

03-14-13

Thursday, March 14, 2013

The ides of March are nearly upon us and we need to beware. We have reached that point when unpredictable things can happen in the New Mexico Legislature. Unscheduled committee hearings can bring dead bills back to life and stop the living in their tracks!

Budget Heads to Governor without her Teacher Merit Pay Plan! Governor Martinez Threatens Veto!

The General Appropriations Act was approved by a unanimous vote of the Senate last night and by a near party-line vote of the House this afternoon, with all Democrats voting yes, except Representative Sandra Jeff and all Republicans voting no. Since the bill reached her desk fewer than 72 hours before the end of the session, the Governor has until April 5 to sign, veto, or line-item veto the budget bill.

The Governor's merit pay language was removed from the final measure and changed from "provide a stipend to exemplary and highly effective teachers and school leaders and to provide incentives to high school teachers to increase participation and success in advance placement classes." to the following "to provide stipends to level two and level three teachers and school leaders to move from schools rated A or B to schools rated D or F pursuant to the A-B-C-D-F Schools Rating Act that serve a high proportion of at-risk students or high-poverty students and to provide stipends to high school teachers of advanced placement classes that increase the proportion of students receiving college credit for advance placement classes." The Senate scrapped a House provision for a \$3 million pilot program of merit pay for teachers and instead earmarked \$2 million for stipends for teachers who agree to work in schools in high poverty areas with low student performance. Republican Gov. Susana Martinez had requested \$11 million for pay incentives for high-performing teachers, and sixteen Democrats in the House voted against the House budget, most because of objection to the reduced merit pay program that was included in the budget. We consider this new language to be acceptable extra pay for extra work and responsibility and appreciate the work of the Senate Finance Committee to remove the pilot merit pay program from the bill. We appreciate the votes of the legislature, in the face of the Governor's veto threat, to keep the plan out of the budget!

The proposed \$5.9 billion budget has a more than 4 percent increase in spending next year and money for pay raises for all public employees, except police who get a 4% raise. The Senate unanimously supported the budget, even though the Governor was threatening a veto over the loss of her merit pay plan and House Republicans were railing against the loss of the merit pay plan.

The measure calls for spending nearly \$5.9 billion next year on public education and general. That's an increase of nearly \$246 million or 4.4 percent over current spending, and \$6.5 million more than a House-passed budget bill. Like the House plan, the measure provides 1 percent pay raises for state workers and educators and 4 percent for state police. The Senate measure provided an additional \$4 million for higher education, including for research projects, nursing education programs and efforts to improve college graduation rates. The bill earmarks \$17 million in the state's cash reserves for possible use by the 2014 Legislature to offset federal spending cuts that affect state agencies.

Ask Democrats to hold firm against merit pay, even if the Governor makes good on her veto threat.

Bill to Change A-F grading system Passes Senate!

Senate Bill 587, introduced by Senator Howie Morales, repeals the A-B-C-D-F Schools Rating Act and enacts a temporary provision creating the State School Grades Council, a two-year body administratively attached to the Public Education Department, that will develop an A-B-C-D-F school grading system and make recommendations to the Legislature and the Public Education Department on implementation of the system. The bill contains temporary provisions for the grading of schools during the 2013-2014 and 2014-2015 school years. The bill also amends Section 22-8-11 NMSA 1978 of the Public School Finance Act, eliminating the requirement that PED ensure that public schools are prioritizing resources of public schools rated D or F toward proven programs and methods linked to improved student achievement until the school earns a C or better.

While the grading system is supposed to be designed to give educators, parents and students a clear sense of how their schools are performing, the current school grading system continues to remain controversial and difficult for many to understand. Concerns persist about the significant changes in preliminary grades issued for the 2010-2011 school year and the first round of final grades issued for the 2011-2012 school year. Additionally, the grading system and formula is so complex the PED acknowledged that there are likely only a few people in the state that understand it. This measure repeals the current grading system and enacts a new system to be temporarily used for the next two years while the State School Grades Council develops recommendations for a new school grading system.

The measure Senate Bill 587 passed the Senate on a near party-line vote with all Democrats, except Senator Mary Kay Papan, voting for it and all Republicans voting against it. Senator John Arthur Smith was excused and did not vote.

The bill passed out of the House Education Committee on a straight party line vote, with Democrats supporting and Republicans opposed. It is still waiting on the House Calendar and will likely be debated today on in the wee hours of tomorrow morning.

