



NMSBA 2017 LEGISLATIVE REPORT

FINAL

HOUSE & SENATE BILLS SIGNED INTO LAW

HB 2 GENERAL APPROPRIATIONS ACT (LUNDSTROM) - Appropriates money from the general fund, other revenue, internal services funds/interagency transfers, and federal funds for FY18, except as otherwise specifically stated in the bill, for the operation of state agencies, higher education and public schools. *Bill contains \$2.697 billion in funding for public education for FY18. Restores \$12.1 million to the SEG which results in slight increase of 0.5%. Places an additional \$4.0 million in emergency supplemental to help districts with solvency. Increases below the line funding to PED by \$2.5 million.* **Partial Veto**

HB 41 ALTERNATIVE LEVEL 3-B ADMINISTRATOR LICENSE (ROCH/SALAZAR T.) – Provides for an alternative level three-B licensure track for instructional support providers and establishes minimum salaries.

HB 75 LIMIT SCHOOL USE OF RESTRAINT & SECLUSION (SMITH/ARMSTRONG) - Proposes a new section of the Public School code to prohibit school districts and charter schools from using physical restraint and seclusion, except in emergency situations, and not as planned educational interventions or disciplinary measures.

HB 113 STATEWIDE BROADBAND NETWORK (SMITH/IVEY-SOTO) – Provides for the chief Information officer to establish a statewide broadband network.

HB 301 SUPPORT FOR TRANSFERRING STUDENTS (GALLEGOS, D./CHASEY) – Requires the sending school district and the receiving school district enrolling a high school student who has experienced disruption in the education process through no fault of the student to provide that student with opportunities to participate in comparable school academic programs and extracurricular activities for which the student is eligible and to earn credits and graduate from high school.

HB 411 POINTS OF CONTACT FOR CERTAIN STUDENTS (GALLEGOS/KERNAN) – Requires schools to appoint a person who is a point of contact for students in foster care and students involved in the juvenile justice system.

HB 453 ELIMINATE SOME SCHOOL REPORTING REQUIREMENTS (ROCH) – Eliminates certain requirements in preparing the annual accountability report and provides for online publishing on the public school district website; eliminates certain reporting requirements for elementary physical education program plans as well as literacy program reports.

HB 477 COMMUNITY SCHOOLS INITIATIVES (HALL/GONZALES) – Requires community school initiatives to include an independently evaluated, evidence based or results-based community schools model designed to improve academic outcomes, increase attendance and strengthen behavior for all students.

SB 32 K-3 PLUS ELIGIBILITY (KERNAN) – Amends the Public School code to clarify the eligibility of certain students to participate in the K-3 Plus program and repeals the K-3 Plus pilot project section.

SB 38 BRAIN INJURY TRAINING FOR STUDENT ATHLETES (SOULES) - Requires brain injury training for student and other youth athletes.

SB 63 “EDUCATION TECHNOLOGY IMPROVEMENTS” (STEWART/SMITH) – Clarifies the uses of “education technology improvements” in the Public School Capital Improvements Act and the Public School Buildings Act.

SB 114 SCHOOL DISTRICT CASH BALANCES (NEVILLE/SMITH) – Withholds \$49.4 million from the FY 17 SEG distribution of school districts and charter schools as a credit against excess FY16 year-end operational cash balances.

SB 134 COMPUTER SCIENCE FOR SCHOOL GRADUATION (CANDELARIZ/SARINANA) - *Amends requirements for high school students to graduate and earn the New Mexico diploma of excellence by allowing students to substitute a computer science unit for either a mathematics or a science unit, provided that competence in the subject being substituted is demonstrated. LAW WITHOUT SIGNATURE?*

SB 135 CHARTER SCHOOLS IN SCHOOL DISTRICTS (MUNOZ) – Clarifies the use of the term “school district” and thereby requires PED to take credit for charter schools’ federal impact aid receipts.

SB 213 SUPPORT FOR TRANSFERRING STUDENTS (KERNAN) – Requires the sending school district and the receiving school district enrolling a high school student who has experienced disruption in the education process through no fault of the student to provide that student with opportunities to participate in comparable school academic programs and extracurricular activities for which the student is eligible and to earn credits and graduate from high school.

