

February 5, 2016--Update 05-2016

Daily Legislative Schedules

Elections have consequences

And so it goes, a plethora of bad ideas from the Republican controlled House of Representatives roll on, further proving that “Elections have consequences.” The loss of a pro-education House majority in 2014 is having disastrous consequences!

Third grade flunking bill

As predicted, [HB 67, SCHOOL GRADE PROMOTION & RETENTION](#), sponsored by [Representative Monica Youngblood](#), was given a do-pass recommendation by the [House Education Committee](#) and passed the House on a [Party-line vote](#). This bad idea from the Governor and Secretary of the PED has been debated year after year in the legislature. It is one of Governor Martinez’s main objectives for this legislative session once again. This measure would require that third grade public students who cannot pass a reading text be retained in the third grade, with no input from parents or education professionals. Research indicates that retention is not an appropriate educational strategy. This ill-conceived public policy is awaiting its first hearing in the [Senate Education Committee](#). On a bright note the ranking Republican member of the [Senate Education Committee](#), [Senator Gay Kernan](#), has withdrawn her support for the bill and now believes that one test score should not determine whether or not a child is retained in third grade. So this bad measure can likely be killed in the [Senate Education Committee](#) after House passage. Please let members of the [Senate Education Committee](#) know that we oppose this bad legislation.

Unqualified personnel in classrooms

Another bad public policy received a straight party-one do-pass in the [House Education Committee](#)’s on Wednesday; all republicans voting for this bad idea and all democrats voting against. [House Bill 145](#), introduced by [Representative Conrad James](#), provides that an unlicensed person who has earned at least a bachelor's degree; has a minimum of three years' experience in each area of subject-matter expertise in which the adjunct secondary instructor will teach; passes the New Mexico teacher assessments in each area of subject-matter expertise in which the adjunct secondary instructor will teach; and completes a department-approved pedagogy course can teach subject areas in grades seven through twelve. These individuals will not be allowed to receive any benefits other than “negotiated” compensation. Although presented as a way to prevent shortages, in reality this measure allows school districts to save money by hiring unqualified unlicensed “experts” to teach. Since it has no other referrals, the bill heads to sure passage in the republican controlled House. Let all legislators, but especially members of the [Senate Education Committee](#), know that you oppose this attack on the quality of the teaching profession. Unfortunately, [Senate Bill 114](#), introduced by [Senator Ron Griggs](#), is an exact duplicate of [House Bill 145](#), and received a do-pass recommendation in the [Senate Education Committee](#) when [Senator Bill O’Neill](#) voted with the Republicans! It goes to the [Senate Finance Committee](#) next. Let members know the we believe this bill is bad for students by placing unqualified teachers in secondary classrooms.

Tuition tax credit, AKA voucher

[House Bill 207](#), introduced by Representatives [Jane E. Powdrell-Culbert](#) and [David E. Adkins](#) creates incentives for taxpayers to invest in private elementary/secondary school education. Personal income tax taxpayers can maximize their benefit by contributing \$12,500 to a qualified tuition scholarship organization, and in return the taxpayer receives a tax credit worth \$10,000. We believe this attempt to raid public funds for private conflicts with the State’s Constitutional obligation to establish and finance a public education system. This bad idea is tabled for now in the [House Education Committee](#). The tabling occurred when a Republican member left the room, resulting in a party-line tie. A measure cannot move out of committee on a tie vote. However, it could be revisited if composition of the committee changes for a meeting.

Bill to change funding formula

[Senate Bill 141](#), sponsored by [Senator Howie Morales](#) and [Representative Dennis Roch](#), received a unanimous do-pass recommendation from the [Senate Education Committee](#) and is being heard in the [Senate Finance Committee](#) later this afternoon. This measure will make major changes in the public school funding formula. It will gradually increase the effect of at-risk units over the next five years, which should benefit schools with high-needs populations. It will reduce the ability of charter schools to take advantage of small-school adjustment units. It will also in FY 18 through FY 23 phase out the Training and Experience index and replace it with a Teacher Cost Index. The new index will be weighted by licensure level and years of experience, rather than education or degrees. The department, the legislative education study committee and the legislative finance committee shall jointly gather data, conduct an analysis and submit a report by November 1 of each year to study the effects of the changes and to recommend any changes to the index. While a fiscal analysis of the effect on each school district is not yet available, districts that have maximized the current system by requiring teachers to get advanced degrees and education will be disadvantaged. One million dollars is appropriated to the PED to mitigate any cuts to districts or charter schools caused by respective program cost calculations that have resulted solely from the implementation of provisions of the act over the next three years. In FY 17 districts would be guaranteed their FY 16 appropriation. In FY 18, 75% of the FY 16 funding and finally in FY 19 at least 50% of their FY 16 funding. After that the changes would simply be allowed to operate on their own.

