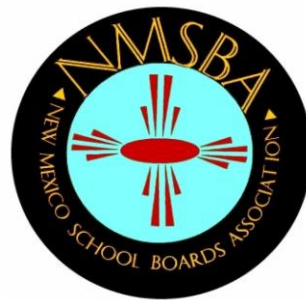


NEW MEXICO SCHOOL BOARDS ASSOCIATION 2024 LEGISLATIVE RESOLUTIONS & COMMITTEE RECOMMENDATIONS



RESOLUTIONS (22) CATEGORY & NUMBER

ADEQUATE FUNDING	(18)
CAPITAL OUTLAY	(2)
LOCAL CONTROL	(1)
OTHER RESOLUTIONS	(1)

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SANTA FE, NEW MEXICO 87501
NEW MEXICO SCHOOL BOARDS ASSOCIATION**



PROPOSED 2024 LEGISLATIVE RESOLUTIONS

ADEQUATE FUNDING

PROPOSED RESOLUTION #1

Submitted By: Albuquerque Public Schools

Title: **Behavioral Health Pipeline and School Reimbursement**

WHEREAS, there is global recognition that the behavioral health supports for students are essential for their success; and

WHEREAS, a 2022 New Mexico First, cites suicide rates, substance abuse, mental health, and children’s behavioral health services as increasing areas of concern for behavioral health in New Mexico; and

WHEREAS, the pandemic exacerbated the scope of challenges and concerns; and,

WHEREAS, a 2022 New Mexico First report, cites the prevalence of persistent feelings of sadness or hopelessness among New Mexico high school students increased by 25% from 2015 to 2019; and

WHEREAS, a 2022 New Mexico First report, shows that 64.86% of New Mexicans live in a mental health professional shortage area; and

WHEREAS, according to the American Academy of Child and Adolescent Psychologists report that only 76 child and adolescent psychologists serve New Mexico; and

WHEREAS, school districts across New Mexico provide behavioral health support for students with little reimbursement.

NOW, THEREFORE, BE IT RESOLVED that the Albuquerque Public Schools Board of Education, along with the New Mexico School Boards Association, calls on the state to develop a strong pathway for increased numbers of behavioral health providers that includes paid internships; and

BE IT FURTHER RESOLVED that the Albuquerque Public Schools Board of Education, along with the New Mexico School Boards Association, requests that the state examine the reimbursement process for schools and districts for behavioral health services provided to students.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 3, column 2) under:

“Student and Staff Safety and Security – NMSBA supports funding for school safety, security personnel including capital improvements, training, behavioral, social emotional health services, counseling for student and staff well-being; and, guidance in utilizing armed school security guards and restorative justice.”

*Consider adding language to the 2023 platform specifically to:
“Include paid internships for health providers”.*

Recommend Approval

PROPOSED RESOLUTION #2

Submitted By: Albuquerque Public Schools

Title: Educator Retirement and Compensation

WHEREAS, Albuquerque Public Schools' is the 2nd largest employer in Albuquerque and 8th largest employer in the State of New Mexico, and

WHEREAS, the needs of APS's employees are comparable to those in smaller school districts with regard to how low wages have a direct impact on the local economy and student learning; and

WHEREAS, APS supports legislative action that keeps all school personnel competitively employed and guarantees access to benefits comparable to those available to other state employees; and

WHEREAS, State lawmakers lowered the amount of coverage for health insurance premiums to 80% for educators making less than \$50,000 a year, 70% for educators making \$50,000-\$60,000 a year, and 60% for educators making more than \$60,000; and

WHEREAS, APS implemented the state mandated three tier structure for benefits for all employees proactively; and

NOW, THEREFORE, BE IT RESOLVED that the Albuquerque Public School Board supports legislative action that decreases the employee’s cost of medical insurance.

BE IT FURTHER RESOLVED that the Albuquerque Public School Board encourages the New Mexico Legislature to ensure that out of pocket costs for dependent premiums do not increase as a result of decreases to the employee’s cost.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 2 , column 3) under:

“Health Insurance Costs – NMSBA supports full funding for the 80/20 rule for insurance premiums allowing public school employees to pay 20% and the district to pay 80% regardless of salary. We also support a study leading to full funding for a competitive employee benefits package.”

No Action Needed

PROPOSED RESOLUTION #3

Submitted By: Albuquerque Public Schools

Title: Technology Device Funding

WHEREAS, technology devices are an essential part of the core instructional materials for all students in New Mexico; and

WHEREAS, in April 2021, addressing the Martinez and Yazzie Consolidated Lawsuit, First Judicial District Court Judge Matthew Wilson ordered the state to provide “at-risk” students computers and high-speed internet for remote and post-pandemic learning; and

WHEREAS, teachers and students are using technology devices to support academic growth; and

WHEREAS, research from the Brookings Institution found that ed-tech interventions are most effective when scaling up quality instruction, facilitating personalized instruction, expanding opportunities for practice, and increasing learner engagement; and

WHEREAS, school districts are working to ensure that all students have a device by using Elementary and Secondary School Emergency Relief (ESSER) Funds; and

WHEREAS, ESSER funds will expire in 2024.

NOW, THEREFORE, BE IT RESOLVED that the Albuquerque Public Schools Board of Education, along with the New Mexico School Boards Association, calls on the state to develop and consistently fund technology devices for all students.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 2, column 1) under:

“NMSBA Also Supports - Sufficient funding for administrative and support staff; instructional material; etc...”

Consider adding language to the platform specifically “to fund technology devices for all students.”