SB 374 HUNGER-FREE STUDENTS BILL OF RIGHTS (PADILLA/LOPEZ) – Provides for the rights of students and responsibilities of schools participating in free or reduced fee meal programs to ensure student nutrition needs are met and requires schools to provide a school lunch for a student regardless of ability to pay.

SB 381 ALTERNATIVE SCHOOL TRANSPORTATION (WOODS/GALLEGOS) – Amends the public school code to allow certain school districts to transport certain students by alternative means of transportation.

HOUSE & SENATE BILLS VETOED

HB 42 INSTRUCTIONAL MATERIAL DEFINITIONS & FUND (WILLIAMS STAPELTON) – Expands definition of instructional material and provides schools more flexibility in spending instructional material funds by eliminating the requirement that schools must use 50 percent of their annual instructional material allocations on materials from the multiple list.

HB 105 INNOVATIONS IN TEACHING ACT (ROMERO/IVEY-SOTO) – Adds the “innovations in Teaching Act” to the Public School Code, and establishes the “Innovations in Teaching Program” to promote the implementation of innovative pedagogical approaches and strategies in classrooms.

HB 124 TEACHER COMPETENCY FOR LICENSURE ADVANCEMENT (WILLIAMS STAPLETON) – Requires evidence of teacher competency for advancement in the three-tier licensure system.

HB 125 TEACHER & PRINCIPAL EVALUATION SYSTEM (WILLIAMS STAPLETON) – Creates a council that will work to develop a teacher and principal evaluation system.

CS/HB 174 LOCAL ELECTIONS ACT (SMITH/IVY-SOTO) – Creates the Local Election Act and provides for a single election day for all the named local governments' to include school board elections on the first Tuesday after the first Monday in November of odd-numbered years; requires special statewide ballot question elections to be conducted by mailed ballot; prohibits advisory questions on the ballot; eliminates write-in candidates in local elections; contains an effective date of July 1, 2018. **Pocket Veto**

CS/HB 185 LIMIT STATEWIDE SCHOOL TESTING DAYS (FERRARY) – Amends the public school code to limit the number of hours per semester and minutes per day that school districts and schools shall administer required statewide assessments to students to 25 hours per school year and not more than 180 minutes per school day.

HB 211 SCHOOL NEXT GENERATION SCIENCE STANDARDS (ROMERO/McCAMLEY/TRUJILLO) – Requires the PED to adopt and implement the next generation science standards beginning in the 2018-2019 school year.

HB 241 USE OF ATTENDANCE IN TEACHER EVALUATIONS (HARPER/ROCH/GARICA RICHARD/BRANDT/TRUJILLO, C.) – Amends the School Personnel Act to restrict the use of teacher attendance in teacher evaluations and provides that a teacher's use of up to ten days of sick leave shall not affect a teacher's attendance record. (For LESC) **Veto/Override Passed Senate/Failed House**

HB 265 EDUCATIONAL ASSISTANT PROBATION PERIOD (ROYBAL CABALLERO) – Amends the School Personnel Act to reduce the probationary period for nonlicensed school employees and licensed educational assistants to one year.

HB 287 STUDENT DIABETES MANAGEMENT ACT (DODGE) – Creates the Student Diabetes Management Act to provide for diabetes management by students and school personnel; provides for rulemaking, enforcement and penalties.

HB 484 SCHOOL INDIAN STUDENT NEEDS ASSESSMENTS (LENTE) – Requires needs assessments to determine what services school districts need to provide to Indian students to help them graduate and be ready for college and careers.

SB 30/a ESTABLISH & STUDY TEACHER COST INDEX (MORALES/ROCH) – Replaces the current instructional staff Training and Experience (T&E) index with a teacher cost index; limits size adjustment program units for charter schools and increases the at-risk index multiplier over five years. Amendment sets a phased reduction of size adjustment program units at 50% in FY22 and subsequent fiscal years and provides that charter schools receive the at-risk index of the school district in which the charter school is geographically located.

