

2017 Legislative Watch & Policy Outlook



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- **Introductions**
 - **Overview of Legislative Process**
 - **Overview of the Legislative Body and Themes This Session**
 - **Discussion of Particular Bills**
 - **Q & A**



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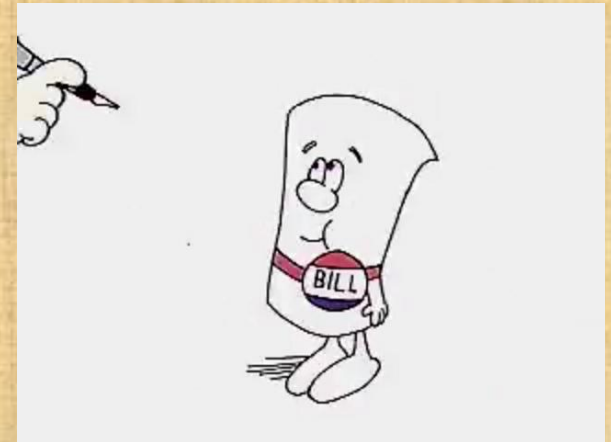
Overview of the Legislative Process

- 60 days/30 days
- Interim Committees
- Legislation introduced (bill) and assigned a number
- House – 577 regular bills
- Senate – 538 regular bills



Overview of the Legislative Process

- Three readings of a Bill in each Chamber
- Bill introduced in its respective chamber (1st reading)
- Generally assigned to 2 committees
- Third Reading means Floor Debate on the Bill



Overview of the Legislative Body and Themes This Session



Overview of the Legislative Body

- Bicameral Legislature – Two Chambers: House and Senate
- Both Democrat Controlled this Session
- House – **38 Ds** and **32 Rs**
- Senate – **26 Ds** and **16 Rs**

Leadership in the House

House of Representatives



Brian Egolf, Jr
Speaker Of The House



Sheryl Williams
Stapleton
Majority Floor Leader



Nate Gentry
Minority Floor Leader



Doreen Y. Gallegos
Majority Whip



Rod Montoya
Minority Whip

Leadership in the Senate

President of the Senate is the Lieutenant Governor John Sanchez

Senate



Mary Kay Papen
President Pro Tempore



Peter Wirth
Majority Floor Leader



Stuart Ingle
Minority Floor Leader



Michael Padilla
Majority Whip



William H. Payne
Minority Whip

House of Representatives Session Committees

Agriculture & Water Resources

Appropriations & Finance

Business & Industry

Consumer & Public Affairs

Education

Energy, Environment & Natural
Resources

Health & Human Services

Judiciary

Labor & Economic Development

Local Government, Elections, Land
Grants & Cultural Affairs

Rules & Order Of Business

State Government, Indian & Veterans
Affairs

Taxation & Revenue

Transportation, Public Works &
Capital Improvements

Senate Session Committees

Committees' Committee

Conservation

Corporations & Transportation

Education

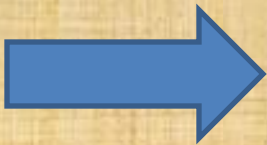
Finance

Indian & Cultural Affairs

Judiciary

Public Affairs

Rules



Themes this Session

- Money, money, money!
(or lack thereof)



- Economy
- Education



- Uncertainty from
Washington, DC



Discussion of Particular Bills



HB 174: LOCAL ELECTION ACT

(SMITH/IVEY-SOTO); CURRENT LOCATION: HOUSE CALENDAR

- Amends Election Code to repeal the School Election Law and to create a Local Election Act.
- Local Election Act consolidates elections for school districts, special hospital districts, community college districts, technical and vocational institute districts, learning center districts, arroyo flood control districts, special zoning districts, soil and water conservation districts, water and sanitation districts, conservancy districts, and municipalities.
- **School Board elections, and elections to serve on these other boards, are “regular local elections” which will be held on the 1st Tuesday after the 1st Monday in November of odd numbered years. §1-22-3**