Recommend Approval

PROPOSED RESOLUTION #4

Submitted By: Hobbs Municipal Schools

Title: Investing in New Mexico's Future through Career-Technical, Career-Relevant Education

WHEREAS, developing and expanding the New Mexico workforce and economy, filling the shortage of skilled workers, and providing opportunities for our high school and college graduates requires changing the current educational structure; and

WHEREAS, paradoxically, some of our best and brightest young people choose to leave the state to pursue opportunities elsewhere, taking with them New Mexico's financial investment in their education; and

WHEREAS, the expansion of career-technical career relevant programs provides an opportunity for students to pursue well-paying jobs in essential fields requiring specialized post-secondary training but not a four-year college degree; and

WHEREAS, providing career-technical, career-relevant programs requires safe, functional, and specialized classroom facilities with appropriate equipment to support teaching and learning; and,

WHEREAS, the unprecedented influx of state funding provides an opportunity for the state to invest in career-technical, career-relevant infrastructure and programs in those school districts interested in providing these opportunities for students; and

WHEREAS, New Mexico currently lacks a mechanism to fund non-recurring start-up costs and adequate ongoing operational costs for some secondary-level career-technical, career-relevant programs; and

WHEREAS, some New Mexico secondary schools and post-secondary institutions are interested in pursuing partnerships establishing career-focused training extending from high school into college, but are challenged by differences in how their institutions are funded and required to operate; and

WHEREAS, successfully leveraging these partnerships could provide a cost-effective, efficient, and educationally effective means by which students can prepare for future careers; and

WHEREAS, investing in career-technical, career-relevant education supports the state's educational and economic development goals and is a good long-term investment in New Mexico's future.

NOW, THEREFORE, BE IT RESOLVED that the HOBBS MUNICIPAL SCHOOLS BOARD OF EDUCATION urges the Governor and the New Mexico Legislature to provide ongoing funding and support to school districts and colleges to cover the increased costs of a career-technical, career-relevant education operations and program expenses and start-up costs for facilities and equipment.

BE IT FURTHER RESOLVED that emphasis should be placed on programs and student financial assistance that demonstrate career-relevant preparations through industry recognized credentials, certification and endorsement to support current and future job-market needs within the Local Education Agency, or support trades and professions where current shortages exist as demonstrated by Local Education Agency service area Advisory teams.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 2, column 1) under:

“Career and Technical Pathways – NMSBA supports funding for STEM & career and technical pathways, financial assistance, job intern opportunities and an option for vocational endorsement for occupation subjects.”

Consider adding language to the platform specifically to: “Fund career relevant education operations, program expenses, start-up costs, and ongoing operational costs.”

Recommend Approval

PROPOSED RESOLUTION #5

Submitted By: Las Cruces Public Schools

Title: **Call for funding to decrease percentage of insurance premiums by all employees to 20%**

WHEREAS, the New Mexico State School Boards Association is committed to improving the quality of education for all State of New Mexico's public school students; and

WHEREAS, the New Mexico State School Boards Association understands the importance that public education of students serves as an investment in the future of its youth; and

WHEREAS, the New Mexico State School Boards Association recognizes and highly values the importance that public school teachers and other public school employees contribute to the education of children; and

WHEREAS, the New Mexico State School Boards Association honors teachers and school staff as professionals deserving of salary and benefits commensurate with the importance of role they play in the education of children; and

WHEREAS, the State of New Mexico and the nation continue to experience a persistent shortage of highly qualified teachers and leaders; and

WHEREAS, rapidly inflating prescription drug and health service costs have resulted in educators paying more out-of-pocket for the same level of care; and

WHEREAS, costs associated with COVID-19 and inflation will add to the burden borne by educators in the coming years through their insurance premiums; and

WHEREAS, in spite of the recent increase in educator salaries in New Mexico, the escalating cost of living and health insurance premiums make retaining educators a challenge; and

WHEREAS, in the last legislative session, HB 36 School Group Insurance Contributions, for 80/20 for all employees died in committee, but HB 533 Public Peace, Health, Safety and Welfare School group Insurance Contribution started to address the need to help educators with school group insurance costs; and

WHEREAS, HB 533 was signed into law by the governor on March 30, 2023, and created a

new three tier system - 80% school district contribution for school employees making \$50,000 or less; 70% school district contribution for school employees making \$50,000 to \$60,000; and 60% school district contribution for school employees making over \$60,000, which began to address the need for a greater share of the premium costs to be covered by school districts; and

WHEREAS, HB 533 allowed for 80% of premiums to be borne by school districts for the vast majority of classified employee's health care costs, but HB 533 was insufficient to cover health care premiums for the majority of teachers, so that only beginning Level 1 teachers fall into the 70% category and all level 2 and 3 teachers fall into the 60% category; and

WHEREAS, the New Mexico State School Boards Association values meaningful policy reforms that will help not only with the retention and recruitment of educators but will significantly improve the quality of life of current and future educators; and

WHEREAS, the New Mexico State School Boards Association understands that in order to attract high quality teachers and leaders to public school employment, the State of New Mexico must honor public school staff as professionals by offering competitive salaries and benefits.

NOW, THEREFORE, BE IT RESOLVED the New Mexico State School Boards Association calls upon the New Mexico State Legislature to implement and fully fund the 80/20 rule where all employees of New Mexico Public Schools pay 20% of their insurance premiums, regardless of salary or position. If policy reforms were made and fully funded for these statutory constraints and brought to parity with GSD and APS, the state will pay a minimum of 80% health insurance premium per paycheck to an employee's maximum payment of 20%.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 2, column 3) under:

“Health Insurance Costs – NMSBA supports full funding for the 80/20 rule for insurance premiums allowing public school employees to pay 20% and the district to pay 80% regardless of salary. We also support a study leading to full funding for a competitive employee benefits package.”

