

Late Thursday, February 16, 2012

Clock Ticks Down on Lackluster Legislative Session

The clock ran down on the 2012 legislative session. It ended at high noon. Not too much damage has been done, but not much has been accomplished either. We will have a more complete summary in this space next week.

Speaker Lujan

On a personal note, today was House Speaker Ben Lujan's last day at the podium chairing the New Mexico House (barring a special session). Even though the Speaker is suffering from fourth stage lung cancer, he never missed a beat in presiding over the House and finished strong. Over the years, he has been a great friend and champion for public education and NEA-New Mexico. His help on legislation from the Retiree Health Care Authority and public employee collective bargaining to behind the scenes work that literally enabled NEA-New Mexico to carry the day for due process for classified employees will always be appreciated. We wish him and his family the very best as he finishes a remarkable political career.

"I leave you on your journey into the next 100 years, I trust and have the utmost confidence that you will protect and be great stewards of this great land of enchantment for future generations to enjoy...it will always be my hope and prayers that each one of you will recognize that fulfilling this calling to serve the people is a sacred trust...you are the instrument and the vehicle that our citizens are depending upon to realize their dreams. Treat them with dignity and respect. We will not say goodbye, and we will say 'until we meet again, hasta la vista.....our (Lujan Family) feelings towards each and every one of you is a feeling of appreciation. We thank you, and we want you to have a good journey back home to your families, and enjoy your families. Thank you so much." – excerpt from Speaker Rep. Ben Lujan's closing remarks to the Legislature.

Senate Retirement Bill Dies in House Labor Committee

Senate Bill 150, introduced by Senator Stuart Ingle, would have increased the employee contribution rate to retirement by a full 3.4% of salary over the next four years. Senate Bill 150 passed the Senate Sunday evening on a 30 to 12 vote. Follow this link to see who supported you and who didn't (no was the correct vote). Senators Eric Griego, Mary Jane Garcia, and Cynthia Nava were vocal in their condemnation of the unfairness in this bill. We and AFT NM had already agreed to increase employees share by 2% as contained in House Bill 269 and HB 270 (see below), but that wasn't enough the majority of Senators.

The measure received a so-pass recommendation in the House Education Committee Monday and was amended and temporarily tabled in the House Labor and Human Resources Committee. The amendment follows our recommendation of keeping the 1.5% increase added two years ago and slowly adding another .5% over 5 years at .1% per year. Finishing at 9.9% in five years (down from the current 11.15% caused by the budget balancing swaps). The state would be required to move to its statutorily required 13.9% and take on 1.4% more to achieve solvency.

The amended bill never came to the floor of the House and died in the committee. While we must get ready for a fight in a special session or the regular session in 2013, that is a better scenario than placing all the burden on school employees! As this discussion continues we will talk more about the disparity with the other public employee retirement system, the Public Employees Retirement Association (PERA). Elections have consequences; we need more supporters of school employees in the 2013 legislative session to counter the Stewart Ingles and John Arthur Smiths!

Early Reading Intervention/Student Retention Bills All Die on Calendar

No student retention/early reading intervention bills passed in this session. House bill 69 sponsored by Representative Mary Helen Garcia the House but never made it the Senate Calendar. Most Democrats tried to no avail to modify the measure to take out mandatory retention. Representative Mimi Stewart was passionate in her debate about the deleterious of retention on students. She cited research after research report that came to that conclusion. Again to no avail. There seems to be a rush to do something, even if that something is completely wrong. Check here for the final vote.

The Senate punted on action on student retention/early reading intervention bills. Since attempts to compromise and create one bill failed, the Senate passed both Senate Bill 50 and Senate Bill 96. We supported Senate Bill 50 because it honors parent input and teacher and school district discretion to determine the best remediation strategies. Senate Bill 50 was tabled in the House Education Committee this morning.

We opposed the Governor's Senate Bill 96, which is not true to the principles of parent involvement or local autonomy. Senate Bill 96 received a do pass from the House Judiciary Committee late last night but died when the House ran out of time at noon. House republicans threatened to bring business to a close, much as republican senators had done last year, with a filibuster of the general obligation bond bill. However, they backed under the specter of being accused in an election year of torpedoing library books, college buildings, and senior citizen projects, not to mention the number of jobs these building programs will create. Once more the governor did not get her Florida-style "reform" on third grade retention. Representative Mimi Stewart once again led the charge against this very bad idea!