HB 174: LOCAL ELECTION ACT

- A regular local election may contain ballot questions proposed by the school district. Ballot questions may also be held with a statewide general election or in a special local election. **§1-22-3C.**
- Regular local elections shall be called by a proclamation issued by the Secretary of State (SOS). **§1-22-4A.**
- Between 120 days and 150 days before the next local election, each district shall notify the SOS of board positions to be filled in that elections. The proclamation shall specify the date of the regular local election, the positions to be filled, and the date on which declarations of candidacy are to be filed. **§1-22-4B and 4C**
- After receipt of the proclamation, the county clerk posts the proclamation on the clerk's website, and not less than 70 days before the election, shall publish relevant portions of the proclamation at least once in a newspaper of general circulation in the county. The proclamation shall specify:
 - Date of the election; positions on each board, date of declaration of candidacy; precincts in each county and locations of polling places; hours of polling places and alternative voting location; date and time of closing of the voter registration books; **§1-22-4D**

HB 174: LOCAL ELECTION ACT

- Same precincts that were used in immediately preceding general election shall be used for local election. **§1-22-6**
- A candidate shall file a declaration of candidacy with the proper filing officer (county clerk of the county in which the candidate resides) between 9am and 5pm on the 70th day before the election **§1-22-7A**
- Candidate may only file for one position in the same local government but may file for a position in more than one local government. **§1-22-7B**
- 4th Degree felony to knowingly make a false statement in a declaration of candidacy. **§1-22-7C**
- Declaration of Candidacy requires a sworn statement of name, address, residence in and registered to vote in the area to be represented, and registered there on the date of the proclamation, that candidate is eligible and legally qualified to hold the office. **§1-22-8**
- Withdrawal of candidacy to occur no later than 63 day before the election. **§1-22-9**

HB 174: LOCAL ELECTION ACT

- County clerk to determine whether candidate is registered to vote in the local election district and, if required, whether the candidates nominating petition has been filed.
- If so, and no withdrawal, the candidates name will be placed on ballot and clerk will notify candidate in writing by 5pm on the 63rd day. **§1-22-10**
- Ballot will also contain any ballot questions submitted to voters as certified to the clerk.
- Local election ballots non-partisan with candidates names listed on the ballot without party or slate designation, in an order determined by the Secretary of State either by lot or randomization as provided by rule. **§1-22-10D**
- In member are to be elected at large for terms of the same length, the positions shall be designated “position one,” “position two,” etc.

HB 174: LOCAL ELECTION ACT

Ballot Order

- Local Election Act ballots shall list offices in the following order, when applicable (**§1-22-10.1**):
 1. Municipal elections (executive officers, governing board, judicial officers)
 - 2. School board elections**
 3. Community college elections
 4. Special district elections
 5. In the order prescribed by SOS:
 - a) County questions
 - b) Local gov't questions
 - c) Other ballot questions

HB 174: LOCAL ELECTION ACT

Ballot Order (cont'd)

- The Board of County Commissioners shall permit ballot questions on the local election ballot so long as there is sufficient space on both sides of a single page ballot. (**§1-22-10.1**)
- If insufficient space, the questions shall be included in the order received by the county clerk
- If second page require, it shall be permitted if the requesting local government pays

HB 174: LOCAL ELECTION ACT

Elections

- The County Clerk shall issue and publish the proclamation listing the name of each local gov't with a candidate or question on the ballot, the name of each candidate, each question submitted to voters, and the names of precinct board members and publish it for 2 successive weeks with last publication within 12 and 5 days before the election. **§1-22-11**
- Candidates may appoint one challenger for each precinct. **§1-22-13**
- Canvassing Board composed of the board of county commissioners. Within 10 days of the election, shall meet to canvass and certify results and send to the local governing body, SOS, and County Clerk. In the event of a tie, winner to be selected by lot. SOS to certify results on the 21st day after the election. **§1-22-15.**