Contact all members of the House with this message:

Support Senate Bill 587, the current A-F school grading system is not transparent and so complex that even the public education department acknowledged that there are likely only a few people in the state that understand it. Senate Bill 587 will allow schools and the public to understand how schools are graded and will create a system that is fair, equitable, and easy understood.

House Bill 481 Seeks to Protect Teacher Licensure Options On the Way to the Governor

Representative Sheryl Stapleton's HB 481 seeks to protect the current three-tiered licensure system and offer additional options for movement through the system. Two pieces of legislation supported by the Governor, Secretary-designee, and the Albuquerque Chamber of Commerce seek to make drastic changes in licensure statutes to conform the new teacher effectiveness rule and turn licensing toward a merit pay system have been tabled in committees on straight party-line votes. Thank Democrats in the House Labor Committee for tabling HB 276 and Democrats in the Senate Education Committee for dealing a similar fate to SB 316.

An Education Committee Substitute for HB 481, which we supported, was adopted in the Education Committee, known as CS/HB 481 it provides two routes for a Level 1 teacher to obtain a Level 2 license.

Through the first route, in addition to other conditions already in law, the candidate must:

- submit a professional development dossier (PDD), or
- submit an electronic recording of moving images and sound depicting the following competencies

Through the second route, in addition to other conditions already in law, a candidate must receive:

- one of the two highest teacher evaluation ratings after teaching for three years with a Level 1 license; or
- a satisfactory teacher evaluation rating after teaching for five years with a Level 1 license.

For Level 3-A licensure, CS/HB 481 requires either:

- at least three years of experience at Level 2 and certification by the National Board for Professional Teaching Standards (NBPTS); or
- at least three years of experience at Level 2 and: a post-baccalaureate degree; demonstration of instructional leader competence as required by PED and verified by the local superintendent through the highly objective uniform statewide standard of evaluation; and one of the following three options:

1. submit a PDD
2. submit an electronic recording of moving images and sound depicting the following competencies
3. receive the highest teacher evaluation rating for at least two of the prior three years.

CS/HB 481 passed the House on a near party-line vote. It also passed the Senate Education committee on a party-line vote. It passed the full Senate on a similar party line vote.

CS/HB 481 should be signed by the Governor. Ask the Governor to support this important legislation.

House Joint Resolution 10 Still Waiting on a Hearing in Senate Finance

Representative Jim Trujillo's House Joint Resolution 10 (HJR 10) was heard in the House Appropriations and Finance Committee on Monday. The measure has been amended to place a constitutional amendment on the November 2014 ballot allowing the 5.5% distribution from the state land grant permanent currently in place to continue indefinitely. All Democratic members of House Appropriations and Finance Committee as well as Republican Representative James Smith supported this important funding measure. The funding level dropped to 5.5% this year and, unless the amendment passes, will drop to 5% in 2016. The measure was debated on the House Floor Thursday night, it passed 36 to 33 all Democrats except Representative Sandra Jeff voted for the measure and all Republicans votes against continuing this vital funding for public schools.

Some points in support of HJR 10:

1. Raising the distribution back to 5.5% will prevent drastic cuts in education funding starting in fiscal year 2017!
2. When the original constitutional amendment was conceived in 2003, it was assumed that support from the general fund would continue to increase; gradually completely replacing the additional funds created by the increased distribution rate and allowing the reduction of the rate to 5% by 2017 since the natural increase in general fund revenues would have more than replaced these funds. No one anticipated that general fund support for the public schools would have three years of steady decline!
3. Should the 5.5% distribution level be allowed to sunset and the fund fail to show a return in the 8.5% range, public school funding from the fund would be greatly reduced and require even heavier commitment from a challenged general fund to avoid precipitous and devastating drop in school funding.
4. If the rate of return is realized, continuing the 5.5% distribution rate would actually move the legislature toward the increase that the 2008 funding formula task force indicated was required to provide sufficient funding of public schools. By 2020 about \$200 million would be added per year, not enough to overcome the years of under funding, but a good effort nonetheless.

- Clearly neither the 5.5% nor the 5.8% distribution rate have endangered the corpus of the fund; it has continued to increase and is predicted to double by 2020. The amendment would be logical to the voting public. Simply continue current practice of distribution and continue to help grow school funding without increasing taxes. If the amendment fails or is not sent to the public, it is clear that school funding will, in the worst case scenario, decrease or in the best case scenario, increase at a much slower rate in the near term, preventing the movement toward sufficient funding without a major effort from the general fund.
- We are not asking the public to approve a tax increase, just keep the status quo of current funding levels from the permanent fund. Not passing this measure won't lower taxes, and in the long run will likely require a tax increase to prevent further cuts to public schools.