Changes to the funding formula describe how the money appropriated to the school equalization guarantee will be distributed. They do not affect the total amount of funding available to districts. Unless new funding is added above the line in the formula, after the hold-harmless funding goes away, there will be winners and losers among the state's school districts.

Since this measure creates winners and losers among NEA-NM local affiliates, we will take no stand on [Senate Bill 141](#).

Constitutional Amendment to increase funding from the land grant permanent fund moves

[Senator Michael Padilla's Senate joint resolution 3](#) received a do pass on a straight party-line vote in the [Senate Rules Committee](#) and the [Senate Judiciary Committee](#). This measure will let voters decide whether or not to approve additional funding for public schools. If this measure passes the loss in funding caused by the drop in the payout from 5.5% this year to 5.0% next year will be replaced by a 5.8% payout into the future, adding some \$30 million to school funding starting in the 2017-2018 school year. This measure moves to the [Senate Finance Committee](#) next. Please let members know that allowing the voters to decide to fund their schools is important.

Higher minimum salaries

[Senator Mimi Stewart's](#) measure to increase minimum salaries, [Senate Bill 14](#), was amended in the [Senate Education Committee](#). The measure now simply increases minimum salaries for each licensure level. Level 1- \$34,000; level 2- \$42,000; level 3-\$52,000. The appropriation was taken off the measure and it was sent to [Senate Finance](#) where it can be a part of final negotiations over the budget. Let committee members know that we support incorporating this measure into this year's budget.

Insurance increases

NEA-New Mexico is advocating an amendment for final budget that will give districts enough funding to pay employees' share of health insurance premiums. Senator Pete Campos and others have agreed to sponsor the amendment when the budget reaches the [Senate Finance Committee](#). We will have further information when the budget reaches the Senate.

Barebones budget

[House Bill 2, the General Appropriations Act](#), has been approved in concept by the [House Appropriations and Finance Committee](#) (HAFC). The actual bill has yet to be approved in committee and sent to the floor; however, that could occur any day. The HAFC recommendation for Public School Support (PSS) totals \$2.783 billion, a \$31.2 million, or 1.1 percent, increase over FY 16 appropriations (line 83). The recommendation for program

cost totals \$2.589 billion, a \$20.6 million increase over FY16 (line 14). Adjusted for credits, the state equalization guarantee totals \$2.524 billion (line 19). The recommendation increases categorical appropriations by \$3.6 million over FY16 and includes a \$2.2 million increase for transportation (line 29 and line 39). For recurring related requests, below-the-line initiatives, the recommendation includes \$2 million increases over FY16 appropriations for K-3 Plus, Prekindergarten, and PED's early literacy initiative New Mexico Reads to Lead.

Also, the recommendation replaces most of the nonrecurring revenue appropriated in FY16 for below-the-line initiatives, with recurring general fund revenue for FY17.

No salary increases are included. Language requiring the maintenance of the level 1 \$34,000 beginning salary is in the bill.

The bill also has below the line merit pay with the following requirement:

School districts with established collective bargaining units may use the appropriations in any compensation Initiative implemented by the department, subject to collective bargaining.

When the budget reaches the Senate, we will work to fund additional beginning salary increases for all levels and insurance funding and to move as much of the below line funding into the school equalization guarantee as possible.

Right to work “for less” introduced

[Senate Bill 269](#), introduced by [Senator Mark Moores](#) is a standard so-called Right to Work bill. It states, ‘A person shall not be required, as a condition of hiring, promotion or continued employment, to:

A. become or remain a member of a labor organization; or

B. pay dues, fees, assessments or other charges to a labor organization or to a charity or other third party, in lieu of payment to a labor organization.’

It will apply to both private and public sector unions. The measure has yet to have committee hearing and is introduced into this budget session because the Governor sent a message requiring the introduction.

[Senate Bill 269](#) and all “Right to Work” proposals are part of the corporate special interest agenda to silence the professional voices of teachers, nurses, fire fighters, and police officers. This proposal would erode our ability as workers to fight for better schools, better nurse-to-patient staffing ratios, safe working conditions, and everything else we can advocate for through collective bargaining.

Legislation like this is being promoted all over the country by a well-coordinated network of out-of-state billionaires, super PACs, and corporate special interest groups that want to keep more profits for themselves. These are the same groups that are destroying the middle class: down-sizing, shipping jobs overseas, and hiding profits offshore to avoid paying the same taxes families and small businesses have to pay.

“Right to Work” is a power grab by CEOs and their allies to make our jobs part time, send our jobs to low-wage countries, gut our health and safety protections, and pay us less. The average worker makes about \$5,000 less each year in states with these laws, according to data from the U.S. Census on State Median Household Income.

Quite simply, these laws are a distraction that divide New Mexicans against each other. New Mexico's leaders should instead be focusing on the things that are important like continuing to improve the economy, creating jobs and equipping our schools with the necessary tools to prepare our children for 21st century jobs.

