for our students post-graduation. This Governor simply cannot keep telling New Mexicans that throwing money at the problem is the solution- the Yazzie decision clearly revealed that our state has failed historically, and presently, in supporting at-risk students and families, and that the Public Education bureaucracy in Santa Fe cripples local school boards from being effective in building strategies tailored to their community's needs."

House Republican lawmakers contend that HJR 11, the Expanding Options for Educational Choice constitutional amendment, will align New Mexico with a national movement to empower working-families to make effective and critical learning decisions that align their students for success. This transformative funding model would create a student-centered finance formula in which New Mexico's taxpayer dollars are spent effectively and prudently, especially targeted to support at-risk working-families.

Republican Leader Townsend continued, "Providing options for educational choice should be a priority for every New Mexican. At the beginning of COVID, many families sought opportunities to choose better options for their students and unfortunately only certain families had the means to do so- some of those families are legislators in this body. Our aim is to empower every family in New Mexico to have the ability to make important education decisions without feeling like the bureaucracy is limiting their student's potential with poor policies and out-of-touch decision making."

Breaking apart the Public Education Department would remove the hyper-politicization of the PED cabinet position and create an elected Board of Education that would better represent the needs of the varied communities across our state. Governor Susana Martinez had a PED cabinet secretary who was never confirmed by the Democrat-controlled Senate, and Governor Michelle Lujan Grisham is currently on her third appointee to the position. The bureaucracy and partisan nature of the department and

constant turnover of cabinet appointments have caused a chokehold in developing policies that transform education in New Mexico, which has consistently remained poorly ranked both regionally and in the nation.

Townsend continued, "The bureaucracy of PED is an open secret. It is getting harder and harder to remember a time in which our education system was working, there are glimmers but those efforts are spurred on at the local level and often derailed by Santa Fe. By creating an elected Board of Education we can ensure that New Mexicans voices are not lost in the process of decision making. Empowering our communities to make appropriate decisions helps our students succeed across the state, instead of allowing the Santa Fe bureaucracy to create blanket policies that, for example, work in Albuquerque but fail to address the needs of our pueblo communities."

All three transformational education measures are or will be co-sponsored by Republican Representatives once filed. More information can be found on Leader Townsend's legislative page at <https://www.nmlegis.gov/Members/Legislator?SponCode=HTOWJ>. The PED breakup bill and memorial to create a taskforce to study enhanced local control are both attached to this release.

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HOUSE JOINT RESOLUTION

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 12, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO TO CREATE THE NEW MEXICO EDUCATION AGENCY AND THE STATE BOARD OF EDUCATION, WHICH IS MADE UP OF TEN ELECTED MEMBERS AND FIVE APPOINTED MEMBERS AND WHICH SHALL APPOINT A SUPERINTENDENT OF PUBLIC INSTRUCTION.

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 "public education department" and a "public education commission" that]~~ The "state board of education" and the "New Mexico education agency" are created and shall have such powers and duties as provided by law. ~~[The department shall be a cabinet department headed by a secretary of public education who is a qualified,~~

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1 ~~experienced educator who shall be appointed by the governor and~~
2 ~~confirmed by the senate.]~~

3 B. The state board of education shall consist of
4 ten elected members and five at-large members. The governor
5 shall appoint three at-large members with the advice and
6 consent of the senate. The president pro tempore of the senate
7 and the speaker of the house of representatives shall each
8 nominate one at-large member who shall be appointed by the
9 respective house. The gubernatorially and legislatively
10 appointed members shall draw lots for staggered terms such that
11 three members shall be appointed for an initial term of two
12 years and two members shall be appointed for an initial term of
13 four years. Terms of appointed members begin January 1.

14 C. Elected members may be removed in the same
15 manner as other elected officers of the executive department.
16 Appointed members may be removed by their appointing authority
17 for malfeasance, misfeasance or neglect of duty.

