



NEW MEXICO SCHOOL BOARDS ASSOCIATION

PUBLIC EDUCATION RELATED LEGISLATION PASSED

BY THE HOUSE AND SENATE

Governor has until April 5, 2019 to Act Upon

1. **HB2 Lundstom–General Appropriations Act-Public Education.** Fiscal Year 2020 general fund appropriations for public education of \$449 million, or 16 percent over the FY19 operating budget. Total general fund appropriations for public education of \$3.25 billion are 47.5 percent of total FY20 general fund appropriations. The substitute bill makes large strides to address the court decision in Yazzie/Martinez with 6 percent compensation increases to school employees, a more than doubling of the at-risk formula factor to 0.25, large investments in extended learning time for at-risk children, and increases for prekindergarten. Special and Supplemental Appropriations includes \$26.5 million for public school instructional materials. HB5/SB1 implement public school funding formula changes in conjunction with HB2.
2. **HB5 Williams–Public Education Changes (Similar to SB1)**-amends the Public School Code to make changes to the public school funding formula to provide for increased educational time, increased funding for services to at-risk students, increased educator pay, and improved budgetary accountability for programs that serve at-risk students. HB5 would: • Allow school districts and charter schools to receive formula funding if they choose to participate in programs to extend instructional time, including K-5 Plus and a new extended learning time program; • Increase the multiplier used to calculate the at-risk index from 0.13 to 0.25 to provide additional funding for at-risk students; • Amend the School Personnel Act to increase minimum salaries in FY20, to \$40 thousand for level 1 teachers, \$50 thousand for level 2 teachers, and \$60 thousand for level 3-A teachers and counselors. The bill would also index minimum salaries for principals and assistant principals to the minimum salary of a level 3-A teacher. Principal and assistant principal minimum salaries are multiplied by a responsibility factor, depending on the level of school they serve and whether they are a principal or assistant principal teachers, level 3-A counselors, principals, and assistant principals; • Set a maximum age of 21 for students to generate public school funding; • Eliminate size adjustment program units over five years to public schools within the boundaries of school districts with more than 2,000 students and creates a new funding formula factor for school districts and charter schools in rural areas; • Clarify and expand upon the information school districts and charter schools must include in their annual budget submissions, including new requirements for performance-based budgeting.
3. **HB20 Garratt–Grow Your Own Teachers Act**-would create a scholarship program for educational assistants (EAs) who want to become teachers, and amend the School Personnel Act to grant professional leave to educational assistants who are recipients of a loan for the purposes of attending college classes, examinations or practice teaching.
4. **HB44 Stapleton-Career-Technical Teacher Development**-requires professional development for career technical teachers and educational assistants in the same manner as teachers of other subjects for which the Public Education Department (PED) has promulgated standards and benchmarks. Additionally, the bill requires the use of federal Every Student Succeeds Act (ESSA) Title II funding for career technical professional development. **Signed**
5. **HB47 Roybal Caballero-School Employee & Assistants Probation Time**-clarifies that local school boards and governing authorities may terminate licensed school employees, except for licensed educational assistants, for any reason before the employees have accepted a third consecutive annual employment contract, but may not terminate licensed school employees who have accepted such a

contract. Licensed educational assistants may be terminated for any reason deemed sufficient by the school board or governing authority prior to the completion of their first year of employment.

