



NEW MEXICO SCHOOL BOARDS ASSOCIATION

PUBLIC EDUCATION LEGISLATION

PASSED BY THE 2021 LEGISLATURE & SIGNED BY THE GOVERNOR

HB 2 & 3 General Appropriations Act (Patricia A. Lundstrom) – Makes Public School general fund appropriations for FY22 of \$3.39 billion, up \$175 million or 5.5 percent increase from FY21.

- The bill provides \$110 million for extended learning, including K- Plus, an extra 25 days for all at-risk elementary schools, and extended learning time, 10 extra days, for all grades K-12 and also eliminates credit for local revenue, notably impact aid.
- It also includes a 1.5 percent cost-of-living adjustment for public school employees.
- Federal stimulus in December 2020 will provide school districts an additional \$439 million, and the recently enacted federal American Rescue Plan of 2021 further provides an additional \$1 billion for public school operations, addressing possible enrollment losses not covered by the formula.
- Includes \$20 million for targeted funding to at-risk schools (the family income index) and \$20 for community schools from the education reform fund. The bill includes an additional \$692 thousand for food and nutrition programs.
- Governor's Line-Item Vetoes
 - Removed the "average" language for all salaries so each public school employee shall receive at least a 1.5% salary increase.
 - Removed budget approval restrictions for new districts who opt into a four-day school week.
 - Removed the requirement for districts with instructional materials fund balances to demonstrate funding levels are sufficient to provide a sufficient education for all students.
 - Removed language preventing districts from generating excess elementary physical education program units.
 - Removed language requiring the use of department ESSR Funds for protection of enrollment growth units

HB 4 NM Civil Rights Act (Georgene Louis, Brian Egolf, Joseph Cervantes) - Enacts the New Mexico Civil Rights Act; permits an individual to bring a claim against a public body or person acting on behalf of or under the authority of a public body for a violation of the individual's rights, privileges or immunities arising pursuant to the constitution of New Mexico; prohibits the use of the defense of qualified immunity; mandates attorney fees; provides a 3-year statute of limitations.

HB 6 State Equalization Guarantee Distributions (Patricia A. Lundstrom, Brian Egolf, Harry Garcia) - Relates to public school finance; specifies uses for state equalization guarantee distribution offsets for certain federal and property tax revenue source. (LFC)

HB 22 Grow Your Own Teachers Act Scholarships (Joy Garratt, Michael Padilla, Raymundo Lara) - Expands who qualifies for scholarships under the Grow Your Own Teachers Act; provides professional leave to public school employees who are recipients of scholarships under The Grow Your Own Teachers Act. (LESC)

HB 29 No School Discrimination for Hair (Sheryl Williams Stapleton, Patricia Roybal Caballero) - Relates to race; prohibiting the imposition of discipline, discrimination or disparate treatment in schools based on the hair or cultural headdresses of a student; defining terms in the public school code and the Human Rights Act.

HB 43 Black Education Act (Sheryl Williams Stapleton) - Enacts the Black Education Act, creates a department liaison; creates an advisory council; provides powers and duties, requires racial sensitivity and anti-racism training or professional development for school personnel; requires the Public Education and Higher Education Departments to cooperate in developing programs, curricula and instructional materials that recognize and teach black culture and anti-racism and to improve job opportunities for black people in public and Higher Education; requires an annual statewide status report; makes an appropriation.

