



NEW MEXICO SCHOOL BOARDS ASSOCIATION

2023 PUBLIC EDUCATION LEGISLATION

PASSED BY HOUSE AND SENATE AND AWAITING ACTION BY THE GOVERNOR

HOUSE BILLS

1. **HB 2 General Appropriation Act of 2023** (Nathan P. Small, Meredith A. Dixon) – Appropriates \$9.57 billion from the general fund for recurring agency spending, up \$1.16 billion over FY23, or about 13.7 percent. The public school appropriation is \$4.12 billion, up 8 percent from FY23, or about \$302 million, and includes \$252 million in the SEG for extended learning, \$15 million for education assistants, \$32 million for at-risk students, and \$40 million nonrecurring for career technical education. Public school employees would receive average salary increases of 5 percent, and the minimum salary for educational assistants would be \$25 thousand. HB2 also provides a 1 percent education pension contribution increase and provides parity with state employees for educator health insurance coverage.
2. **HB 4 Voting Rights Protections** (Martínez, Chasey, Duhigg, Johnson, Lara) Proposes changes to election statutes; requires that every general election and regular local election shall be a school holiday for students and staff at each public school in this state. Effective July 1, 2024.
3. **HB 7 Reproductive & Gender Affirming Health Care** (Serrato, Little, Ortez, Szczepanski, Anyanonu) - Prohibits public bodies from discriminating against persons based on their use or non-use of reproductive or gender-affirming care.
4. **HB 125/a School Dual Credit Task Force** (G. Andres Romero, Natalie Figueroa, Joanne J. Ferrary) – Creates a 12-member dual credit task force; provides duties; requires a final report.
VETOED
5. **HB 126/a School Graduation Requirements** (G. Andres Romero, T. Ryan Lane) – Changes graduation requirements for students entering ninth grade in the 2024-2025 school year. (LESC)
6. **HB 127 Education Assistant Salary Increases** (Susan K. Herrera, Brian G. Baca, Willie D. Madrid, Debra M. Sarinana, Christine Trujillo) – Increases the minimum annual salary for educational assistants to \$25,000. (LESC) **SIGNED**
7. **HB 130/a K-12 Plus Program** (Joy Garratt, G. Andres Romero, Mimi Stewart) – Creates the K-12 Plus Program; provides additional program units for public schools; defines instructional hours and professional hours; repeals the K-5 Plus Act and extended learning time program units. (LESC) **SIGNED**
8. **HB 134/a Menstrual Products in School Bathrooms** (Christine Trujillo, Kristina Ortez, Joy Garratt, Tara L. Lujan, Linda Serrato) – Requires menstrual products be provided to students at no cost in public elementary, middle, and high school bathrooms.
9. **HB 148 Early Childhood Dept. Tribal Agreement** (Derrick J. Lente) – Authorizes the Early Childhood Education and Care Department to enter into intergovernmental agreements with tribal governments.
SIGNED
10. **HB 181 National Board Certified Program Units** (Debra M. Sarinana, Joanne J. Ferrary, Christine Trujillo, William P. Soules) – Provides for program units for licensed school employees certified by the National Board for Professional Teaching Standards.
11. **HB 189 Educational Retirement Changes** (SB Bill 20) (Cathyrnn Brown) Allows eligible employees of Southeast New Mexico College to participate and amends law to align the age by which distribution of pension benefits must begin with federal law.