6. **HB91 Stapleton-Career Technical Education Pilot Project**-establishes a seven-year pilot project for career and technical education (CTE) to fund high-quality CTE programs and monitor their effects on student outcomes. The pilot is to be administered by the Public Education Department (PED), which may provide grants to qualified applicants for the establishment of CTE programs in public schools and the provision of CTE professional development for teachers.
7. **HB111 Salazar-Cultural and Linguistic Education Support**-would create a new section of the Regional Cooperative Education Act that would allow Regional Education Cooperatives (RECs) the opportunity to provide culturally and linguistically responsive technical assistance and professional development for teachers, educational assistants, and other instructional support staff. RECs would be required to submit one joint application to the Public Education Department (PED) for funding
8. **HB129 L. Trujillo-School Security Personnel & Deadly Weapons**-proposes several new sections of the Public School Code to address the issue of school security personnel and under what circumstances they may carry firearms. Would limit authority to authorize school security personnel to carry firearms on school premises to local school boards or the governing bodies of charter schools. The bill also proposes and defines terms and outlines training requirements for armed school security personnel. Finally, the bill notes that none of its provisions should be construed to permit armed school security personnel to carry firearms on school property if it would be in violation of state or federal law, and that the bill should not be interpreted as applying to school resource officers.
9. **HB227 Harper-Use of Teacher Attendance for Evaluations**-amends the Public School Code to include provisions that would allow teachers to use personal leave and up to 10 days of sick leave without attendance impacting their annual performance evaluation, as long as leave is taken consistent with policies of the local school board or charter school governing body. **Signed**
10. **HB236 Ruiloba-Attendance for Success Act**-repeals the Compulsory School Attendance Law and replace it with the Attendance for Success Act. The bill provides for early, intensive interventions for absent, chronically absent, and excessively absent students. The bill requires schools to maintain an attendance policy that includes provisions to provide additional educational opportunities to students who are struggling with attendance and requires public schools to publish the school's attendance policy on the school website.
11. **HB240 G.A. Romero-Alternative Level 1 Teacher Path to Level 2**-would amend Section 22-10A-10 NMSA 1978 of the School Personnel Act to allow years of teaching service on an alternative level 1 license to count toward advancement to a level 2 license. The bill would require an applicant for a level 2 license to have successfully taught at least three, but no more than five, years as a level 1 teacher or an alternative level 1 teacher, or a combination of the two. The bill would not change reciprocity provisions of the section.
12. **HB250 Lente-Native American Student Needs Assessments**-proposes to create new sections of the Indian Education Act that require historically defined Indian impacted school districts to conduct a needs assessment to determine what services are needed to assist Indian students in graduating and becoming college or career ready. After the needs assessment, the historically defined Indian impacted school districts are required to meet with local tribes to prioritize the needs of Indian students in closing the achievement gap by making Indian students' needs a priority in the school district or charter school budget. Additionally, these school districts are required to develop and publish a systematic framework for improving educational outcomes for Indian students. **Signed**
13. **HB275 Stapleton-College of Education Affordability**-creates the new Teacher Preparation Affordability Act modeled after the College Affordability Act. The bill would prioritize loan repayment for teachers with a degree or endorsement in early childhood education, special education, bilingual education, STEM, and career technical education.

14. **HB360 Salazar-Education Retirement Changes**-increases employer contributions to the educational retirement fund; increase the salary level employees would be required to reach before paying a higher contribution rate; increase the age or years of service requirements for new members to be eligible for retirement and reduce retirement benefits for new employees who work for less than 30 years; make changes to the return-to-work program.
15. **HB400 Maestas-School Media Literacy Advisory Committee**-The amendment requires the media literacy advisory committee to review kindergarten through 12th grade learning standards for educational technology that align with definitions of media literacy, national standards, and state education standards in all subjects; review rules and policies pertaining to media literacy, including electronic resources and internet safety; and develop recommendations for professional development guidelines for teachers, including librarians, focused on integrating media literacy education across all grades and content areas.
16. **HB407 L. Trujillo/Ivey-Soto-Election Laws 50-Year Tune-Up**-proposes multiple amendments to a number of New Mexico's various election laws as part of a "50-year tune-up," many of which are minor technical and clarifying changes. Many of the remaining amendments address procedural matters pertaining to the conduct of elections, including consolidation of election procedures. Additional procedural amendments that touch on elections related to public education include: • The proper order of offices and ballot questions listed on election ballots. • Appropriate matters to be placed on local government ballot questions, including tax authorization for bond sales, mill levies, or gross receipts, and the recall of school board members. • The timing and certification of resolutions and proclamations proposing ballot questions for local elections • Prohibitions on the timing of special elections. • Procedures for filing declarations of candidacy under the Local Election Act. • Procedures governing payment of costs for special elections. • Procedures to delay the mailing of property tax bills for counties for which a property tax levy is imposed at the November 2019 election or the 2021 regular election.
17. **HB420 G. Romero-School Advanced Placement Policy & Reporting**-\ House Bill 420 (HB420) would require each public postsecondary institution to accept a score of three or higher on College Board Advanced Placement (AP) examinations for postsecondary credit, unless the chief academic officer at the institution provides evidence that a higher score is necessary for a student to be successful in a subsequent course.
18. **HB430 L. Trujillo-Library Procurement Code Exemption**-amends the Procurement Code to allow public, school, and state libraries to purchase print, digital, or electronic format library materials for access by the public. Further, the Cultural Affairs Department (DCA) would be able to procure publishing and distribution services for materials produced and intended for resale by the department.
19. **HB431 L. Trujillo-Termination of School Employees**- proposes to amend requirements and procedures for background checks and discharge proceedings of certain school employees. First, the bill defines new terms and amends the definition of some existing terms. The bill would also expand ethical misconduct and background-check provisions specifically to include sexual assault or abuse, and applies all requirements to school volunteers and contractors, in addition to employees
20. **HB447 L. Trujillo-Track Children Between School & CYFD**-would enact a new section of the Public School Code requiring a student to receive a unique identification number to be used for any records or databases in which a student is identified by name. The bill specifies it will be the responsibility of every school district or charter school in the state to determine if the student has ever enrolled in a public school in New Mexico, and to use the student's original identification number.
21. **HB501 J. Trujillo-Increase Certain PERA & ERB Contributions**-would increase the employer contribution rate at 0.25 percentage points for public employers covered by the Educational Retirement Act or the Public Employees Retirement Act, beginning in FY20.
22. **HB568 J. Trujillo Capital Outlay Reauthorizations**-reauthorizes or reappropriates unexpended balances from proceeds of severance tax bonds (STB) as well as unexpended balances of appropriations