SB 39 “CURRENT YEAR MEM” IN SCHOOL CODE (MORALES) - Amends the Public School code to clarify the definition of “current year mem” in calculating enrollment growth program units.

SB 64 PUBLIC SCHOOL CAPITAL OUTLAY TIME PERIODS (STEWART) – Amends the Public School Capital Outlay Act by removing the sunset date for the education technology infrastructure deficiency corrections initiative, known as the Broadband Deficiency Corrections Program (BDCP).

SB 147 SCHOOL CAPITAL OUTLAY STATE-LOCAL MATCHES (STEWART) – Changes the formula by which the state-local matches are determined and adds definitions.

SB 148 STUDENT DISBETES MANAGEMENT ACT (STEWART) – Creates the Student Diabetes Management Act to provide for diabetes management by students and school personnel; and, provides for rulemaking, enforcement and penalties.

SB 200 CERTIFIED SCHOOL EMPLOYEE PROGRAM UNITES (SAPIEN) - Amends the Public School Finance Act to provide program units for licensed school employees certified by the National Board for Professional Teaching Standards for the 2017-2018 school year and subsequent years.

SB 208 SCHOOL ADVANCED PLACEMENT POLICY (SAPIEN) – Requires public post-secondary education institutions to accept for credit passing scores on the College Board Advanced Placement (AP) examinations beginning in the 2017-2018 school year. **Pocket Veto**

SB 241 SCHOOL VISUAL ARTS & PHYSICAL ED STANDARDS (STEWART) – Requires PED to adopt academic content and performance standards for performing and visual arts and national physical education standards.

HB 307 CAREER-TECHNICAL PROFESSIONAL DEVELOPMENT (STAPLETON/TRUJILLO,C) – Requires professional development for career-technical teachers and educational assistants in the same manner as teachers of other subjects for which the PED has promulgated standards and benchmarks.

SB 462 CAPITAL IMPROVEMENTS PROJECTS (CINSNEROS) Provides \$46.1 million in revenues to school districts to restore the cash balance sweep taken earlier this session. Specifically the bill utilizes severance tax bond funds to free up general funds to repeal the cash balance sweep.

HOUSE & SENATE MEMORIALS PASSED

HM 15 ALLOW SCHOOL ACADEMIC ACCELERATION (TRUJILLO, C) – Requests PED to allow academic acceleration in public schools and research options to allow for early entry into kindergarten, permit credit for demonstrated mastery, and establish needs and research-based interventions for gifted and high-ability learners as a priority for expending Every Student Succeeds Act funds.

HM 85 APS MEETINGS WITH LEGISLATORS (ADKINS/TRUJILLO, C/ROYBAL CABALLERO) – Requests the Albuquerque Public School District to meet at least quarterly with district legislators and other public officials.

HM 109 STUDY SCHOOL DISTRICT CASH BALANCES (TRUJILLO, L/GARCIA RICHARD/ROCH) – Requests the Legislative Education Study Committee to study different methodologies for determining appropriate cash balances for different school districts and charter schools.

HM 121 “CHUCK DAVIS DAY” (TRUJILLO, L./FERRARY/GOMEZ) – Declares March 14, 2017 “Chuck Davis Day” in the House of Representatives and recognizing his outstanding service to New Mexico.

SJM 1 STUDENT ASSESSMENT POLICY WORKING GROUP (PADILLA) – Requests that PED and LESC convene a working group of education representatives and researchers to develop recommendations for a new student assessment policy aligned with the alternative assessment models allowed by the federal Every Student Succeeds Act.

SJM 11 COLLECT SCHOOL PHYSICAL ED DATA (STEWART) - Request the PED and the Department of Health to collect current data on the status of elementary school physical education to develop a plan for increased weekly physical education instruction.

SJM 14 SCHOOL INFO ON MENINGOCOCCAL DISEASES (CANDELARIA) - Requests all state private and public high schools, colleges and universities to provide information to all students and parents about meningococcal disease; and explain the different disease serogroups, symptoms, risks, vaccines and treatments.