HB 174: LOCAL ELECTION ACT

Term of Office

- The term of office for a candidate elected in a local election shall begin on January 1 following the election and the candidate shall take the oath of office on or after January 1 following the election. **§1-22-18**

HB 174: LOCAL ELECTION ACT

Absentee and Early Voting

- Provisions of the Absent Voter Act and Uniform Military Overseas Voter Act apply to absentee voting in local elections.
- Early voting shall be conducted in the office of the county clerk and at such alternate voting locations as may be established by the county clerk. **§1-22-19**

HB 174:

Special Elections

- Unless a special election is held with a general election or regular local election, the local government shall conduct the election by mailed ballot. **§1-24-3B**
- Postage pre-paid ballot will be mailed to each voter no earlier than 21 days prior to the election and no later than the 14 day prior. **§1-24-3C**
- Mailed ballot elections shall be used exclusively for voting in special elections on a ballot question, including a recall election, and shall not be used in elections of candidates for office **§1-24-3D**
- Local gov't to reimburse county for costs associated with special election. **§1-24-3E**
- No special election shall be held within 50 days before or after any statewide election (primary, general, or special statewide election or regular local election). **§1-12-71**

HB 174:

Bond Elections

- School district General Obligation Bond Elections are held pursuant to the Local Election Act. **§22-18-2**
- Election to impose tax pursuant to Public School Capital Outlay Act held pursuant to Local Election Act. **§22-25-5**
- Election to impose tax pursuant to Public School Buildings Act held pursuant to Local Election Act. **§22-26-5**
- Election to impose tax pursuant to Public School Lease Purchase Act held pursuant to Local Election Act. **§22-26A-10**

Effective Date and Temporary Provisions

- If the bill becomes law, it will be effective July 1, 2018.
- A local gov't officer whose term would have expired on or before 6/30/2020 before the effective date of the Act will expire 12/31/19.
- A local gov't officer whose term would have expire after 7/1/2020 but before 6/30/2022 before the effective date of the Act will expire 12/31/2021
- If term would have ended after 7/1/2022, it will now end on 12/31/2023.

HB 185 (Ferrary):

Limit Statewide School Testing Days

- Limits testing to no more than 25 hours in a school year and no more than 180 minutes per day without regard to the source of the assessment including school, district, state, or federal assessments
- Does not include individualized assessments for ELL, special education, or individual teacher assessments, and college and career readiness assessments.
- **Passed House and in hearing before Senate Ed. Committee today**

HB 46: Moratorium on New Charter Schools (Trujillo)

- From June 1, 2017 through January 1, 2020, no new initial applications for charter schools shall be accepted or approved by a chartering authority. (passed Consumer and Public Affairs Committee on 2/6 and scheduled for HEC hearing 2/25)

HB 273: CHARTER SCHOOL CHANGES (SMITH/IVEY-SOTO)

- Reduces size adjustment funding and enrollment growth funding for charters and districts.
- Requires PED to create separate at-risk value for each charter
- Provides automatic closure provisions for low-performing charters and expedited renewal process for high-performing charters
- Allows high performing charters to open a different site within jurisdiction of authorizer without approval of chartering authority
- Bill in HEC

HB 273: CHARTER SCHOOL CHANGES (Cont'd)

- Eliminates charter schools match obligation for capital outlay projects
- Changes audit procedures for charters
- Limits authorizers ability to restrict enrollment and number of charters granted each year
- Disallows authorizer line-item veto of budgets of charters

HB 473: CHARTER SCHOOLS CHARTERED BY PED (YOUNGBLOOD)

- Would make the Charter Schools Division of PED the charter authorizer for state chartered charter schools, rather than the PEC.
- Still in HEC

HB 454: CHARTERING OF VIRTUAL CHARTER SCHOOLS (ROCH)