from the general fund and other state funds for 113 capital projects – seven of which are for public schools – from their original purpose, extends expenditure periods, or establishes conditions for reverting unexpended balances.

23. **HB589 E. Thompson-Community School, Early Childhood & Pre-K**-would expand the purpose of the Community Schools Act to address the cultural and linguistic needs of students from early childhood programs and voluntary public prekindergarten through high school graduation by partnering federal, state, local, and tribal governments with community-based organizations to improve the coordination, delivery, effectiveness, and efficiency of services, align and leverage community resources, and integrate funding streams.
24. **HB664 Lewis-School Credit for Certain Courses**- proposes, for purposes of high school graduation, to allow high school students to take career technical education (CTE) courses or participate in work-based training programs that have been approved by the Public Education Department (PED) in lieu of taking one of four required units in English, and one of three required units in science currently required for high school graduation. The bill would also allow high school students to take a PED-approved CTE course or work-based learning program, or a financial literacy class, in lieu of one of three required units of science. These CTE or work based learning programs must satisfy state English, math, and science academic content and performance standards.
25. **SB1 Stewart-Public Education Changes (Similar to HB5)**-amends the Public School Code to make changes to the public school funding formula to provide for increased educational time, increased funding for services to at-risk students, increased educator pay, and improved budgetary accountability for programs that serve at-risk students. HB5 would: • Allow school districts and charter schools to receive formula funding if they choose to participate in programs to extend instructional time, including K-5 Plus and a new extended learning time program; • Increase the multiplier used to calculate the at-risk index from 0.13 to 0.25 to provide additional funding for at-risk students; • Amend the School Personnel Act to increase minimum salaries in FY20, to \$40 thousand for level 1 teachers, \$50 thousand for level 2 teachers, and \$60 thousand for level 3-A teachers and counselors. The bill would also index minimum salaries for principals and assistant principals to the minimum salary of a level 3-A teacher. Principal and assistant principal minimum salaries are multiplied by a responsibility factor, depending on the level of school they serve and whether they are a principal or assistant principal teachers, level 3-A counselors, principals, and assistant principals; • Set a maximum age of 21 for students to generate public school funding; • Eliminate size adjustment program units over five years to public schools within the boundaries of school districts with more than 2,000 students and create a new funding formula factor for school districts and charter schools in rural areas; • Clarify and expand upon the information school districts and charter schools must include in their annual budget submissions, including new requirements for performance-based budgeting.
26. **SB22 Padilla-Early Childhood Education & Care Dept.**-proposes to create the Early ECECD to administer early childhood programs for children from birth to age five and define early prekindergarten as a voluntary developmental readiness program for 3-year-olds and prekindergarten as a voluntary developmental readiness program for 4-year-olds. The bill would allow ECECD to transfer funds to the Public Education Department (PED) for an approved public provider or contract with any other eligible provider for the delivery of early-prekindergarten and prekindergarten program services.
27. **SB48 Stewart-Student Diabetes Management Act**-would create the Student Diabetes Management Act to train certain school personnel to help children with Types 1 and 2 diabetes and pre-diabetes, and provide for self-care by students with diabetes. The bill requires the Public Education Department (PED) to work with the New Mexico School Nurses Association, the American Diabetes Association and the Juvenile Diabetes Research Foundation to create a school personnel training program for diabetes care. At least two employees from every school attended by a student with diabetes must be trained in diabetes care and management. **Signed**
28. **SB147 Brandt-School Safety Drill Requirements**-would change the requirements for school emergency drills from approximately 13 emergency drills per school year to eight emergency drills per

