

NEW MEXICO SCHOOL BOARDS ASSOCIATION

Advocacy Alert – House Bill 185

Proposed Legislation: Suspension of Individual School Board Members

Overview

A newly introduced bill would authorize the Public Education Department (PED) secretary to suspend individual school board members for “willful failure” or “disruptive behavior.” It would also allow the PED secretary or designee to vote on a district’s annual budget if a suspension results in a deadlock. Though framed as a targeted tool, the bill represents a significant expansion of state authority over locally elected officials.

Key Concerns

Undermines Local Control

Allows an appointed state official to override the will of local voters, setting a precedent for administrative removal of elected officials without judicial oversight.

Concentrates Power in a Single Office

Unilateral suspension authority creates opportunities for selective or politically influenced enforcement.

Chills Healthy Governance

Board members may hesitate to raise concerns or express dissent if disagreement can be labeled “disruptive,” weakening transparency and accountability.

Weakens Due Process

Suspensions take effect before hearings or appeals. Individual board members—often unpaid volunteers—must navigate complex legal processes to challenge the state.

Creates Budget Conflicts of Interest

Allowing the PED secretary to vote on local budgets compromises fiscal autonomy and invites state involvement in local decision-making.

A Better Path Forward: Strengthening Governance Without Expanding State Authority

- **Invest in Comprehensive Training:** Provide ongoing, state-supported training on governance, legal responsibilities, ethics, and conflict resolution.

- **Expand Mediation and Support Services:** Offer neutral mediation and facilitation to help boards address conflict and improve communication.

- **Enhance Local Accountability Tools:** Strengthen recall processes, ethics oversight, and community engagement rather than state intervention.

- **Promote Transparency and Reporting:** Encourage regular public reporting on board operations to build trust and accountability.

- **Build Peer Learning Networks:** Create statewide opportunities for board members to learn from high-functioning districts and share best practices.

- **Reserve State Intervention for Serious, Documented Failures:** Maintain existing statutory authority for extreme cases—paired with judicial oversight—to ensure fairness and due process.

Call to Action

School board members are encouraged to:

- ✓ Contact your legislators
- ✓ Share these concerns
- ✓ Advocate for training, mediation, and governance support as the most effective and democratic solutions.