- Distinguishes between local and state virtual charters
- Only PEC would authorize charters that take students from more than one district
- Proposed statewide virtual charter would have to notify every district of intent to open
- K-5 students only receive synchronous instruction
- 6-12 may have some asynchronous instruction
- Provides for early closure without appeal for virtual charters that fail to earn at least 35% of student growth factor points
- Pending in HEC

HB 453: ELIMINATE SOME REPORTING REQUIREMENTS (ROCH)

- Study estimates that required reporting costs average of \$211/per student annually for small districts in preparing annual accountability report;
- NM districts devote 66% more resources to districts in other states with advanced data collection capacity.
- Bill would eliminate requirement to conduct parent surveys, and to report on instructional material purchases, physical education, Even Start Family Literacy, and violence and vandalism report.
- Allows districts to publish accountability report on website rather than in newspaper.
- Scheduled for HEC on 2/25.

HJR 5: NO NEW SCHOOL ACTIVITY WITHOUT FUNDING (ROCH/IVEY-SOTO)

- Proposes constitutional amendment, to be submitted to voters.
- A state rule or regulation mandating any county, ~~[or]~~ city, school district or charter school to engage in any new activity, to provide any new service or to increase any current level of activity or to provide any service beyond that required by existing law, shall not have the force of law, unless, or until, the state provides sufficient new funding or a means of new funding to the county, ~~[or]~~ city, school district or charter school to pay the cost of performing the mandated activity or service for the period of time during which the activity or service is required to be performed.”
- Passed HEC and scheduled for HAFC 2/24.

SB 34: TEACHER AND PRINCIPAL EVALUATION SYSTEMS (MORALES)

- By June 1, 2017, PED to convene a council to develop a teacher and principal evaluation system for the department's adoption for evaluating teacher performance and principal performance in accordance with highly objective uniform statewide standards
- Teacher performance: **eighty percent** or more weight: 1) formative observations; 2) summative observations; 3) student learning measured by student learning objectives; 4) student feedback; and 5) school progress on the educational plan for student success; and **No more than 20% based** on (b) multiple measures of student learning, growth and achievement based on assessments that have a valid and reliable connection to teacher effectiveness

SB 34: TEACHER AND PRINCIPAL EVALUATION SYSTEMS (Cont'd)

- Principal Evaluation based on:
- (a) the following measures to be given **eighty percent or more** weight: 1) the operations of the school; 2) the principal's performance of teacher evaluations; 3) the principal's provision of support for improved teacher performance, as aligned with the state standards for each grade level and subject area 4) teacher and staff feedback compiled from research-based surveys; 5) parent feedback compiled from research-based surveys; 6) school climate and culture; 7) the principal's management of school personnel and the school site; and 8) school progress on the educational plan for student success; and
- (b) valid and reliable multiple measures of student learning, growth and achievement, to be given a significant portion, **but no more than twenty percent**
- Passed SEC and currently in Senate Finance Committee

SB 290: SCHOOL DISTRICT BUDGET FLEXIBILITY (SOULES)

- After budget approved, if SEG or unit value reduced 2% or more, districts may waive requirements related to individual class load, teaching load, length of school day/year, modify staffing patterns, subject areas, and purchase of instructional materials, or other adjustments as needed until the end of SY.
- Gives districts this flexibility for 2016-2017.
- Passed SEC and pending before SFC.

SB 305: CHARTER SCHOOL EQUALIZATION GUARANTEE (SAPIEN)

- Reduces virtual charter schools' state equalization guarantee by reducing program units by 25%.
- Passed SEC and pending in SFC

SB 329: INCREASE MINIMUM TEACHER SALARIES (STEWART)

- Increases level 1 minimum from \$30k to \$34k
- Increases level 2 and minimum to \$42k
- Increases level 3 minimum to \$52k
- Passed SEC and pending in SFC.