18 ~~[B.]~~ D. The ten elected members of the [public
19 ~~education commission]~~ state board of education shall be elected
20 for staggered terms of four years as provided by law.
21 ~~[Commission]~~ Elected board members shall be residents of the
22 ~~[public education commission]~~ state board of education district
23 from which they are elected. Change of residence of a
24 ~~[commission]~~ board member to a place outside the district from
25 which [he] the member was elected shall [automatically

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1 ~~terminate the term of that member]~~ be deemed to be a
2 resignation.

3 ~~[G.]~~ E. The governor shall fill vacancies of
4 elected positions on the [commission] state board of education
5 by appointment of a resident from the district in which the
6 vacancy occurs [until the next regular election for membership
7 on the commission.

8 ~~D. The secretary of public education shall have~~
9 ~~administrative and regulatory powers and duties, including all~~
10 ~~functions relating to the distribution of school funds and~~
11 ~~financial accounting for the public schools to be performed as~~
12 ~~provided by law]~~ and shall fill vacancies of gubernatorially
13 appointed positions with the advice and consent of the senate.
14 A vacancy in a legislatively appointed position shall be filled
15 by the house that appointed the member whose position is vacant
16 as that house determines. An appointment to fill a vacancy
17 shall be for the remainder of the unexpired term.

18 F. As provided by law, the state board of education
19 shall determine public school policy, distribute public school
20 funds and control and manage the New Mexico education agency
21 and the administration, operation and finance of public
22 schools. The board shall appoint a superintendent of public
23 instruction who is a qualified, experienced and licensed New
24 Mexico public school administrator or public school
25 superintendent to manage the New Mexico education agency.

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HOUSE JOINT MEMORIAL

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

A JOINT MEMORIAL

EXPRESSING THE LEGISLATURE'S SUPPORT FOR LOCAL CONTROL OF
PUBLIC EDUCATION AND REQUESTING THE LEGISLATIVE EDUCATION STUDY
COMMITTEE TO CONVENE A TASK FORCE AND REPORT TO THE FIRST
SESSION OF THE FIFTY-SIXTH LEGISLATURE ON STATUTORY AND RULE
CHANGES NECESSARY TO ENHANCE LOCAL CONTROL.

WHEREAS, local control has been a bedrock principle in
the history of the New Mexico public school system, from its
start in the common school movement of the nineteenth century
to modern day; and

WHEREAS, the Public School Code is predicated on control
of public schools by elected local school boards and is most
obviously seen in the funding formula, which passes legislative
appropriations to school districts for expenditures based on
budgets adopted by each local school board, subject only to

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1 legislatively determined statewide public school policy and
2 Article 12, Section 1 of the constitution of New Mexico that
3 requires a uniform system of public schools for all children of
4 school age in the state; and

5 WHEREAS, it has been nineteen years since the last major
6 public education reform package, which also means nineteen
7 years of piecemeal amendment of the Public School Code and
8 eighteen years of public schools being administered by a
9 gubernatorial appointee rather than by a state board made up of
10 members elected from districts representing regional interests
11 and needs; and

12 WHEREAS, in that time, the legislature and the public
13 education department have sometimes strayed from the principle
14 of local control;

15 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
16 STATE OF NEW MEXICO that the legislature express its support
17 for the principle of local control of school districts; and

18 BE IT FURTHER RESOLVED that the legislative education
19 study committee be requested to convene a task force made up of
20 committee members appointed by the chair of the legislative
21 education study committee and representatives of the public
22 education department, the New Mexico school boards association
23 and the New Mexico school superintendents' association; and

24 BE IT FURTHER RESOLVED that the task force look at
25 statutes and public education department rules and procedures

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1 to determine those that impede on the power of local boards to
2 administer their school districts or stifle their ability to
3 respond to local needs; and

4 BE IT FURTHER RESOLVED that the task force make
5 recommendations to the legislative education study committee,
6 the legislature and the governor by December 1, 2022 on changes
7 to laws, rules and procedures to maintain local control and
8 enhance flexibility of school districts to respond to local
9 needs; and

10 BE IT FURTHER RESOLVED that copies of this memorial be
11 transmitted to the chair of the legislative education study
12 committee, the secretary of public education, the New Mexico
13 school boards association and the New Mexico school
14 superintendents' association.

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