No Action Needed

PROPOSED RESOLUTION #6

Submitted By: Las Cruces Public Schools

Title: Fund Electric Vehicles for school district's light duty and bus fleets and provide training and infrastructure to maintain electric vehicles

WHEREAS, New Mexico has been a nation-wide leader in renewable energy; and

WHEREAS, the federal government provides financial incentives to address issues of climate change, and American automotive manufacturing is making the transition to building EV cars, trucks, and utility vehicles; and

WHEREAS, the purchase of such vehicles by school districts would support American manufacturing; and

WHEREAS, schools have the potential to make positive, tangible environmental change in the world while teaching students to be stewards of their communities, the earth, and its resources; and

WHEREAS, Senate Bill 30 was introduced in the 2023 legislative session to require 75% of state- owned light duty vehicles to be electric vehicles; and

WHEREAS, the US Department of Transportation has identified that because "vehicle emissions contribute to the formation of ground level ozone (smog), which can trigger health problems such as aggravated asthma, reduced lung capacity, and increased susceptibility to respiratory illnesses, including pneumonia and bronchitis" especially affecting young, school-aged children, that the Department of Transportation has outlined goals so that "transportation agencies and local jurisdictions can reduce traffic-related air pollution and improve air quality"; and

WHEREAS, the Public Education Department allowed schools under an emergency authorization this August to keep school buses running while waiting for children to board so that air conditioning could be maintained, leading to increased localized pollution in the pick-up area for children and subsequent health concerns; and

WHEREAS, one of the US Department of Transportation's stated goal which school districts can address is to encourage the purchase of "green fleet vehicles and equipment, including equipment with increased fuel efficiency, hybrid electric vehicles, and equipment that runs on clean fuels; and

WHEREAS, the maintenance personnel for school districts would require training to maintain EVs, and the school districts would require infrastructure in the form of charging stations for EVs.

NOW, THEREFORE BE IT RESOLVED that the Las Cruces Public Schools Board of Education requests that the New Mexico Legislature provide financial incentives and resources so that local school districts would have the option to purchase electric vehicles or hybrid electric vehicles for their light duty carpool, maintenance vehicles, and bus fleets; and

BE IT FURTHER RESOLVED that the New Mexico Legislature provide increased funding so that local districts may train personnel in maintaining electric vehicles, and that local districts may install EV related infrastructure, such as charging stations.

Committee Recommendation:

Support for transportation is already in the 2023 Legislative Program, (page 3, column 3) under:

“Transportation – NMSBA supports fully funding costs required by districts to transport students to and from, as well as for after school programs in safe and healthy ways in air-conditioned buses.”

Committee believes the decision to move towards purchase of electric or hybrid electric vehicles is best made and must remain at the local level.

Do Not Recommend Approval

PROPOSED RESOLUTION #7

Submitted By: Las Cruces Public Schools

Title: **Request for sustainable funding to adequately meet student mental health needs**

WHEREAS, the Center for Disease Control reports that in 2021, more than a third (37%) of high school students reported they experienced poor mental health during the COVID-19 pandemic, and 44% reported they persistently felt sad or hopeless during the past year; and

WHEREAS, Adverse Childhood Experiences (ACEs) are potentially traumatic events that happen in childhood and are linked with increased risk for mental health issues, substance use, suicide, violence, risky sexual behaviors, and lower self-esteem, and 44% of students screened at a School Based Health Clinic reported having at least one ACE risk factor; and

WHEREAS, more New Mexico youth reported feeling sad or hopeless on the 2021 NM Youth Risk and Resiliency Survey than those reporting as such in 2019; and

WHEREAS, the NM Department of Health's April 2022 "State of Mental Health in NM" report indicated that only 13.7% of NM youth were in schools with high mental health support, and that these youth with high support from schools were half as likely to feel persistent sadness or hopelessness than youth with low support; and

WHEREAS, NMPED reports a student chronic absenteeism rate of 34.49% for the 2022-2023 school year across all districts that are partially attributed to mental, behavioral, and familial stressors; and

WHEREAS, children with behavioral and mental health issues attend school and are entitled to an appropriate education, adequately addressing the mental health needs of students in public schools is a significant strain on resources; and

WHEREAS, COVID relief funding is sunseting and Medicaid reimbursements are being reduced, while federal funding such as IDEA-Band Title IV have remained stagnant with a larger percentage of these funds going to the salary and benefits for federally funded

positions in order to meet the salary increases instituted by New Mexico Public Education Department (NMPED) in 2022; and

WHEREAS, counselor, social worker, and nurse workloads have increased dramatically and behavioral health needs in schools continue to rise as measured by metrics such as increases in mental health service time reflected in Individual Education Plans along with increases in requests for psychological testing; and

WHEREAS, "expanding access for students to school counselors who are able to meet their social-emotional, behavioral health, and college/career support needs" is an explicitly stated goal of the State of New Mexico's Action Plan in response to the Martinez-Yazzie decision; and

WHEREAS, a significant component of safety in our schools is contingent upon school districts providing adequate counseling and mental health services for their students.

NOW, THEREFORE, BE IT RESOLVED that the Las Cruces Public Schools Board of Education requests that the New Mexico Legislature provide financial support so that school districts can hire an adequate number of mental health counselors, social workers, nurses, psychiatrists, psychologists, and other health professionals who directly work with students and their mental health needs; and

BE IT FURTHER RESOLVED we ask that districts be funded through an increase to their State Equalization Guarantee Distribution for the hiring of one general education behavioral health provider per 250 students; and

BE IT FURTHER RESOLVED we ask for sufficient funding for school-based community health clinics by expanding the community school model; and

LASTLY, BE IT RESOLVED we need funding to provide appropriate training for all educators to address the social and emotional needs of students.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 3, column 1) under:

“School Based Health Services – NMSBA supports efforts to increase the number of school based health centers and school nurses statewide; and to develop a pathway of behavioral health providers and paid internships.”

Already in the 2023 Legislative Program, (page 3, column 2) under:

“Student and Staff Safety and Security – NMSBA supports funding for school safety, security personnel including capital improvements, training, behavioral, social emotional health services, counseling for student and staff well-being; and, guidance in utilizing armed school security guards and restorative justice.”

