

## AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

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### **SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 1/28/26 **Check all that apply:**  
**Bill Number:** HB 185 **Original**  **Correction**    
**Amendment**   **Substitute**  

**Sponsor:** Herrera, et al.  
**Short Title:** PED Secretary & Local School Board Members

**Agency Name and Code Number:** State Ethics Commission (410)  
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### **SECTION II: FISCAL IMPACT**

#### **APPROPRIATION (dollars in thousands)**

<b>Appropriation</b>		<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>		

#### **REVENUE (dollars in thousands)**

<b>Estimated Revenue</b>			<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>	<b>FY28</b>		

(Parenthesis ( ) indicate revenue decreases)

#### **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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: HB 185 enacts a new section of the Public School Code to create procedures by which the PED secretary may suspend a local school board member for willfully failing to perform a duty required by the Public School Code. These procedures are designed to comply with minimum requirements necessary to meet the local school board member's procedural due process rights, including written notice to the local school board member of remedial action required on pains of suspension; written notice of a suspension; and an opportunity for the member to be heard, challenge the suspension, and seek reinstatement. The opportunity to be heard will be provided pursuant to procedures set forth in the Administrative Procedures Act. Finally, during the pendency of a local school board member's suspension, the PED secretary or their designee may assume the duties of the member's office only to break an otherwise deadlocked vote for the approval of the annual budget for the member's school district.

Section 22-2-14 currently authorizes the PED secretary to suspend a "local school board," and provides procedures relating to the exercise of that power. While the current power to suspend an entire school board arguably includes the lesser power to suspend particular school board members, discontent with that available inference, HB 185 authorizes and details the secretary's power to suspend individual school board members.

### **FISCAL IMPLICATIONS**

None for the State Ethics Commission.

### **SIGNIFICANT ISSUES**

### **PERFORMANCE IMPLICATIONS**

### **ADMINISTRATIVE IMPLICATIONS**

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Article XII, Section 6 of the New Mexico Constitution creates the office of the secretary of the public education department and grants that office "administrative and regulatory powers . . . as provided by law."

Article XII, Section 14 of the New Mexico Constitution subjects elected school board members to recall by the voters in the school district.

HB 185 assumes that Article XII, Section 14 does not provide the exclusive means for divesting an elected school board member of their authority in office and, further, that, the Legislature may also empower the Secretary to divest an elected school board member of the powers of their office.

### **TECHNICAL ISSUES**

### **OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**