

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 2/8/17
Original **Amendment** _____
Correction _____ **Substitute** _____
Bill No: SJR11

Sponsor: Senator William P. Soules **Agency Code:** 924
Short ELECTED & APPOINTED **Person Writing** Matt Pahl
Title: BOARD OF EDUCATION, CA **Phone:** 470-9909 **Email** Matt.pahl@state.nm.u

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Joint Resolution 2 (SJR-11) removes both the Public Education Commission (PEC) and the Public Education Department (PED) as a cabinet department along with the current requirement that the Governor appoint the Secretary of Education. SJR-11 establishes a State Board of Education that consists of 9 members. Five members are elected to staggered four year terms and the remaining four appointed by the Governor, with the Senate's consent. The State Board of Education would have the authority to appoint a Superintendent of Public Education. The State Board would be tasked with determining public school policy, distributing public school funds and managing and directing the PED and the administration, operation and finances of public schools.

FISCAL IMPLICATIONS

The fiscal implications of SJR-11 are significant. Currently, the PEC, a 10-member public board, costs approximately \$75,000 to operate annually. The cost will likely be higher than the PEC, as the State Board of Education will likely have emergency meetings and the PEC often have meetings in Albuquerque, limiting travel and lodging costs.

SIGNIFICANT ISSUES

SJR-11 creates a policy environment that lacks coherence and continuity. Substantial risk would be carried by students, teachers, principals, and central office staff because of constantly-changing expectations created by the board. This would significantly limit their ability to continually improve their practice and increase student learning.

SJR-11 exposes New Mexico's education system to regional-political differences that may render the board ineffective. Political in-fighting between school board members in the same district are not uncommon in the state, and these intra-board conflicts often hurt student achievement and staff satisfaction. The PED, which has the ability to intervene in such situations, has had to intercede with district boards numerous times. SJR-11 lacks a mechanism of higher accountability for the Department to reform the applicable boards, if necessary.

SJR-11 eliminates accountability for education in New Mexico. Between 2001 and 2003, when the Secretary of the Public Education Department was established, a primary argument for the change was that the Secretary would be held accountable to the Governor. A mixture between an elected and appointed State Board faces far less accountability than an at-will employee of the Governor, who was elected by all state residents.

SJR-11 creates a State Board of Education that blends today's current structure of a Governor appointed Secretary and Public Education Commission. As seen in current interactions, there has been significant disagreement between these two entities. This portends to significant disagreement and paralysis around taking action towards specific goals and objectives, limiting PED's ability to effectively support students, teachers, schools, and districts make significant academic gains with students.

SJR-11 disperses accountability among both elected and appointed members. The direction of the board will therefore be subject to new elected board members every two years and appointments made by the Governor. This creates conditions for continually changing operational, financial, and programmatic shifts at the state level, which will require recurring costs and continual training and support to enable districts and schools to meet evolving requirements.

SJR-11 can create a situation where there is difficulty cultivating candidates with the experience and/or expertise to successfully guide ambitious education reform efforts that enhance student achievement. For those Board members that would be elected, their experience could mirror the Public Education Commission's recent troubles in filling seats. The Commission, much like the proposed five members of the Board in SJR-11, would be a down-ballot race that has difficulties attracting candidates to run. In fact, in this fall's 2016 election, two Commission positions had no qualified candidate on the ballot. Some regions would not be appropriately represented as a result.

SJR-11 creates conditions for extreme variation in the quality of educational services offered to students throughout the state, particularly those from low-income backgrounds, as the state will be unable to effectively allocate the necessary resources to support improvement efforts.

PERFORMANCE IMPLICATIONS

SJR-11 essentially elevates Public Education Commission with more input from the Governor, which currently demonstrates an inability to bring expertise to specific issues that PED faces and coalesce around strategies to improve student learning throughout the state.

ADMINISTRATIVE IMPLICATIONS

SJR-11 would create significant implications for the Public Education Department, as it would need to restructure itself in its current administrative structure. Some states with state boards of education (such as in California) have field offices, which would create significant administrative and fiscal impacts.