year. During the first four weeks of the school year each school would be required to conduct one active shooter drill, one evacuation drill, and two fire drills. During the remainder of the school year, each school would be required to conduct at least four additional emergency drills, including two fire drills.

29. **SB148 Brandt-Former Officers as School Safety Personnel**-would amend the Public Employees Retirement Act to allow retired law enforcement officers to receive annual cost of living adjustments (COLA) if employed as school security personnel employed by an Educational Retirement Board (ERB) employer.
30. **SB157 Soules-Sick Leave for Educational Retirement Credit**-allows educational employees covered under the Educational Retirement Act to convert unused sick leave to New Mexico Educational Retirement Board (ERB) service credit. Eligible employees are required to pay ERB the present actuarial value of the additional service credit. The bill carries an effective date of July 1, 2020. **Signed**
31. **SB179 Stefanics-Disabilities Students Lottery Scholarships**-amends the Legislative Lottery Tuition Scholarship Act to extend scholarship eligibility to New Mexico residents who because of a disability left the state to receive a high school education. Currently the qualifications for the Legislative Lottery Tuition Scholarship require a student to either graduate from a high school in New Mexico or receive a high school equivalency credential while maintaining residency in New Mexico. **Signed**
32. **SB204 Gould-Medical Marijuana in Schools**-would create a new section of the Public School Code to permit the use, storage, and possession of medical cannabis in school settings under certain conditions. Students may not self-administer the medication, and parents, guardians, or school personnel may not administer the medication to students in a way disruptive to school. The bill provides an exception for school districts, traditional public schools, and charter schools that can demonstrate they would lose federal funding as a result of permitting medical marijuana in schools, although nonparticipants must post their decisions not to comply with the provisions of the bill in a conspicuous manner on their websites. SB204 would also remove criminal and civil liability for the use of medical cannabis on school premises, buses, or other public vehicles. The bill clarifies that school districts and public schools shall not discipline a school employee who refuses to administer medical cannabis and clarifies that local school districts and charter schools are to adopt policies and procedures to authorize the possession, storage, and administration of medical marijuana in schools, rather than promulgate rules to do so.
33. **SB 229 Stewart-School Support & Accountability Act**-would repeal the A-B-C-D-F Schools Rating Act and replace it with the School Support and Accountability Act. In compliance with the federal Every Student Succeeds Act (ESSA), the bill would differentiate and support Title I schools based on academic achievement and growth in math, English language arts, and science on statewide assessments; college, career, and civic readiness; chronic absenteeism; progress toward English language proficiency; and school climate. PED would be required to use these indicators to identify schools for traditional support, targeted support, comprehensive support, or more rigorous intervention.
34. **SB230 Stewart-Pre-K Classroom Facilities Initiative**-would allow public school prekindergarten facilities to be funded with a qualifying standards-based award under the Public School Capital Outlay Act and would also allow the Public School Capital Outlay Council (PSCOC) to adopt standards for prekindergarten classrooms. and authorize prekindergarten facilities as an allowable use of Public School Capital Improvements Act funds, commonly referred to as SB9 funds, and Public School Buildings Act funds, commonly referred to as HB33 funds.
35. **SB231 Stewart-Public School Capital Outlay Calculations**-would make technical corrections to the Public School Capital Outlay Act, particularly concerning the calculation of the state and local match formula that determines the portion of project costs school districts and charter schools must pay for Public School Capital Outlay Council (PSCOC) funded projects, along with other technical cleanup.
36. **SB280 Cisneros - Capital Outlay Expenditures**-authorizes \$933 million, including \$857.9 million from the general fund and \$75.1 million from other state funds to fund capital outlay projects statewide. The bill contains an emergency clause and includes: \$69.1 million for numerous public school projects, \$24