No Action Needed

PROPOSED RESOLUTION #8

Submitted By: Las Cruces Public Schools

Title: **Maintaining state priorities and avoiding the ESSR funding cliff**

WHEREAS, funding provided to New Mexico school districts through ESSER funds to meet the diverse educational and COVID response-related needs are set to expire September 2024; and

WHEREAS, funding has been vital in meeting the state priorities to address the disproportionate impact of COVID-19 on New Mexico's at-risk student populations, including closing the digital divide; accelerated instruction; supporting social and emotional needs of students, families and staff; supporting the unique needs of students with disabilities and at-risk students; improving indoor air quality and maintain "healthy" facilities; providing PPE; and

WHEREAS, districts will need to secure sustainable funding to continue high impact strategies and activities, with the exception of providing PPE, in order to address the needs of our at-risk student populations; and

WHEREAS, State Equalization Guarantee (SEG) funds for operationally-funded salaries have increased across the state, grant funding such as Title I, IDEA-B, and Head Start, to name a few, have not increased at a rate to continue to fund salary increases for staff paid with these grants, so ESSER funds helped to offset these increases; and

WHEREAS, districts have invested funds in long-term improvement efforts to meet students' physical, social, emotional, and academic needs and they expect there will be an ongoing need to meet students' increased post pandemic needs which will require new ongoing funding, and

WHEREAS, the New Mexico Public Education Department's vision is "Students in New Mexico are engaged in a culturally and linguistically responsive educational system that meets the social, emotional, and academic needs of ALL students".

NOW, THEREFORE BE IT RESOLVED that the Las Cruces Public Schools Board of Education requests that the New Mexico Legislature provide financial resources to the Public Schools to address the continued academic, physical, social, emotional, and mental health impacts of the COVID-19 pandemic on New Mexico's students, by increasing SEG funding through an increase to the at-risk multiplier in an annual amount comparable to 15% of the funding provided through each districts' ESSER allocation.

Committee Recommendation:

Partially in the 2023 Legislative Program, (page 3, column 2) under:

“Student and Staff Safety and Security – NMSBA supports funding for school safety, security personnel including capital improvements, training, behavioral, social

emotional health services, counseling for student and staff well-being; and, guidance in utilizing armed school security guards and restorative justice.”

Already in the 2023 Legislative Program, (page 2, column 3) under:

“At-Risk Funding – NMSBA supports increased funding to the SEG for at-risk students with hold harmless provisions ensuring additional funding for all districts.”

No Action Needed

PROPOSED RESOLUTION #9

Submitted By: Las Cruces Public Schools

Title: **Fully Fund School District's Net Pension Liability for the New Mexico Educational Retirement Board**

WHEREAS, New Mexico is committed to provide a fair and well-funded pension plan for its school employees in the ERB; and

WHEREAS, the tier 4 system of ascending percentage contributions for ERB members hired on or after July 1, 2019 provides for a graduated multiplier in order to reward long-term service and bring greater solvency to the ERB, but the pension plan has yet to become fully solvent; and

WHEREAS, each district's contributions to ERB are defined by Section 22-11-21, NMSA 1978, so that school districts have had their portion of the negative pension liability fluctuate annually based on short-term market volatility; and

WHEREAS, employee contributions based on salary to the ERB have remained stable at 7.9% or 10.7% since 2014, while employer matching contributions have increased each year gradually from 13.15% in 2014 to 18.15% for 2024 in order to bring greater solvency to the pension plan; and

WHEREAS, despite these increases in the district share of the plan, retirees need reassurance of the viability of the pension on a long-term basis; and

WHEREAS, all districts in New Mexico are penalized relative to the number of retirees from that district and the proportion of negative liability which the state ascribes to the districts; and

WHEREAS, Moody's credit rating agency outlined that New Mexico districts' bonding rating is "driven by a poorly-funded statewide cost-sharing pension plan" so that the negative pension liability each school district carries impacts their capital outlay bonding rate negatively as the rating agencies score down school districts from the top rating because of the pension liability which could be carried by the state instead of individual districts; and

WHEREAS, the ERB must address the state-wide negative pension liability which has been carried on the books by individual school districts before greater insolvency threatens the plan; and

WHEREAS, the state has benefitted from an infusion of tax revenue in the past few years which would enable the injection of cash into the ERB,

NOW, THEREFORE BE IT RESOLVED that the Las Cruces Public Schools Board of Education requests that the New Mexico Legislature fund the ERB to make up the net pension liability which school districts now face.

Committee Recommendation:

Consider adding language to the 2024 platform specifically to:

“Fund the ERB to make up the net pension liability which school districts now face.”

Recommend Approval

PROPOSED RESOLUTION #10

Submitted By: Los Alamos Public Schools

Title: **Resolution to Provide Housing Assistance to Educators in New Mexico Schools**

WHEREAS, housing is becoming an increasingly difficult asset to attain among middle-lower class populations; and

WHEREAS, the average single-family home cost in New Mexico is between \$193,200^[1] and \$293,325^[2], with massive disparities depending on county and district; and

WHEREAS, educators have found it increasingly difficult to afford housing combined with other cost of living expenses (i.e. food, utilities, transportation); and

WHEREAS, being able to afford housing in various New Mexico counties and districts will improve the chances of growing, recruiting, and retaining quality educators; and

WHEREAS, the ability of the state to grow, recruit, and retain quality educators will promote the success of public education in New Mexico.

NOW THEREFORE BE IT RESOLVED that the Los Alamos Public School Board calls on the New Mexico State Legislature assembled to provide a housing allowance that corresponds to a percentage of the average rent/mortgage in New Mexico counties to aid educators in affording housing in the districts in which they serve; and

BE IT FURTHER RESOLVED this payment is meant to reduce the burden of housing for educators in New Mexico communities and better allow educators to afford other necessities including food, clothing, and childcare while raising the standard of living and increasing recruitment and retention efforts in New Mexico.

Committee Recommendation:

Consider adding language to the platform for:

“Educator Housing Assistance - Fund a housing allowance for educators that corresponds to a percentage of the average rent/mortgage in New Mexico counties school districts.”