HB 70: LOCAL SCHOOL SUPERINTENDENT CRITERIA

- Limits contracts to two years
- Two evaluations in first years and at least one/year thereafter
- No renewals prior to 6 months before end of contract.
- Board may terminate contract without cause and pay no more than 8 weeks salary.
- Defines examples of “just cause” for termination; no severance for just cause termination.
- Provides for a hearing before the board and appeal to PED Secretary.
- Referred to HEC and HJC but has not been passed by HEC or sent to HJC

HB 114: READING IMPROVEMENT PLANS AND INTERVENTION (YOUNGBLOOD)

- Requires reading improvement plans for K-3 students who are not proficient.
- For grades 3-8, student must be proficient to be promoted to next grade.
- For students not promoted, new proficiency plans shall be developed.
- Referred to HEC, House State Govt., Indian, and Veterans' Affairs, and HJC. Still in HEC.

HB 392: ALTERNATIVE SCHOOL TRANSPORTATION

- Would allow for transportation of students to/from school by Suburban-type vehicles (instead of a bus) driven by a district employee when:
 - When district has between 1-6 students who live 5 or more miles from school provided that:
 - Superintendent must demonstrate to PED a \$5k or more cost savings
- Pending in HEC

NMSBA's YOU Decide

HB 75 LIMIT SCHOOL USE OF RESTRAINT & SECLUSION (SMITH/ARMSTRONG)

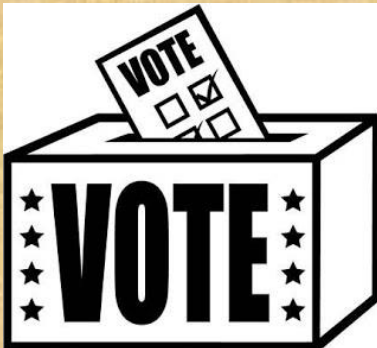
- Prohibits school districts/charter schools from using physical restraint and seclusion, except in emergency situations
- Passed the House Education Committee with a Committee Substitute
- Next: House Judiciary Committee



NMSBA's YOU Decide

HB 99 16-YEAR-OLDS VOTING IN SCHOOL ELECTIONS (MARTINEZ, J)

- Allows qualified electors who are sixteen years of age or older to register to vote *only in school elections.*



- Referred to House Local Government, Elections, Land Grants & Cultural Affairs Committee (HLELC)
- Not scheduled yet, intro'd on 1st Legislative Day

NMSBA's YOU Decide

HB 134 SCHOOL PERSONNEL MINIMUM SALARIES (TRUJILLO, Ch./TRUJILLO L.)

- Establishes a minimum salary of \$15.00/hour for certain school district personnel through FY19; and beginning in FY20, adjusts the salary based on the national consumer price index.



- Passed HLEDC and HEC
- Next House Appropriations & Finance

NMSBA's YOU Decide

HB 190 SCHOOL DISTRICT EMPLOYEE BACKGROUND CHECKS (ADKINS/EGOLF)

- Requires that all public school district applicants for employment, current employees and other persons allowed unsupervised access to students to be fingerprinted based background check.
- Passed HLEDC , HEC and House Floor 57-0
- Next Senate Intro



NMSBA's YOU Decide

CS/SB 219 DEFINE & REQUIRE SCHOOL ETHNIC STUDIES (LOPEZ)

- Defines “ethnic studies” and expands the types of courses to be offered as an elective to include ethnic studies.



- Passed SEC(CS)
- Next Senate Public Affairs Committee

NMSBA's YOU Decide

SJR 2 PUBLIC EDUCATION BOARD & SUPERINTENDENT, CA (PADILLA)

- Proposes amending the NM Constitution to create a ten-member elected state Board of Education to make education policy and appoint a Superintendent of Public Instruction to manage the Public Education Department.
- Referred to SRC & SJC
- Currently sitting in SRC
- Intro'd 1st Legislative Day



Questions?

www.nmlegis.gov

Thank you!

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