million for Impact Aid school districts to build above statewide adequacy standards, and \$10 million for teacher housing for Impact Aid school districts,

37. **SB288 Soules-Safe Schools for All Students**-would create the Safe Schools for All Students Act within the Public School Code requiring school districts to establish, adopt, and enforce bullying prevention policies and programs. SB288 would provide flexibility to allow for consequences unique to each incident and requires procedures for reporting, investigating, and appealing incidents. SB288 would require the Public Education Department (PED) to develop and promulgate rules that require school districts to develop and implement bullying prevention policies and programs within 180 days of the act's effective date. PED may collaborate with a team of experts to assist with the implementation of the act.
38. **SB329 Lopez-Opening Public Schools on Tribal Land**-would require the Public Education Department (PED), school boards and charter schools to consult with tribal leaders and community members when considering to open or close a public or charter school on tribal land. If planning to open a school, school boards and charter school applicants would be required to provide a culturally relevant plan intended to improve educational outcomes for Indian students. If planning to close a school, PED, school boards, and charter school authorizers would be required to provide a comprehensive rationale for closing the school as well as a transition plan for affected students and facilities.
39. **SB391 Brandt-High School GED External Diploma**-would amend Section 22- 2-8.8 NMSA 1978 to require the Public Education Department (PED) to authorize an external diploma program for adults who have not graduated from high school but want to enroll in a program that documents their educational experience through college and career readiness standards; assesses high school-level skills in applied life and work contexts; and prepares them to enter college or the workforce, upgrade skills, advance to a better job, or move from one work field to another. Successful completion of the program would result in a diploma issued to the student by PED, rather than a high school equivalency credential.
40. **SB398 Stewart-Dyslexic Student Early Interventions**-requires phasing in of universal dyslexia screening for first-grade students, and early interventions for students who are displaying characteristics of dyslexia in the 2019-2020 and 2020-2021 school years. It also requires all school districts to develop and implement a literacy professional development plan for all elementary school teachers.
41. **SB431 Martinez-Northern NM College**-would authorize NNMC to be the partner with local school districts to establish a branch community college to provide vocational and technical education, co-located on either its Española or El Rito campus. The bill would also make the branch community college ineligible for state appropriations through the higher education funding formula, instead permitting NNMC to seek approval from the voters of the local school districts for the imposition of a mill levy.
42. **SB576 Kernan-Broaden Area Vocational Schools Locations**-would permit local school boards, either individually or in collaboration with one another, to develop a plan for the establishment of an area vocational high school, which is to be submitted to the PED for approval. PED may approve plans that provide for sufficient funding for the operation of the school, which may include an election for a special levy of not more than \$1 for each \$1,000 of net taxable value. To be approved, the plan must also provide for a broad vocational and technical education program serving enough students to be financially viable, and comply with the state plan for vocational education. The bill removes requirements that the potential vocational high school be located on the premises of a postsecondary institution.
43. **SB593 Stewart-School Administrator Reciprocity Requirements**-would amend the School Personnel Act to grant a level 3-B administrator's license to a candidate who does not meet the other requirements and qualifications of that license if the candidate has a school administrator license issued in another state and has worked as a school administrator in good standing for at least six years.
44. **SB664 Steinborn-Education Retirement Benefits to Spouses**- amends Section 22-11-19 NMSA 1978 of the Educational Retirement Act to make a surviving spouse or domestic partner the beneficiary of a deceased member of New Mexico's educational retirement plan if no other beneficiary has been designated.