Recommend Approval

PROPOSED RESOLUTION #11

Submitted By: Los Alamos Public Schools

Title: Ensuring Equitable Access to Educational Support Staff

WHEREAS, the New Mexico School Board Association is committed to providing a high – quality education to all students with our state, irrespective of their individual learning needs; and

WHEREAS, a substantial number of students within our state require additional academic support in the areas of mathematics and reading to attain grade – level proficiency and academic success; and

WHEREAS, research has consistently demonstrated that intervention services, delivered by qualified math and reading interventionists, significantly enhance the academic progress of struggling students; and

WHEREAS, the New Mexico State Legislature plays a crucial role in determining the allocation of resources to school districts across the state; and

NOW, THEREFORE, BE IT RESOLVED by the New Mexico School Board Association that:

1. We call upon the New Mexico State Legislature to allocate funds to ensure that every school in the state has access to at least one full – time math interventionist and one full – time reading interventionist beginning with the academic year 2024 – 2025.
2. These math and reading interventionists shall possess the necessary qualifications and certifications to effectively support students with diverse learning needs in these subjects.
3. We urge the New Mexico State Legislature to provide adequate funding to cover salaries, benefits, and professional development for math and reading interventionists.
4. We recognize that the presence of math and reading interventionists will help bridge the achievement gap and improve educational outcomes for students across our state.

BE IT FURTHER RESOLVED that the New Mexico State Legislature develop clear guidelines for the roles and responsibilities of math and reading interventionists, as well as metrics for evaluating their effectiveness.

Committee Recommendation:

Consider adding language to the platform specifically for:

“Math and Reading Intervention – Provide discretionary funding to cover salaries, benefits, and professional development for math and reading interventionists.”

Recommend Approval

PROPOSED RESOLUTION #12

Submitted By: Portales Municipal Schools

Title: **Request Legislature Require the PED make Payment of Requests for Reimbursements (RFRs) within Thirty (30) Days of Receipt**

WHEREAS, the Portales Municipal School Board of Education (the Board) is a local school board established and operating in accordance with the New Mexico Public School Code, NMSA 22-5-2 et seq.; and

WHEREAS, the Public-School Code in NMSA 22-5-4 grants the Board, as a local school board, certain powers and duties which include developing education policies for the school district, overseeing budgeting and procurement, and adopting rules pertaining to the administration of all powers and duties of the local school board; and

WHEREAS, portions of the funding for school districts is revenue from Federal sources and New Mexico Public Education (NMPED) grants that are distributed through NMPED. These funds consist of, but are not limited to: IDEA-B, Titles I, II, III, and IV, USDA School Nutrition, American Recovery Act, new school bus reimbursements, etc.; and

WHEREAS, Federal funds, most NMPED grants (which may also be from Federal sources) are distributed to school districts on a reimbursement basis and expenditures must be made upfront by the District using local operational or cash reserve funds and are reimbursed to districts after submitting RfRs to NMPED; and

WHEREAS, districts pay expenditures for grant expenses using operational funding which can and does place districts in financial hardship when these funds or not reimbursed in a timely manner as operational funds must also be used for the day to day operation of school districts; and

WHEREAS, Portales Municipal Schools within the past year has submitted RfRs in a timely manner and was owed over \$2,000,000 that was requested by RfR and was not reimbursed for over four months; and

WHEREAS, failure to receive reimbursements prior to June 30 of each year forces districts to

loan operational funds to grant accounts and prevents the expenditure of local operational funds for expenses that must be paid within the first few weeks of the new fiscal year and is compounded more when NMPED delays distribution of owed State Equalization Guarantee (SEG) funds.

NOW, THEREFORE, BE IT RESOLVED that the Board requests that the New Mexico Legislature create legislation that will ensure that Requests for Reimbursements are approved and paid within thirty (30) days of receipt and in absence of the thirty (30) day approval, RfRs receive automatic approval and are submitted for payment to the District immediately.

Committee Recommendation:

Already in the Legislative Program since 2013, under:

“PED Reimbursements – NMSBA urges the PED to ensure school districts are reimbursed for approved expenditures on a timely basis.”

Consider adding language to the platform specifically:

“reimbursements paid within thirty (30) days of receipt.”

Recommend Approval

PROPOSED RESOLUTION #13

Submitted By: Rio Rancho Public Schools

Title: Funding Actual Transportation and Instructional Materials Costs

WHEREAS, state statute sets forth requirements that school districts and charter schools provide instructional materials for students and transportation services for those students who qualify; and

WHEREAS, the fixed costs of providing these services are generally the same or similar for all districts and charters across the state; and

WHEREAS, funding for instructional materials is currently allocated through the State Equalization Guarantee (SEG); and

WHEREAS, funding for transportation is allocated through a separate funding formula based on the concept of funding equalization; and

WHEREAS, allocations through the SEG are based on enrollment and certain characteristics that recognize some students require higher levels of services, with no provision for adjustments for those areas (e.g. textbooks, buses, fuel, etc.) whose fixed costs are the same for all students regardless of need; and

WHEREAS, based on those criteria, the SEG allocates fewer dollars per student to some districts than others; and

WHEREAS, this leaves a growing number of districts underfunded, sometimes in the millions of dollars, for basic fixed costs for instructional materials and transportation; and

WHEREAS, this underfunding directly affects the classroom because districts must subsidize instructional materials and transportation costs from operational funds, inequitably reducing the amount available to support teaching and learning; and

WHEREAS, the Martinez-Yazzie findings of fact specifically state that a number of districts are underfunded for instructional materials and transportation; and

WHEREAS, with the current record surpluses, the state has ample resources to provide full funding based on the actual cost of providing instructional materials and transportation.