HB 52 Bilingual Multicultural Ed Advisory Council (Natalie Figueroa) – Creates the Bilingual Multicultural Education Advisory Council (to advise the PED on matters related to Bilingual Multicultural Education); provides duties; defines “Bilingual Learner” in the Bilingual Multicultural Education Act. (LESC)

HB 128 School Personnel Background & Training (Debra M. Sarinana, Christine Trujillo, Susan K. Herrera, Joy Garratt, Marian Mathews) – Relates to school personnel; requires applicants for school employment or school volunteer positions to disclose past ethical misconduct; requires local school boards to adopt policies tracking child abuse allegations; provides definitions; requires the PED to maintain a list of reports involving child abuse or ethical misconduct; allow termination of school employment or school volunteer position decision to be public; adds ethical misconduct to school training programs; requires school volunteers to complete school training programs; requires reports of child abuse by school personnel, school volunteers, contractors or contractor’s employees to be reported to the PED; requiring child abuse by other adults, in addition to child abuse by a parent, custodian or guardian to be reported. (LESC)

HB 188 Secondary Computer Science Teacher License (Debra M. Sarinana) - Relates to teacher licensure; provides for a license endorsement for secondary computer science; makes an appropriation.

HB 222 Special Education Ombudsman Act (Elizabeth “Liz” Thomson, Linda M. Lopez, Joanne J. Ferrary, Siah Hemphill) - Enacts the Special Education Ombud Act; establishes the Office of the State Special Education Ombud; provides duties; requires investigation and resolution of concerns; provides access to student educational records; provides for the confidentiality of records; provides potential actions for noncompliance; requires an annual report; makes an appropriation.

HB 266 Special Education Technology Licenses (Natalie Figueroa) - Relates to school personnel, changes the requirements for alternative level one teaching license for special education teachers, grandfathering current licensees.

HB 331 Transportation Hold Harmless (A. Romero) - Holding School Districts and Charter Schools harmless in FY 2022 funding formula calculations for effects of the coronavirus disease 2019 pandemic on transportation; making temporary adjustments to transportation distributions.

SB 17 Family Income Index (Mimi Stewart) - Enacts the Family Income Index Act; requires calculation of a family income index and provides for funding distributions to school districts through that index; establishes uses for those distributions; requires information-sharing agreements; provides confidentiality exceptions.

SB 40 K-5 Plus & Extended Learning at all Schools (Mimi Stewart) - Allows K-5 Plus and Extended Learning Time Programs at all public schools for the 2021-2022 school year if in-person instruction is not prohibited by Executive Order or Resolution of a local school board; makes an appropriation. (LESC)

SB 42 Increase Education Retirement Contributions (Mimi Stewart) - The bill increases employer contributions for entities with employees covered by the Educational Retirement Board (ERB) to 1 percentage point each year for two years; requires ERB produce a report on options to improve pension plan solvency without additional contributions from public employers for the Department of Finance and Administration,

Legislative Finance Committee, the Legislative Education Study Committee, and other appropriate interim legislative committees; and extends the current return-to-work program for ERB members through January 1, 2024, from its current sunset of January 1, 2022.

SB 43 Funding of Demolition of Abandoned Schools (William Soules) - Relates to Public School Capital Outlay; allows allocations from the Public School Capital Outlay Fund to fully fund the demolition of abandoned school district facilities.

SB 51 Charter School Enrollment Preference (Siah Correa Hemphill) - Relates to charter schools; provides an enrollment preference for students who parents are employees of the charter school. (LESC)

SB 80 No School Discrimination for Hair (Harold Pope, Jr, Linda M. Lopez, Antoinette Sedillo-Lopez, Benny Shendo, Jr. Shannon D. Pinto) - An act relating to race; prohibiting the imposition of discipline, discrimination or disparate, treatment in schools based on the hair or cultural headdresses of a student; defines terms in the Public School Code and the Human Rights Act.

SB 106 Surety Bond for Driver Education School (William Soules) - Relates to driver Education School Surety Bonds; increases the required surety bond for Driver Education School.

SB 144 Remote Education Technology Infrastructure (Pete Campos) - Includes hardware necessary to establish broadband connectivity among students, teachers and educational resources in the definition of "Education Technology Infrastructure" in the PSCO Act; requires the PSCO Council to establish guidelines to fund education technology infrastructure to ensure that those expenditures are in accord with the development of a statewide education technology in infrastructure network; declares an emergency.