12. **HB 198 Career Tech Funds for Indian Ed School** (Derrick J. Lente, Susan K. Herrera, Anthony Allison, Reena Szczepanski, D. Wonda Johnson) – Amends the Career Technical Education Pilot Project and the Career Technical Education Fund to include secondary schools funded by the Federal Bureau of Indian Education.
13. **HB 199 Increase School At-Risk Index** (Brian G. Baca, G. Andres Romero, Joy Garratt, Tanya Mirabal Moya, Jason C. Harper) - Increases the At-Risk Index; increases the Fine Arts Factor, increases the Responsibility Factors for elementary, middle, and high school principals and assistant principals. (LESC)
14. **HB 216 LESC Public Education Study** (G. Andres Romero, Patricia Roybal Caballero, Christine Trujillo, Candy Spence Ezzell, Tanya Mirabal Moya) – Provides for the LESC to study issues pertaining to New Mexico’s entire public educational system. Effective July 1. 2024.
15. **HB 226 Instructional Materials & Procurement Code** (Raymundo Lara) – Exempts certain purchases of instructional materials from the procurement code; excludes the purchases of instructional materials from procurement through the state purchasing agent.
16. **HB 280/a American Indian Ed Tech Assistance Centers** (Derrick J. Lente) – Relates to Higher Education, provides for the establishment of two American Indian Education Technical Assistance Centers in the state to serve American Indian students; provides powers and duties; requires RFPs for the operation of the centers. (PED)
17. **HB 342/a Education Savings Plan Uses** (T. Ryan Lane, Peter Wirth) – Aligns the uses of education savings plans provided for in the Education Trust Act to comply with federally allowable uses of the savings. **SIGNED**
18. **HB 375 Charter School Expenditure Plan** (Joy Garratt, Joshua Hernandez) – Requires the chartering authority to provide an oversight and expenditure plan for the money retained from a charter school’s SEG distribution; requires reports.
19. **HB 401 Rename Technology for Education Act** (Brian G. Baca) – Renames the Technology for Education Act as the Digital Equity in Education Act; provides definitions; provides PED duties; provides rulemaking authority; repeals the Education Technology Opportunity Program and other sections of the NMSA 1978; requires school districts to submit education technology plans.
20. **CS/HB 481/a Align School Reading Materials** (T. Ryan Lane) – Amends the Reading Materials Fund to fund elementary literacy materials aligned to the science of reading.
21. **HB 505 Capital Outlay Projects** (Derrick Lente) Makes major appropriations for state agencies, higher education, and statewide public school priorities including \$16.015 million to the public education department for bus cameras and school bus replacements; and \$121.015 million for CTE, Pre-K and School Security Systems.
22. **CS/HB 533 School Group Insurance Contributions** (Raymundo Lara, Natalie Figueroa) – Increases the minimum share of employer group insurance contributions for school districts, charter schools and participating entities in the PSIA in a graduated fashion based on salary levels to 80%, 70% and 60%.

SENATE BILLS

23. **SB 3/a Family Income Index Distributions Flexibility** (Mimi Stewart, Siah Correa Hemphill) – Removes restrictions and provides more flexibility for uses of Family Income Index distributions. **SIGNED**
24. **CS/SB 4 Healthy Universal School Meals** (Michael Padilla, Leo Jaramillo) – Changes the name of the Hunger-Free Students’ Bill of Rights Act to the Healthy Hunger-Free Students’ Bill of Rights Act; amends and enacts sections of the Healthy Hunger-Free Students’ Bill of Rights Act; ensures free, healthy school meals for all students; prescribes duties of the PED.

25. **SB 20 Educational Retirement Changes** (HB Bill 189) (Gail Kernan) allows eligible employees of Southeast New Mexico College to participate and amends law to align the age by which distribution of pension benefits must begin with federal law.
26. **SB 120/a Open Enrollment for Military Children** (Harold Pope) – Allows for open enrollment flexibility for children of military families.
27. **SB 131/aa Public School Funding Changes** (Mimi Stewart, Craig W. Brandt, Siah Correa Hemphill) – Allows the PSFA budget to be based on a five-year average; eliminates offsets for school districts; reduces the local match by one-third for some school districts; reduces the local match by one-half for certain small school districts; eliminates the impact aid credit; eliminates offsets for charter schools; reduces the local match for pre-kindergarten projects by fifty percent; provides technical cleanup. (PSCOOTF & LESC)
28. **SB 307/a Licensed Teacher Prep Affordability** (Mimi Stewart) – Expands the eligibility of the Teacher Preparation Affordability Act to include licensed teachers; removes the requirement that an eligible student be enrolled at least half-time; provides technical cleanup.
29. **SB 309 Capital Outlay Reauthorizations** (Nancy Rodriguez) - Reauthorizes projects originally appropriated between 2019 and 2022 including appropriations to the Public Education Department for school bus cameras and to purchase, replace and equip school buses.
30. **SB 378 Severance Tax Fund Minimum Distribution** (Nancy Rodriguez) Ensures bonding capacity for public schools is held harmless and remains at a level consistent with projections in the most recent Board of Finance estimates of severance tax bonding capacity.
31. **SB 383/a Public Education Background Check Process** (Mimi Stewart, Debra M. Sarinana) – Amends the School Personnel Act to clarify the types of school personnel subject to criminal history record checks. The bill requires PED, DPS, and FBI to conduct a criminal history record check on all applicants for licensure, volunteers, and contractors and authorizes local school governing authorities to develop additional background or criminal history record checks.
32. **SB 397/a School -Based Health Centers** (Nancy Rodriguez, Christine Trujillo) – Enacts a new section of the Public Health Act to create and operate school-based health centers. The bill contains a list of services that may be provided and requires health centers to work in cooperation with schools and school districts.
33. **CS/SB 417 Teacher Vocational Ed Licensure Track** (Craig W. Brandt) – Creates a Vocational Education Licensure track for teachers.
34. **SB 450/a School Coach CPR & AED Training** (Cliff R. Pirtle, Mark Moores) – Requires coaches employed by school districts to be certified in cardiopulmonary resuscitation and trained in the use of automated external defibrillators.
35. **SB 474/a School District in-Lieu-Of-Taxes Payments** (Benny Shendo, Jr.) – Amends the Industrial Revenue Bond Act and the County Industrial Revenue Bond Act regarding how certain payment-in-lieu-of-taxes payments are shared among school districts.
36. **CS/SB 521/a Supplemental Salary Increase** (George Munoz, Mimi Stewart) – Provides a supplemental salary increase for state, higher education, and public school employees to offset inflation, including insurance premium increases.