NOW, THEREFORE, BE IT RESOLVED that the RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION urges the Governor and the New Mexico Legislature to require that the state fund school districts and charter schools for the actual cost of state-mandated instructional materials for all students, and for the provision of transportation services, as defined in state statute and regulation, to all eligible riders.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 2, column 1) under:

“NMSBA Also Supports – Sufficient funding for administrative and support staff; instructional materials; etc.”.

And, (page 3, column 3) under:

“Transportation – NMSBA supports fully funding costs required by districts to transport students to and from...”

Consider adding language to the 2023 platform specifically to:

“request funding of actual costs of transportation.”

Recommend Approval

PROPOSED RESOLUTION #14

Submitted By: Rio Rancho Public Schools

Title: **Investing in New Mexico’s Future through Career-Technical Education**

WHEREAS, employers and prospective employers cite a shortage of skilled workers in technology and the trades as a hindrance towards establishing and expanding operations in New Mexico; and

WHEREAS, paradoxically, some of our best and brightest young people choose to leave the state to pursue opportunities elsewhere, taking with them New Mexico’s financial investment in their education; and

WHEREAS, developing and expanding the New Mexico workforce and economy and providing opportunities for our high school and college graduates requires changing the current educational structure; and

WHEREAS, the expansion of career-technical programs provides an opportunity for students to pursue well-paying jobs in essential fields requiring specialized post-secondary training but not a four-year college degree; and

WHEREAS, providing career-technical programs requires safe, functional, and specialized classroom facilities with appropriate equipment to support teaching and learning; and

WHEREAS, the unprecedented influx of state and federal funding provides an opportunity for the state to invest in career-technical infrastructure and programs in those school districts and charters interested in providing these opportunities for students; and

WHEREAS, New Mexico currently lacks a mechanism to fund non-recurring start-up costs and adequate ongoing operational costs for some secondary-level career-technical programs; and

WHEREAS, some New Mexico secondary schools and post-secondary institutions are interested in pursuing partnerships establishing career-focused training extending from high school into college, but are challenged by differences in how their institutions are funded and required to operate; and

WHEREAS, successfully leveraging these partnerships could provide a cost-effective, efficient, and educationally effective means by which students can prepare for future careers; and

WHEREAS, investing in career-technical education supports the state's educational and economic development goals and is a good long-term investment in New Mexico's future.

NOW, THEREFORE, BE IT RESOLVED that the RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION urges the Governor and the New Mexico Legislature to provide ongoing funding and support for career-technical education, to include:

- Dedicated ongoing (recurring) revenue streams to support school districts, charter schools, and colleges in the establishment and ongoing operation of career-technical programs;
- Non-recurring start-up funding for facilities, equipment, and qualified teachers and staff;
- Provisions to provide public school capital outlay funding for career-technical education facilities; and
- Providing a mechanism to facilitate K-12/postsecondary partnerships as well as partnerships with business and industry to provide career pathways beginning in high school and extending through post-secondary training and career internships and apprenticeships.

BE IT FURTHER RESOLVED that emphasis should be placed on programs and student financial assistance that support current and future job-market needs such as IT or cyber-security,

or support trades and professions where current shortages exist such as HVAC certification, construction trades, auto mechanics, and teaching.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 2, column 1) under:

“Career and Technical Pathways – NMSBA supports funding for STEM & career and technical pathways, financial assistance, job intern opportunities and an option for vocational endorsement for occupation subjects.”

Consider adding language to the platform specifically to:

“Fund career relevant education operations, program expenses, and start-up costs.”

Recommend Approval

PROPOSED RESOLUTION #15

Submitted By: Rio Rancho Public Schools

Title: **Provision of Competitive Benefits Packages for Educational Employees**

WHEREAS, provision of competitive benefits packages has historically played an important role in educational employers’ ability to hire and retain outstanding employees; and

WHEREAS, in recent years, the overall quality of benefits packages for educational employees has declined, so the benefits offered are not on a par with those offered by other government and some private employers; and

WHEREAS, NMSA 22-29-10 defines the percentage of group insurance premiums to be paid by employees based upon salary levels; and

WHEREAS, these levels or tiers currently are set at 25% for employees making less than \$15,000, 30% for employees making \$15,000- \$20,000, 35% for employees making \$20,000- \$25,000, and 40% for employees making more than \$25,000; and

WHEREAS, during the 2022 session the state legislature raised the state minimum wage to \$15.00/hour, providing a much-needed boost for employees at the bottom of the salary scale who were not paid enough to make ends meet; and

WHEREAS, the pay increase pushed many of these lower-paid employees into higher tiers, requiring them to pay a higher percentage of insurance costs; and

WHEREAS, premium increases, coupled with being pushed into higher tiers, negated the compensation increase for some employees and in some cases may have even reduced take-home pay; and

WHEREAS, this situation clearly runs contrary to the intent of legislators that the salary increases improve the quality of life for the state’s lowest-paid employees; and

WHEREAS, the increasing cost of living, exacerbated by inflation, is likely to continue and will over time negate the intent of the tiered group insurance compensation levels, since most employees will fall into the highest tiers.

NOW, THEREFORE, BE IT RESOLVED that the RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION urges the Governor and the New Mexico Legislature to examine the benefits packages offered to educational employees as compared to those of other employers and, in those areas where the benefits offered lag behind those of other employers, to legislatively enact and fund competitive benefit packages.

BE IT FURTHER RESOLVED that the legislature amend NMSA 22-29-10 to adjust the benefit tiers upward, so that the lowest-paid employees based on current salary levels contribute a lower percentage of their group insurance premium costs.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 2, column1) under:

“Health Insurance Costs - ...We also support a study leading to full funding for a competitive employee benefits package.