SB 271 Purple Star Public School Program (Harold Pope, Jr., Siah Correa Hemphill) - Creates Purple Star Public Schools, which are schools that demonstrate a commitment to students and families connected to the United State Military or honor the accomplishments of Veterans and active and reserve members of the military and the national guard.

SB 272 Military Family Early School Enrollment (Harold Pope, Jr.) - Requires school districts and charter schools to allow military families to enroll school-age children prior to their physical presence in the state.

SB 345 Per Diem and Mileage Act (Roberto "Bobby" J. Gonzales, Nancy Rodriguez) - Relates to public officers, clarifies attendance pursuant to the Per Diem and Mileage Act; changes the rates of per diem reimbursement for in-state travel for certain public officers and employees.

SB 377 General Appropriations and Expenditures (George K. Munoz) - Various appropriations along with: Provides \$250,000 for Early Childhood Education and Care Department to provide additional public and private pre-kindergarten placements.

PUBLIC EDUCATION RESOLUTION & MEMORIALS

PASSED BY THE 2021 LEGISLATURE

HJR 1 Permanent Fund for Early Childhood, CA (Elizabeth "Liz Thomson", Antonio "Moe" Maestas, Javier Martinez) - A joint resolution proposing an amendment to Article 12, Section 7 of the Constitution of New Mexico, subject to the approval of congress, to provide for additional annual distributions of the Permanent Funds, including distributions from the Permanent School Fund for Early Childhood Educational Services.

HJM 5 Study Effects of Funding Formula Changes (Stapleton, Lundstrom, A Romero, Dow) - Request the LESC and the LFC to appoint a joint subcommittee to study the effects of changes to the public school code on the funding formula and to provide recommendations to the 55th legislature, second session.

HM 18 Teacher Workforce Task Force (Natalie Figueroa) - Requests the PED Secretary and HED Secretary to convene a teacher workforce task force to study increasing the number and type of teachers and to create a diverse, qualified and effective teacher workforce to meet the needs of Native American students, English language learner students, students with disabilities and low-income students, as identified in Martinez and Yazzie v. State of New Mexico.

HM 24 Study Funding Formula At-Risk Index (Rebecca Dow) - Request the PED to study and develop a new at-risk index for the public school funding formula.

HM 26 Develop Education Plan for Yazzie Lawsuit (Derrick J. Lente) - Requests PED to develop a comprehensive education plan to address the consolidated Yazzie/Martinez v. State of New Mexico court decision and order in consultation with the plaintiffs; requests the PED to provide the legislature with an annual report on the implementation of the comprehensive education plan and compliance with the Constitution of NM to provide at-risk children with a uniform and sufficient education.

SM 1 Task Force to Promote Outdoor Classroom (Siah Correa Hemphill) - Memorial requesting the establishment of a task force to promote the use of outdoor classrooms in New Mexico Schools and Requesting the Governor to declare an “Outdoor Learning Day” in 2021.

SM 24 Dr. Karen Trujillo in Memory (William P. Soules) - A memorial in memory of Karen Trujillo, PH.D. an advocate and champion for the children of New Mexico.

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HB 25 LESC Study of Public and Post-Secondary Ed. (G. Andres Romero) – Provides for the Legislative Education Study Committee to study issues pertaining to public schools and public post-secondary education in New Mexico.

HB 287 Access to Culturally Appropriate Services (Wonda Johnson) - Requires the PED to convene a task force to conduct an asset mapping and GAP analysis of public-school students; access to culturally appropriate social services throughout the state, makes an appropriation.

SB 131 Discretionary Program Units (Mimi Stewart) - Relates to Public School Capital Improvements; creates discretionary program units; defines “Discretionary Program Units”; excludes certain program units in calculation distributions to school districts pursuant to the Public School Capital Improvements Act. (PSCOOTF)

SB 341 Legislative Appropriation for Community Schools Fund (Steven P. Neville) - Relates to community schools, makes the community schools fund subject to appropriation by the legislature.