PUBLIC EDUCATION RELATED MEMORIALS PASSED
(DO NOT REQUIRE ACTION BY GOVERNOR)

1. **HM40 Figueroa-Study Paid Teacher Residency Programs**-requests the Legislative Education Study Committee (LESC) to study the efficacy and logistics of implementing paid teacher residency programs in New Mexico.
2. **HM45 L. Trujillo- Review Civics Education**-requests the Public Education Department (PED) to form a task force to review civics education in schools and to propose an improved curriculum to prepare students for the responsibilities of citizenship by November 1, 2019.
3. **HM57 L. Trujillo-School Ethical Conduct Task Force**-requests the Public Education Department (PED) to convene a task force to identify issues of concern regarding ethical misconduct involving moral turpitude, and to develop a strategic plan to ameliorate those concerns. The task force would be made up of 12 members, including one from NMSBA.
4. **HM58 Garratt-Study Adults in Public Schools**-requests the Public Education Department (PED) and the Higher Education Department (HED) to study the issues pertaining to adults in public schools and the availability and competence of adult basic education and other equivalency programs. PED and HED would be required to present their findings and recommendations to the governor and LESC by December 1, 2019.
5. **HM60 A. Romero- School Floor Plans to Law Enforcement**-requests the secretary of the Public Education Department (PED) to coordinate with each public and private school in the state to provide a copy of each school's floor plan to the Department of Public Safety (DPS). HM60 also requests the secretary of DPS to provide each law enforcement agency with copies of the floor plans for each school within the agency's jurisdiction. Lastly, the secretary of PED is requested to recommend to the legislature any necessary legislation to protect public and private schools' floor plans from disclosure pursuant to a public records request.
6. **HM64 L. Trujillo, D.M Gallegos, Armstrong-School Board Appreciation Day**-proclaims February 21, 2019 "School Board Appreciation Day" in the House of Representatives and congratulating the New Mexico School Boards Association for sixty years of service to New Mexico's school boards.
7. **HM72 Stapleton-Multicultural Education Task Force**-would request the creation of a task force that would have the duty to develop a definition of multicultural education and provide a report on the status of multicultural education in New Mexico to the appropriate interim legislative committee by November 1, 2019
8. **HM80 Stapleton-Importance of Magnet Schools**-recognizes the contributions of magnet schools in New Mexico, noting particularly their contributions toward racial and socioeconomic integration and cross-cultural communication, and requests copies of the memorial be transmitted to Magnet Schools of America and the Albuquerque Public Schools superintendent.
9. **HM88 Allison-Central Consolidated School District Impacts**-requests the Public Education Department (PED) to convene a task force to study the potential changes to Central Consolidated School District's (CCSD) property tax base and potential changes related to mill levies and bonding capacity to determine if the school district will have a potential deficit in funds to repay the bonds by August 1, 2019.
10. **SJM2 Padilla-Commit to Elimination of Achievement Gap**-would request the Legislature, state agencies, school districts, and local governments work together to eliminate the achievement gap.

11. **SJM3 Sanchez-Middle School Family & Consumer Sciences**-requests the secretary of the Public Education Department (PED) to explore strategies to reinstate and support family and consumer sciences courses in middle schools and requires the memorial be distributed to the New Mexico school boards association and other entities.

12. **SM27 Soules-School Library Assessment**-requests the Public Education Department (PED) to assist the New Mexico Libraries Association and the Libraries Transform New Mexico steering committee to conduct an assessment of school libraries and school librarians in New Mexico public schools to determine resources and needs for the operation of school libraries. The memorial requests PED present the findings and recommendations of the assessment to the LESC by October 1, 2019.

13. **SM64 Soules-School Board Appreciation Day**-proclaims February 21, 2019 "School Board Appreciation Day" in the Senate and congratulating the New Mexico School Boards Association for sixty years of service to New Mexico's school boards.

14. **SM124 Stewart-Central Consolidated School District Impact**-Senate Memorial 124 (SM124) requests the Public Education Department (PED) to convene a task force to study the potential changes to Central Consolidated School District's (CCSD) property tax base and potential changes related to mill levies and bonding capacity to determine if the school district will have a potential deficit in funds to repay the bonds by August 1, 2019.