House Joint Resolution 10 is awaiting a hearing in the Senate Finance Committee

Call members Senate Finance Committee, especially Senator John Arthur Smith with this message:

House Joint Resolution 10 deserves a hearing!! This measure is not a tax increase; it just keep the status quo of current funding levels from the permanent fund. Not passing this measure won't lower taxes, and in the long run will likely require a tax increase to prevent further cuts to public schools. Clearly neither the 5.5% nor the 5.8% distribution rate has not endangered the corpus of the fund; it has continued to increase and is predicted to double by 2020.

Senate Retirement Bill Headed to House Floor

The Senate version of Retirement Solvency, Senate Bill 115, sponsored by Senator Ingle, received a unanimous do-pass recommendation from the Senate Education Committee last Friday. The Governor signaled that she would not sign Senate Bill 115 in its original version, so stakeholders have reluctantly agreed to slight reductions in Cost of Living Adjustments (COLA) until the fund reaches 100% solvency. This means a COLA of 1.6% instead of 2% for most retirees. Those with a retirement annuity under the median of 20,000 will receive a COLA of 1.8%. The Governor's office first requested a COLA suspension until solvency was achieved. They also stated that retirees should have "skin in the game" to help move toward solvency. The stakeholder group refused to even consider COLA suspensions. This change gets our solvency projections to 100.4% by 2043.

This episode teaches us one more time that elections have consequences. If want to restore the 2% COLA, we need a new Governor elected in 2014!

The bill passed the Senate Finance Committee and the full Senate unanimously over the weekend. It received a do-pass recommendation in House Labor Committee. A minor amendment was proposed by Speaker Martinez in the Labor Committee. It was added in the House Appropriations and Finance Committee; while minor, the amendment does make slight improvement to the Senate Bill. Under this amendment COLA reductions will be 10% and 20% until ERB is 90% funded; once 90% funded, the COLA reductions will be 5% and 10% until ERB is 100% funded; and once ERB is 100% funded, the COLA reductions will cease. The House Appropriations and Finance Committee approved the measure late yesterday and it is on the House Calendar for action, possibly later today or early tomorrow. If approved by the House, it will have to go back to the Senate for concurrence.

Teacher Evaluation Bill Passes Senate

Senate Bill 588 introduced by Senator Howie Morales received a do-pass recommendation in the Senate Rules Committee on a straight party-line vote. It passed the Senate on a near party-line vote late last night and is headed to the House.

This bill represents NEA-New Mexico and AFT New Mexico's best thinking on a teacher evaluation system for the state. We believe the evaluation system should be established by legislation as we have long advocated, not by rule. We will continue working with legislators to produce an evaluation system that is embedded in statute and therefore protected against any arbitrary changes.

Both this bill and House Bill 589 (currently temporarily tabled in the House Labor Committee) extend the timeline for creating the system. We believe that the current rule proposed by the public education department needs to provide a pilot year and therefore rushes a system that should not be rushed. All experts have told us that introducing a new teacher evaluation system requires time. Members on New Mexico Teach, the Secretary Designee's Advisory Council for the evaluation system, have stated this often at their meetings.

NEA-New Mexico has supported working collaboratively to create a system that doesn't harm current statutory due process rights for teachers. We continue to advocate for more local control over the student achievement portion of the evaluation system. While we know that the U.S. Department of Education requires that student achievement be a significant portion of the evaluation system, we also know that they don't require any particular percentage based on student achievement or any particular percentage based on test scores.

We worked with Secretary-Designee Skandera to try to influence the current rule as much as possible. We believe we made some good changes. We believe that the rule now provides professional development for teachers to improve once they've been found to be ineffective and maintains all protections under our current due process statutes.

We have advocated from the beginning of the rule-making process that 35% based on New Mexico's assessment system gives too much weight to standardized test scores. We've also advocated that too many top-down mandates destroy the concept of collaboration at the local level. We have consistently advocated for maximum flexibility for school districts and their employees to determine what will be counted for student achievement.

The proposed evaluation bills provide this flexibility at the local level. We also believe that the current teacher evaluation rule does not provide enough transparency around how the value-added methodology will be used to calculate student achievement scores. That's why we believe that local school districts and their employees should determine what will be counted as student achievement in the new teacher evaluation system. This is very firmly embedded in the legislation we are supporting.

The bill received a do-pass recommendation on a straight party-line vote in the House Education Committee Wednesday and is on the House Calendar.

Senate Bill 588 goes next to the House. Ask all House members to support this important legislation.