No Action Needed

PROPOSED RESOLUTION #16

Submitted By: Rio Rancho Public Schools

Title: Support for School Safety

WHEREAS, student and staff safety is a top concern for communities around New Mexico; and

WHEREAS, students cannot learn effectively, and teachers cannot teach effectively when concerned for their safety; and

WHEREAS, the needs of individual schools, school districts, and charters vary widely depending on the design, age, location, and condition of their buildings and campuses and the security measures that may already be in place; and

WHEREAS, in addition to building security, school districts and charters have to consider security issues in other areas under their jurisdiction, such as school buses and athletic venues; and

WHEREAS, evolving strategies and technology constantly provide new options for schools; and

WHEREAS, security measures, including modifications to buildings, purchasing equipment, hardware, and software, and hiring and training qualified staff is expensive; and

WHEREAS, local school boards, law enforcement agencies, and communities are in the best position to evaluate their needs and effectively allocate funds to improve security and safety in local schools.

NOW, THEREFORE, BE IT RESOLVED that the RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION urges the Governor and the New Mexico Legislature to provide adequate funding to improve safety and security in schools statewide; and

BE IT FURTHER RESOLVED that local school boards, charter school governing councils, and law enforcement agencies be given discretion on how to best the funds to improve security in each community's schools.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 3, column 2) under:

“Student and Staff Safety and Security – NMSBA supports funding for school safety, security personnel including capital improvements, training, behavioral, social emotional health services, counseling for student and staff well-being; and, guidance in utilizing armed school security guards and restorative justice.”

No Action Needed

PROPOSED RESOLUTION #17

Submitted By: Rio Rancho Public Schools

Title: **Adequate Support and Funding for School Mental and Behavioral Health Services**

WHEREAS, nationally up to one in five students shows signs or symptoms of a mental health disorder in a given year, and the needs are growing exponentially; and

WHEREAS, in many instances of school violence and violence in the community at large, the protagonist has exhibited symptoms of mental and social-emotional illness; and

WHEREAS, children with identified behavioral and mental health issues attend school and are entitled to an appropriate public education; and

WHEREAS, students with behavioral and mental health issues disrupt other students, classroom settings, and the educational process; and

WHEREAS, nationally nearly 80 percent of students who need mental health services do not receive them; schools and school districts lack sufficient numbers of highly trained staff to identify and diagnose students with severe behavioral issues in a timely manner; and

WHEREAS, students with mental health issues must be promptly identified and effectively supported and treated in the interest of maintaining a safe school environment and bolstering student academic performance; and

WHEREAS, school personnel are in a key position to identify the early warning signs of an emerging mental health condition, and to direct families to appropriate mental health resources; and

WHEREAS, schools and the mental health system in New Mexico are not sufficiently funded to provide timely diagnostic and support services for behaviorally-challenged students, adequate staff training in the recognition of mental health symptoms, short-term counseling, and services to which students and families facing mental health crises may be referred.

NOW, THEREFORE, BE IT RESOLVED that the RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION urges the Governor and the New Mexico Legislature to provide adequate, ongoing funding for the provision of behavioral and mental health services in and supporting the public schools, including:

- Full funding for sufficient behavioral programs and classrooms to provide services to all students with identified behavioral disorders;
- Resources/staff training for timely identification of students with mental health issues;
- Training and support to help teachers meet the social and emotional needs of students on a day-to-day basis;
- Exploration of intermediate units (district-wide or through regional centers) to provide intensive, short-term interventions to students with behavioral and mental issues;
- An adequate number of counselors, nurses, psychologists/psychiatrists, social workers, and other professionals to provide ongoing support and referrals for students and families facing mental health issues that require long-term and highly specialized care; and
- An adequate community safety-net system for referrals to hospitals and counseling, recognizing the limitations schools, as educational institutions, have in providing comprehensive mental health services.

Committee Recommendation:

Already in the 2023 Legislative Program, (page 3, column 2) under:

“Student and Staff Safety and Security – NMSBA supports funding for school safety, security personnel including capital improvements, training, behavioral, social emotional health services, counseling for student and staff well-being; and, guidance in utilizing armed school security guards and restorative justice.”

No Action Needed

PROPOSED RESOLUTION #18

Submitted By: Rio Rancho Public Schools

Title: Additional Funding for Special Education Positions

WHEREAS, Rio Rancho Public Schools is committed to ensuring a high-quality education for all students, regardless of their learning needs; and

WHEREAS, the recruitment and retention of qualified special education teachers has proven to be a significant challenge due to the specialized nature of their role; and

WHEREAS, special education teachers require unique skills and expertise to cater to the diverse needs of students with disabilities and provide them with an inclusive and supportive educational environment; and

WHEREAS, the current funding allocation for teachers does not accurately reflect the additional requirements and responsibilities associated with these roles; and

WHEREAS, the success of our educational system hinges upon the ability to attract and retain highly qualified educators, particularly in hard-to-fill positions.

NOW, THEREFORE, BE IT RESOLVED that the RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION respectfully requests that the Governor and the New Mexico Legislature allocate increased funding for positions that support students with the highest needs, with a particular focus on special education teachers, to ensure competitive compensation packages that reflect the unique challenges and expertise required for these roles; and

FURTHERMORE, BE IT RESOLVED that the RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION urges the Governor and the New Mexico Legislature to collaborate with educational institutions and stakeholders to develop targeted recruitment and retention strategies that address the critical shortage of special education teachers.

Committee Recommendation:

Consider adding language to the 2024 platform specifically to:

“Fully fund districtwide initiatives for special education to attract staff/case managers and maintain and support associated program costs.”

Recommend Approval

CAPITAL OUTLAY

PROPOSED RESOLUTION #19

Submitted By: Albuquerque Public Schools

Title: Emergency Funding for AC/HVAC Upgrades

WHEREAS, our children’s learning and health are severely affected with increasing outside temperatures, and

WHEREAS, the extended school year has resulted in students and staff being in classroom during the early and late summer when temperatures are high, and

WHEREAS, our students, educators, and support staff deserve a safe and comfortable environment for learning and working, and

WHEREAS, Albuquerque Public Schools must cool 19 million square feet in the summer months when children are in school, has the oldest schools in the state, and 70 percent of the district relies on evaporative coolers to keep the buildings cool, and

WHEREAS, school districts continue to work to update school infrastructure to ensure that heating and cooling systems are functioning properly at all school sites, and

NOW, THEREFORE, BE IT RESOLVED that the Albuquerque Public School Board supports the provision of emergency state funding to convert outdated and ineffective cooling and heating systems all school and district work sites.

