

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2018 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 01/29/18
 Original Amendment _____ Bill No: SJR10
 Correction Substitute _____

Sponsor: Senator William P. Soules Agency Code: 924
 Short STATE BOARD OF Person Writing Dawn E. Mastalir
 Title: EDUCATION, CA Phone: _____ Email _____

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY18	FY19	FY20		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	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 10 (SJR-10) replaces the Public Education Commission (PEC) and the Secretary of Public Education, beginning on January 1, 2021, with a nine-member State Board of Education consisting of four members appointed by the Governor, with the consent of the senate, and five elected members, who will appoint a Superintendent of Education. Through December 31, 2020, the members of the PEC shall act as the State Board. 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. Pursuant to SJR-10, the Secretary of Public Education will be eliminated as a cabinet level position.

FISCAL IMPLICATIONS

The fiscal implications of SJR-10 would likely be significant. The PEC alone, costs approximately \$75,000 to operate annually. At this point in time, the PEC has a limited scope of authority, duties and responsibilities under the constitution and the Public School Code. The duties and responsibilities of the State Board contemplated by SJR-10 (basically a reconfiguration of the PEC), are expansive and would be expected to lead to a sizable increase in public expenditures.

SIGNIFICANT ISSUES

The New Mexico Public Education Department, under the direction of the Secretary, has been recognized by several entities, as having the number one ranked Every Student Succeeds Act (ESSA) plan in the nation. This plan contemplates, (though does not strictly require), that the New Mexico Education Department will be administered by a cabinet level executive with the authority and the flexibility to develop, administer and direct the work of the Department, as indicated under the terms of the ESSA plan. The plan is ambitious and the terms and goals of the plan would be jeopardized by the change in administration contemplated by SJR-10. The plan is not simply aspirational. The United States Department of Education expects compliance with the state ESSA plan.

SJR-10 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 a board comprised of individuals with very diverse goals, and

no required expertise in education. A centralized administration, led by a qualified expert in education, as a cabinet level position, (the system now in place), is able to consider the needs of the education system of the entire state, as well as geographic and cultural diversity, all while focusing on the health of the education system as a whole. In addition, there are many provisions of the Public School Code that would require amendment in order to create a statutory scheme that would be consistent with and align to, the structural change created by SJR-10.

SJR-10 exposes New Mexico's education system to regional-political differences that may render the board ineffective. The state board contemplated by SJR-10 would resemble the school district boards that exist across the state. Within the past few years, the New Mexico Public Education Department has been required to intervene in the operation of several dysfunctional school boards; school boards that were unable to successfully perform their statutory responsibilities due to essentially political conflicts among and between the members. A similar structure at the state level, with the possibility of similar and compounded political dissention, would not well serve the students of the state.

SJR-10 eliminates, to a great extent, accountability for education in New Mexico. While SJR-10 does include a mechanism providing for original jurisdiction in the New Mexico supreme court for removal procedures relating to state board members, there is no mechanism for direct, day to day, supervision over the state board. It is further unclear who would have standing under the scheme contemplated by SJR-10, to initiate removal procedures. When the position of the Secretary of the Public Education Department was established, a primary argument for creating the cabinet level position was that the Secretary would be accountable to the Governor. A state board consisting of a combination of members, some appointed by the Governor with the consent of the senate and some elected by geographic districts, would face far less accountability than an at-will employee of the Governor, who is elected by all state residents.

The current national and state educational environment is one that is alive with fast-paced innovation and the associated technological developments that enable a state department of education to quickly measure the efficacy of new and innovative programs, and adapt such programs accordingly and efficiently in order to meet the needs of students in a progressive, uniform and equitable manner. New Mexico's ESSA plan, and indeed, aside from the plan, the educational health of the students in New Mexico, is dependent on the ability to innovate and respond in a way that promotes the provision of the best and most effective educational programs to students and teachers in the most efficient and timely way possible. This will be lost under the more cumbersome administrative structure contemplated by SJR-10.

SJR-10 institutes significant and disruptive structural change at a time when the students in New Mexico are beginning to see positive growth in academic measurements as a result of having an expert in education, responsible to the executive of the state, who is able to respond and adjust programs quickly, free from the restrictive and cumbersome structure of an administrative commission or board, at the helm of the Public Education Department. For example, and as only one example of many, the NAEP gains for 8th grade math in New Mexico since 2003 have exceeded those for all students nationwide. The growth that is currently being seen on the part of New Mexico students should not be disrupted by an unnecessary and significant structural change in statewide administration.

SJR-10 creates a state board that can be predicted to suffer from disagreement and paralysis that would impede the ability of the state board to continue to create an environment of growth for New Mexico students.

Based on the prior difficulties that the PEC has experienced in recruiting members with the experience and or expertise to successfully guide ambitious education reform efforts, it can be expected that the challenges of filling the positions contemplated by SJR-10 would be significant. The fact that these positions would be constantly turning over would simply exacerbate the difficulties of instituting and overseeing innovations in education, in a consistent, uniform, equitable and progressive manner.

PERFORMANCE IMPLICATIONS

SJR-10 essentially elevates the Public Education Commission, to a position of great authority over the education system in the state of New Mexico, with minimal increased input from the Governor, by allocating increased responsibilities to them, for which they would generally lack sufficient expertise and be structurally inadequate to perform.

ADMINISTRATIVE IMPLICATIONS

SJR-10 would create significant implications for the Public Education Department, as it would require extensive restructuring within the Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS