

February 15, 2016--Update 10-2016

Members from around New Mexico attended our Education Partners Rally and met with many legislators on our legislative issues.

[Daily Legislative Schedules](#)

Constitutional Amendment to increase funding from the land grant permanent fund passes Senate on Party-line vote

[Senator Michael Padilla](#)'s [Senate joint resolution 3](#) received a do pass on a straight party-line votes in the [Senate Rules Committee](#), [Senate Judiciary Committee](#) and the [Senate Finance 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 \$110 million to school funding starting in the 2017-2018 school year and \$47 million in the 2016-2017 school year. This measure passed the Senate on a near [party-line vote of 23-19](#).

SJR 3 is awaiting scheduling in the House. Let all House members know that this the only hope for adding funding to public schools next year.

Budget on Senate Floor

The [Senate Finance Committee](#) substitute for [House Bill 2, the General Appropriations Act](#) has passed the Senate. The Senate accepted a large number of amendments to the state budget bill, HB2, rejecting most of the 275 amendments submitted for increases over the version passed by the House. We appreciate that the Senate Finance Committee increased total categorical spending for education by 0.3 percent and protected public school support as much as possible in this very tough year.

The best of the news is the money to be distributed for allocation decisions by local School Boards still increased \$10.7 million for next year over this year. Spending for the State Equalization Guarantee, known as the "SEG" or "funding formula," went up 0.4 percent in the budget. Unfortunately, cost increases, including sixteen percent (16%) for health insurance, will mostly have to be absorbed by the districts and school employees themselves.

The budget bill increases the minimum salaries for level II and III teachers throughout the state from \$40,000 to \$42,000 and \$50,000 to \$52,000 respectively. Championed by Senator Mimi Stewart, the cost of this important provision is \$5.44 million.

We are grateful to Senator Campos for carrying an amendment to remove the destructive so-called "Merit Pay" for a few educators and using those same funds so that school employees statewide would not be socked with an \$8.3 million (16%) increase in the amounts withheld from their paychecks to pay for health insurance costs. Senate Finance Committee retained funds for that unfair program, but reduced funds for it from \$8.5 million to \$6 million. School districts with established collective bargaining units may use the appropriations in any compensation Initiative implemented by the department, subject to collective bargaining.

The budget bill now returns for concurrence. If the House does not concur, a conference committee will be appointed to work out differences between the two Houses.

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.

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 Education 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.