

February 11, 2016--Update 09-2016

United Voices For Our Students!

Monday, February 15, 2016

[Plan to come to our legislative lobby day on Monday, February 15! Follow this link for details.](#)

[Daily Legislative Schedules](#)

Waiting Game for Senate Version of Budget

[House Bill 2, the General Appropriations Act](#), created by the [House Appropriations and Finance Committee](#) (HAFC) has passed the House on a [near-party-line vote](#). 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 FYI 7.

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.

Just the Beginning of the Bad News

According to the Chair of the [Senate Finance Committee](#), Senator [John Arthur Smith](#), the money for even the House's barebones budget is not there. [And it isn't just this year's budget](#). A worst-case scenario puts the state \$700 million to \$900 million in the hole between both the remaining months of this budget year and the next budget year.

The budget bill is awaiting a hearing in the [Senate Finance Committee](#). Senators have proposed numerous amendments which are being considered behind closed doors by Senate leaders and the [Senate Finance Committee](#).

At NEA-NM's request, [Senator Pete Campos \(D-Las Vegas\)](#) has proposed one of those amendment to the budget bill that moves our state in the right direction by proposing to remove \$8.5 million to fund the destructive and failed "Merit pay" program of the Public Education Department (PED). The amendment converts those funds so they will be spent by districts to pay for a 16 % increase school employees will otherwise pay themselves for health insurance next year.

Not a raise, this proposal prevents the downward slide in take-home pay for school employees. New Mexico education employees will lose \$8.3 million without this fix. Our state economy is in the pits so a hard-earned pay raise is not likely. Low pay and unfair financial awards to only a few educators, are driving quality teachers and other employees away from working with the schools. The legislature can help cover insurance cost increases. Ask Senators ([search for your Senator using your zip code and](#)

[address at this link.](#)) who care first and foremost as we do about our students, to support this budget amendment.

[Follow this link to Take Action Now!](#)

Four Big Wins

1.) 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 was essentially killed in its first hearing in the [Senate Education Committee](#). The ranking Republican member of the [Senate Education Committee](#), [Senator Gay Kernan](#), last year's sponsor of the measure voted to table the bill along with all Democratic members of [Senate Education Committee](#). Please thank the members who voted to table this very bad idea.

2.) Unqualified personnel in classrooms

Another bad public policy received a straight party-one do-pass in the [House Education Committee](#); all republicans voting for this bad idea and all democrats voting against. It passed the House on a near [party-line vote](#) as well. [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. The House bill is now awaiting a hearing in the [Senate Education Committee](#). 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 Judiciary Committee](#) on Monday.

The good news is that the [Senate Public Affairs Committee](#) killed the Senate version, [Senate Bill 114](#), all Democrats voting to kill this bad idea and all Republicans voting in favor. We believe that the same awaits [House Bill 145](#) if it gets to committee in the Senate.

3.) Right to Work for Less

As this is written Senate Bill [Senate Bill 269](#), a so-called Right to Work was tabled in the [Senate Public Affairs Committee](#). [Senate Bill 269](#), introduced by [Senator Mark Moores](#) was a standard so-called Right to Work bill. It stated, '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 would have applied to both private and public sector unions. [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.

4.) Tuition tax credit, AKA voucher

The [House Ways and Means Committee](#) unanimously tabled [House Bill 207](#), introduced by Representatives [Jane E. Powdrell-Culbert](#) and [David E. Adkins](#). The measure would have created incentives for taxpayers to invest in private elementary/secondary school education. Personal income tax taxpayers would have been able to 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 received a do-pass recommendation after a temporary tabling in the [House Education Committee](#). It was tabled, not because the [House Ways and Means Committee](#) Republican members didn’t support it (Most of them spoke favorably, while almost all the Democrats spoke against the measure.), but rather because of the state’s dire financial situation.

Some temporary wins, now on to the Finance Committee:

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

[Senator Michael Padilla’s Senate joint resolution 3](#) received a do pass on a straight party-line votes 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

Teachers

[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.

All School Employees hourly minimum

Senator [Daniel Ivey-Soto’s](#) [Senate Bill 152](#) to increase minimum hourly salaries for all school employees to \$15 per hour received a do-pass recommendation in the [Senate Education Committee](#). All Democrats voted yes and the lone Republican in the room, [Senator Gay Kernan](#), voted no. The measure moves to the [Senate Finance Committee](#). Let members know that all school employees deserve a living wage.

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 a do-pass in the [Senate Finance Committee](#). It passed the [Senate with a bipartisan vote](#). It's now awaiting a hearing in the [House Appropriations and Finance Committee](#). 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.