Teacher Evaluation Compromise Reached in House, but Dies in Senate Committee

Even though compromises were apparently reached on teacher evaluation, they were never considered by both houses of the legislature. The House Labor and Human Resources Committee passed a committee substitute for House Bill 249 and House Bill 251, the teacher evaluation bills. We opposed any weakening of teacher due process in the teacher evaluation bills. We also wanted districts to have the opportunity to have flexibility rather than imposing a prototype created for an urban school district mandated for the entire state. We supported these principles.

The compromise preserved and strengthened teacher due process and, for the first time in New Mexico law, requires that decisions to discharge or terminate teachers for performance related causes actually be based on evaluations, with required structured remediation before such decisions are made; then there is still access to the full due process rights of current law. The compromise did not contain language that allowed teachers to recommend the termination of other teachers (as did House Bill 251). Full discharge and termination protections of current law were maintained. Ask legislators to support House Labor and Human Resources Committee Substitute for House Bill 249 and House Bill 251. The measure still required that fifty percent of a teacher's evaluation be based on student growth but stated there must be "valid and reliable measures of student growth and achievement that has a valid and reliable connection to teacher effectiveness;" all reference to the New Mexico Standards Based Assessment was been removed.

However, the compromise never made it to the Senate. Senate bill 315 (which harms due process) was on the Senate Calendar, but never considered. The House compromise was substituted for Senate Bill 293 in the Senate Judiciary Committee, but was unable to move from the committee after the substitution. Thus, teacher evaluation changes will probably be made by rule changes, completely under control of the Education Secretary-designee, Hanna Skandera rather than the legislative process

Budget Sent to Governor

Near midnight on Monday, the Senate passed General Appropriations Act, House Bill 2 on a 34-6 vote. She has threatened to veto it unless some of her tax giveaways to business pass the legislature. At least one of them seems destined to pass. Doing away with so-called gross receipts tax pyramiding. It really narrows our tax base and further damages our the broad-based nature of our gross receipts tax structure!

The bill is almost identical to the one passed by the House. One amendment — supported by Democrats — did get added ; it calls for an additional \$5.2 million to the \$5.6 billion budget package for, "drug courts, food banks, adult literacy programs, library services and established a Ben Luján Cancer Program at the University of New Mexico. Also included are budget funds to eliminate unfair mortgage practices, and job training incentive programs."

The bill anticipates \$254 million in new revenue for fiscal year 2014. Of that \$254 million, a little more than \$36 million is not appropriated and could be used for tax reduction or other spending.

An amendment calling for prohibiting state employees such as teachers who serve in the Roundhouse from getting paid legislative per diem as well as receiving paid leave from their taxpayer-funded jobs while attending sessions and committee meetings in Santa Fe failed.

Last week, the House unanimously passed the General Appropriations Act, House Bill 2, spending \$5.6 billion on public education and other government programs next year. The measure is awaiting a hearing in the Senate Finance Committee. It calls for a \$215 million, or nearly 4 percent, increase in spending out of the state's main budget account in the fiscal year that starts July 1. The budget doesn't spend all available revenues, making it possible for lawmakers to cut taxes or provide more money for programs before a final agreement is reached with the Senate on the spending blueprint.

The House-passed budget allocates nearly \$50 million for once again assuming the obligation of the 1.75% pension swap passed two years ago. While it will boost the take-home pay of public employees, it is really just returning money that never should have been taken in the first place. The pension swap is to expire because state finances have improved.

The budget doesn't allocate nearly \$42 million in revenues the state expects to collect next year. That money can be used by the Senate to increase spending on some programs or lawmakers can cover the cost of tax cuts proposed by Democrats and Republicans. Any tax reduction will be handled in separate legislation.

The budget bill contains \$2.4 billion for public schools, a 3.8 percent or \$89 million increase. However, almost none of funding has any flexibility for its use. All the funding increase for the State Equalization Guarantee (SEG-the main funding source for school districts) is for the pension swap, insurance cost increases, and enrollment growth. The rest of the funds finance several of the governor's initiatives, including \$8.5 million to ensure students can read proficiently in early grades. We prefer that funds flow through the SEG to provide a little flexibility for things like salary or benefit increases!

If this bill passes, the state expects to have reserves of \$558 million at the end of the 2013 fiscal year — the equivalent of 9.9 percent of state spending.

Senate amendments to House Bill 2 were accepted by the House and the budget is now in the hands of the Governor.