



LFC Requester:	Liu
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**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2023 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 02/23/23
Bill No: HB396

Sponsor: Herrera / Lara / Trujillo
Short Title: INCREASE LOCAL SCHOOL BOARD TERM LENGTH

Agency Name and Code
Number: PED - 924
Person Writing Gregory Frostad
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None.	None	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	N/A	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Generally, House Bill 396 (HB396) proposes to extend the term limits of all schoolboard members from four years to six years. The bill proposes six-year terms for currently elected members, with Secretary of State (SOS) determining by lot the initial term of office for

reelected current board members at least 100 days prior to the 2023 local election. The bill also directs that board members of newly created or consolidated districts also be elected for six-year terms, with initial term lengths determined by lot by SOS.

The bill contains neither a specific effective date nor an emergency clause, meaning the bill's provisions will become effective June 16, 2023, if it successfully passes both chambers of the legislature and is signed by the Governor.

FISCAL IMPLICATIONS

HB396 does not contain an appropriation.

SIGNIFICANT ISSUES

There is no requirement dictating schoolboard member terms be of a particular length.

A 2002 report from National School Boards Association ([Hess \(2002\), School Boards at the Dawn of the 21st Century](#)) indicates that more than 90 percent of board members served terms of no more than four years. By district size, those with memberships of 25,000 or more had 6.7 percent with elected members serving 5–6-year terms; medium districts, with membership between five and 25,000, had 4 percent with elected members serving 5–6-year terms; small districts, with membership less than 5,000, had 8.4 percent with elected members serving 5–6-year terms. Overall, school boards with elected members serving 5–6-year terms comprised 6.5 percent of all boards surveyed. If HB396 is enacted, New Mexico would be in the great minority of states with school board member terms of this length. The impacts of six-year terms are not fully known.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to [HB85, Public School Redistricting](#), which proposes to require school districts with membership in excess of 40,000 students reorganize into two or more school districts.

Relates to [HB143, School Board Governance Requirements](#), which would require all candidates running for a school board to be subject to the provisions of the Campaign Reporting Act.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.