SM 145 SCHOOL GRADES WORK GROUP (STEWART) – Requests the LESC in consultation with the PED to convene a school grades work group to collect and analyze education data on best practices and innovative programming that improve student learning and school grades; collect and analyze education stakeholder data and other input regarding school grades; consider the disparity of learning and teaching resources throughout the state and provide findings and recommendations for potential improvements for schools and the school grading system to the LESC by December 1, 2018

NMSBA OPPOSED BILLS THAT DID NOT PASS HOUSE & SENATE

HB 70 LOCAL SCHOOL SUPERINTENDENT CRITERIA (REHM) – Amends the School Personnel Act to create additional duties for local schools boards in hiring superintendents; details specific terms of employment contracts including salary, benefits, duties, dates of employment; provides for an appeal of a school board’s employment decision to PED Secretary; includes factors regarding termination and severance pay.

HB 114 READING IMPROVEMENT PLANS & INTERVENTIONS (YOUNGBLOOD) – Requires reading improvement plans that include stepped interventions and remediation for students who are not proficient in reading at the end of kindergarten or grade one or grade two and allowing those students to be retained; providing that a student who is not proficient in reading at the end of grade three shall be retained and provided with a reading improvement plan that includes interventions and remediation that are different from earlier plans.

HB 273 CHARTER SCHOOL CHANGES (SMITH/IVEY-SOTO) – Amends a section of the Audit Act to include charter schools in the definition of “agency”; amends the Public School Code to allow high-performing charter schools to renew their charter through a streamline process; provides for automatic

closure of a poorly performing charter school; open multiple sites and expand its enrollment; removes limits on amount of charter schools that may be created each year; clarifies time in which charter school must provide capital improvements information to a school district for property tax imposition purposes; removes the local match requirement for charter school capital outlay grants; clarifies requirements for charter school budgets, size adjustment, enrollment growth and at-risk factors; establishes a funding formula cost differential for new charter schools.

CS/SB 256 K-6 MINIMUM SCHOOL HOURS & DAYS (CERVANTES) – Increases the minimum instructional hours and days in a school year for students in kindergarten through sixth grade.

SB 302 SCHOOL BOARD VACANCY & CANDIDACY REQUIREMENTS (MUNOZ) – Creates the School election Law to require a special election to fill a vacancy on a school board within 30 days; provides for election procedures; and requires candidates to file proof of primary residency with their declarations of candidacy.

SELECTED BILLS THAT DID NOT PASS

HB 46 MORATORIUM ON NEW CHARTER SCHOOLS (TRUJILLO C.) – Creates a new section of the Charter Schools Act to establish a moratorium on the authorization of new charter schools from June 1, 2017 through January 1, 2020.

HB 47 EXTEND SCHOOL BUS REPLACEMENT CYCLE (ROCH) - Extends the school bus replacement cycle from twelve to fifteen years.

HB 99 16-YEAR-OLDS VOTING IN SCHOOL ELECTIONS (MARTINEZ, J) – Propose to allow qualified electors who are sixteen years of age or older to register to vote only in school elections.

HB 134 SCHOOL PERSONNEL MINIMUM SALARIES (TRUJILLO, C./TRUJILLO L.) – Establishes a minimum salary of \$15.00 per hour for certain school district personnel through FY19; and, beginning in FY20 adjusts the salary based on the national consumer price index.

CS/HB 160 SCHOOL DISTRICT FULL-TIME NURSES (HERRELL) – Requires school districts to include a full-time department-licensed registered school nurse in their budgets unless a waiver is granted. Committee substitute bill appropriates \$950,000 for FY 18 for districts fewer than 500 MEM.

HB 178 SCHOOL FUNDS FOR BUS PASSES FOR STUDENTS (HALL, GARCIA RICHARD/TRUJILLO, C.) – Allows school districts and charter schools to use a portion of their state transportation funds to purchase long-term passes for high school students use in travelling to and from school.

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 be subject to a fingerprint based background check.

HB 297 SCHOOL DISTRICT CAMPAIGN REPORTING DATES (SMITH/CANDELARIA) - Changes the reporting dates in the School District Campaign Reporting Act.