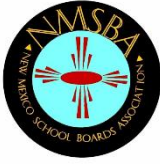
MEMORIALS PASSED BY 2023 LEGISLATURE

HOUSE MEMORIALS

37. **HJM 7 Study School Ventilation & Air Conditioning** (Joy Garratt, Christine Chandler) – Request the PSCOOTF to study public school heating, ventilation and air conditioning systems and recommend a sustainable funding mechanism for heating, ventilation and air conditioning assessments, repairs, adjustments, and replacements.
38. **HM 8/a NM National Board Certified Teachers Day** (Debra M. Sarinana, Tara Jaramillo, Patricia A. Lundstrom, Natalie Figueroa, Yanira Gurrola) - Declares February 13, 2023, “New Mexico National Board Certified Teachers Recognition Day” in the House of Representatives. **SIGNED**
39. **HM 18 “School Board Appreciation Day”** (G. Andres Romero) – Declares February 2, 2023 “School Board Appreciation Day” in the House of Representatives.
40. **HM 22 Purple Star School Program Development** (Debra M. Sarinana, Eliseo Lee Alcon, Harry Garcia, Alan T. Martinez, Harold Pope) – Requests the PED assess the progress of development of the Purple Star Public Schools Program and report on the status and effectiveness where the program has been implemented in New Mexico Public Schools.
41. **HM 44 Community Schools Funding Task Force** (Tara L. Lujan, Susan K. Herrera, Raymundo Lara, Joy Garratt, Debra M. Sarinana) – Requests the Secretary of PED to convene a Community Schools Funding Task Force to study the issue of sustainable funding for community schools in New Mexico, to develop criteria for certifying community schools, to recommend funding based on certification and to develop a community schools strategic plan.
42. **HM 51 Study Public School Funding Formula** (Susan K. Herrera, Debra M. Sarinana, Joy Garratt, Christine Trujillo, G. Andres Romero) – Requests the LESC, in collaboration with the LFC, DFA, PED, PSCOC and other representatives of stakeholder groups, to appoint a subcommittee to study the Public Education Funding Formula and assess whether the funding formula is meeting the requirements of Article 12, Section 1 of the Constitution of New Mexico and to provide recommendations to the 58th Legislature, first session.
43. **HM 56 Study High School Start Times** (Joy Garratt) - Requests the LESC to study high school start times and make recommendations on a statutory high school start time.

SENATE MEMORIALS

44. **SJM 14/a Reduce School Reporting Requirements Study** (Gay G. Kernan, Martin Hickey) - Request the PED, LESC, LFC, NM Coalition of Educational Leaders, NMSBA and Public Charter Schools of NM to form a working group to study and to recommend a plan for reducing school and school district reporting requirements.
45. **SM 10 NM National Board Certified Teachers Day** (Leo Jaramillo) - Declares February 13, 2023 “New Mexico National Board Certified Teachers Recognition Day” in the Senate.
46. **SM 19 School Board Appreciation Day** (William P. Soules) – Declares February 2, 2023 “School Board Appreciation Day” in the Senate.



NEW MEXICO SCHOOL BOARDS ASSOCIATION

2023 LEGISLATIVE SESSION

HOUSE BILL 2 – PUBLIC SCHOOL SUPPORT PENDING APPROVAL BY GOVERNOR

The public-school support appropriation is \$4.12 billion, up 8 percent from FY23, or about \$302 million including the following:

State Equalization Guarantee Distribution \$3.969 billion

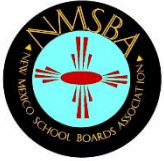
SEG Distribution includes the following:

\$31.9	At Risk
\$3.0	Free Menstrual Products
\$252.3	Extended Learning
\$139.1	5% Average Salary Increase
\$27.8	Additional 1% Increase for Inflation
\$7.9	Principal Responsibility Increase
\$14.5	Teacher Assistant Increase
\$31.9	Increase Employer Health Insurance Premium
\$55.0	Purchase Instructional Materials
\$21.0	Professional Development/Improved Outcomes
\$8.0	Structured Literacy Programs K-5