HB 340 EDUCATION STRATEGIC PLANNING TASK FORCE (SMALL/GARCIA RICHARD/ROCH) – Creates an “Education Strategic Planning Task Force” to develop a 20 year strategic plan for education from early childhood through college graduation.

HB 461 EDUCATION COMMISSION STRATEGIC PLAN (CABALLERO) – Amends the Public School code to specify and clarify the duties of the Public Education Commission in terms of the requirement to develop an education strategic plan.

HJR 5 NO NEW SCHOOL ACTIVITY WITHOUT FUNDING, CA (ROCH/IVY-SOTO) – Proposes an amendment to the Constitution to prohibit state rules or regulations that mandate new or increased activity or service by school districts or charter schools from having the force of law unless funding is provided.

SB 34 TEACHER & PRINCIPAL EVALUATION SYSTEM (MORALES) - Creates a council to develop a teacher and principal evaluation system and related recommendations for the public education department’s adoption to work from June 1, 2017 through December 31, 2021; and requires reporting to the governor and legislative education study committee.

SB 35 PUBLIC SCHOOL FUNDING SUFFICIENCY (SOULES) – Appropriates from the general fund \$368,500,000 to address sufficiency of public school funding for distribution as part of the States Equalization Guarantee (SEG) for expenditure in FY18 based upon the funding increase recommended in the 2008 independent study of the NM funding formula.

SB 40 STATE SCHOOL GRADES COUNCIL (MORALES) – Creates a state school grades council to study and make recommendations on school grading; provides a temporary schema that includes multiple valid and reliable factors in determining school grades; amends a section of law to eliminate reference to school grading; repeals the A-B-C-D-F schools rating act.

SB 62 SCHOOL RATING GRADING POINT SYSTEM (STEWART) – Creates a school grades work group to meet during the 2017 and 2018 interims to collect and analyze education stakeholder input regarding school grades.

SB 66 SCHOOL FUND TRANSPORTATION DISTRIBUTION (STEWART) – Creates a transportation distribution for school districts and state-chartered charter schools and establishes requirements for expenditure of its proceeds, including the transfer of 100% of unspent balances of the state-chartered charter school’s transportation allocation to the transportation emergency fund.

SB 115 SAFE SCHOOLS FOR ALL STUDENTS ACT (SOULES) – Creates the Safe Schools for all Students Act to require PED to promulgate rules to require school districts to develop bullying prevention policies and programs; repeals the current section of the bullying and cyberbullying prevention programs of the Public School Code.

CS/SB 140 SCHOOL DISTRICT FLEXIBILITY (BRANDT) - Allows all school districts or public schools that exceed educational standards by achieving a grade of A or B for two consecutive years to have the same waiver flexibility allowed for charter schools.

CS/SB 219 DEFINE & REQUIRE SCHOOL ETHNIC STUDIES (LOPEZ) – Amends the Public School Code to define “ethnic studies” and requires ethnic studies in grades 4 through 12.

SB 279 SEG SIZE ADJUSTMENT UNIT ELIGIBILITY (STEWART) – Clarifies that in addition to alternative and vocational programs, any school that is a supplemental accountability model school that qualifies for a modified accountability calculation pursuant to department rule, is ineligible to generate size adjustment program units.

CS/SB 290 SCHOOL DISTRICT BUDGET FLEXIBILITY (SOULES) – Gives school districts the flexibility needed to operate when SEG appropriations or the unit value is reduced after school budgets have been approved; waives certain requirements when such funding shortfalls occur; declares an emergency.

SB 305 CHARTER SCHOOL EQUALIZATION GUARANTEE (SAPIEN) – Amends the Public School finance Act to provide a reduced State Equalization Guarantee (SEG) amount for virtual charter schools.

SB 329 INCREASE MINIMUM TEACHERS’ SALARIES (STEWART) - Increases the annual minimum teachers’ salaries to \$34,000 for Level 1 teachers; \$42,000 for Level 2 teachers; and, \$52,000 for Level 3 teachers.

SJR 2 PUBLIC EDUCATION BOARD & SUPERINTENDENT, CA (PADILLA) – Proposes an amendment to Article 12, Section 6 of the Constitution of New Mexico 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.