No budgets approved with less learning time than previous year
All employees will be paid a minimum of \$15 per hour
No additional 4-day week schools
Must prioritize funding for improving student outcomes

Special Appropriations Section

\$5.0	Attendance Success	\$1.0	Mobile Panic Buttons
\$5.0	Behavioral Health	\$500T	Martinez-Yazzie Legal
\$5.0	Bilingual Programs	\$2.0	Pilot Residency Programs
\$20.0	Career Tech	\$200T	School Safety Summits
\$10.0	Community Schools	\$5.0	Special Education
\$15.0	Family Income Index	\$2.0	Special Ed Training
\$1.0	Teaching Non-English	\$2.0	Educator Preparation
\$5.0	Instructional Materials	\$2.0	Educator Evaluation
\$5.0	Math Achievement	\$13.0	Teacher Residency
\$1.1	Micro Credentials	\$13.3	Tribal and Rural Learning
\$250T	Outdoor Classrooms	\$10.0	Education Technology
\$20.0	Out of School Learning	\$1.5	Cyber Threat Detection
\$6.5	Student Teacher Stipends	\$60.0	K-12 Plus Program
\$2.0	Emergency Supplemental		



**NEW MEXICO SCHOOL BOARDS ASSOCIATION
2023 LEGISLATIVE SESSION**

**HOUSE BILL 505 CAPITAL OUTLAY PROJECTS
PENDING APPROVAL BY GOVERNOR**

Agency: PUBLIC EDUCATION DEPARTMENT

4024 PED SCHOOL BUS CAMERAS PRCHS - PSCOF \$315,000 Statewide

4023 PED SCHOOL BUS REPLACEMENT STATEWIDE - PSCOF \$15,700,000 Statewide

PUBLIC EDUCATION DEPARTMENT \$16,015,000

Agency: PUBLIC SCHOOL FACILITIES AUTHORITY

4048 PSFA CTE, PRE-K & BLDG CONSTRUCT & REPAIR - PSCOF \$75,000,000
Statewide PSCO

4049 PSFA PRE-K CLASSROOM CONSTRUCT - PSCOF \$5,000,000 Statewide

4047 PSFA SCHOOL SECURITY SYSTEMS DIST - PSCOF \$25,000,000 Statewide

PUBLIC SCHOOL FACILITIES AUTHORITY \$105,000,000

TOTAL PUBLIC-SCHOOL CAPITAL OUTLAY \$ 121,015,000

**SENATE BILL 309 CAPITAL OUTLAY REAUTHORIZATIONS
PENDING APPROVAL BY GOVERNOR**

**SECTION 69. SOUTH VALLEY PREPARATORY SCHOOL BUILDING AND FACILITIES
IMPROVEMENTS--CHANGE TO PURCHASE LAND AND BUILDINGS--SEVERANCE TAX**

BONDS.--The unexpended balance of the appropriation to the **public education department** in Subsection 28 of Section 18 of Chapter 53 of Laws 2022 to plan, design, construct, improve and equip facilities for South Valley preparatory school in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to purchase land and buildings and to plan, design, construct, equip and improve facilities for South Valley preparatory school in Albuquerque in Bernalillo county.

**SECTION 283. PUBLIC EDUCATION DEPARTMENT SCHOOL BUS CAMERAS PURCHASE
AND INSTALLATION STATEWIDE--EXTEND TIME-- SEVERANCE TAX BONDS.--**

The time of expenditure for the public education department project in Subsection 172 of Section 17 of Chapter 138 of Laws 2021 to purchase, equip and install school bus cameras for school districts statewide is extended through fiscal year 2025.

**SECTION 284. PUBLIC EDUCATION DEPARTMENT SCHOOL BUS REPLACEMENT--EXTEND
TIME--PUBLIC SCHOOL CAPITAL OUTLAY FUND.--**

The time of expenditure for the public education department project in Laws 2021, Chapter 138, Section 54 to purchase, replace and equip school buses for school districts statewide is extended through fiscal year 2025.

**SECTION 293. ROOTS AND WINGS COMMUNITY SCHOOL BUILDING AND GROUNDS
ACQUISITION AND IMPROVEMENT--EXPAND PURPOSE-- SEVERANCE TAX BONDS.--**

The public education department project in Subsection 214 of Section 18 of Chapter 53 of Laws 2022 to acquire land and to plan, design, construct, furnish and equip facilities for the Roots and Wings community school in Taos county may include the acquisition of buildings and property.