Committee Recommendation:

Consider adding language to the 2024 platform specifically for:

“AC/HVAC Upgrades – Support emergency funding for all school and district work sites.”

Recommend Approval

PROPOSED RESOLUTION #20

Submitted By: Las Cruces Public Schools

Title: **Reduce recurring utility expenses for school districts through energy efficient capital outlay projects**

WHEREAS, New Mexico has been a nation-wide leader in solar energy; and

WHEREAS, the federal government in The Inflation Reduction Act provides financial incentives to address issues of climate change, and rebuild the infrastructure of our nation, including the construction of 950 million solar panels and support for cost-saving clean energy projects at rural electric cooperatives; and

WHEREAS, schools have the potential to make positive, tangible environmental change in the world while teaching students to be stewards of their communities, the earth, and its resources; and

WHEREAS, school facilities also serve as a significant portion of infrastructure for communities, serving as a hub for the community; and

WHEREAS, local school administrators have the greatest insight into where capital outlay projects are needed in their individual school districts; and

WHEREAS, schools are faced with higher utility costs, which are recurring each year, and which would be reduced by an investment in renewable sources of energy; and

WHEREAS, the State of New Mexico has recently invested significant funding into providing renewable energy for its buildings in Santa Fe, projected to save significant funds in utility bills.

NOW, THEREFORE BE IT RESOLVED that the Las Cruces Public Schools Board of Education requests that the New Mexico Legislature provide financial resources to the Public School Finance Authority so that subject to local control by school districts, a

renewable energy component will become part of capital project funded in whole or in part by the Public School Capital Outlay Council; and

BE IT FURTHER RESOLVED that the PSFA, subject to collaboration with local districts, will explore longitudinal cost-benefit analyses for energy efficient systems and for traditional building systems so that local school districts are informed about the financial impact of various options.

Committee Recommendation:

Consider adding language to the 2023 platform specifically to:

“Support of a renewable energy component to be funded by the Public School Capital Outlay Council.”

Recommend Approval

LOCAL CONTROL

PROPOSED RESOLUTION #21

Submitted By: Gallup McKinley County Schools

Title: Request for Relief for All Public Schools

WHEREAS, that there is fundamental issue at stake for the 2023 Session of the State Legislature as to whether there remains local control of public schools in the State of New Mexico; and

WHEREAS, there has been a long-standing tradition of local control of public schools in New Mexico that is also an American Tradition. More importantly, local school boards in this State predate Statehood and the creation of the Public Education Department (“PED”) as the governmental entity regulating public education in this State. *See Board of Education of City of Socorro v. Robinson*, 7 N.M. 231 (N.M. Terr. 1893) (seeking tax revenue from the sale of alcohol to fund local schools); and

WHEREAS, the history of local control of public schools in this State is significant and long-standing, and it was incorporated in its entirety into the governmental structure of this State upon its inception in 1912; and

WHEREAS, the Legislature did not ignore this long-standing tradition of local control in the creation of the PED Secretary’s position without notice to the State and its citizens that the Secretary would now supplant and replace local school boards and local superintendents in controlling and governing of their local school districts by and through their locally elected officials; and

WHEREAS, despite the historic significance and history of local control, it is now being extinguished by the PED resulting in significant public policy implications related to the loss of local control; and

WHEREAS, local governance is the best means to advance public education for the following reasons:

1. Education is not a line item in a school board's budget—it is the only item.
2. The school board represents the community's voice in public education, providing citizen governance and knowledge of the community's resources and needs, and school board members are the policy makers closest to the student and his or her education.
3. The school board sets the everyday standards for achievement in their school districts, incorporating the community's view of what students should know and be able to accomplish at each grade level.
4. The school board is accessible to everyone in the community and is accountable for the performance of the schools in the school district.
5. It is the right of every voting citizen, as a voter, to select new school board members who will work diligently to provide an opportunity for students to receive a high-quality education, which will enable them to succeed in their career, college, and life.
6. The school board is the community's education watchdog, ensuring that taxpayers get the most for their tax dollars and ensure the schools are responsive to the needs of the student and community; and

WHEREAS, in litigation regarding local control, the PED maintains that the governance of public schools has never and does not now include local control of public schools by local school boards and that the local control and operation of public schools is not the exclusive purview of local superintendents who are also subject to PED direction; and

WHEREAS, the PED acknowledges that local school boards do have policy-making authority under statute, but the PED maintains that this statutory authority is limited, subject to and only operates in the space granted to local school boards by the PED; and

WHEREAS, PED asserts that the authority of local school boards is now and has always been subordinate to that of the PED and subject to its regulation (whether by rule-making by promulgation of official regulations in the New Mexico Administrative Code or by informal "guidance" documents sent by the PED Secretary or his designee or by e-mail or being placed on the PED website); and

WHEREAS, in the case of *Louis Martinez et. al v. The State of New Mexico, et al.* consolidated with *Wilhelmina Yazzie, et. al. v. The State of New Mexico, et. al.* Case Nos. D-101-CV-2014-00793 and D-101-CV-2014-02224, the First Judicial District Court held that the State of New Mexico, by and through the has failed to meet its constitutionally-mandated responsibility to provide all public school students the sufficient funding for local programming and supports necessary to succeed in violation of the Education Clause, the Equal Protection Clause, and the Due Process Clause of the New Mexico Constitution; and

WHEREAS, the PED has been subject to a court’s ruling that specifically finds that New Mexico’s public education system, by and through the PED, is constitutionally insufficient and that the PED has failed to comply with the court’s order to correct public education funding to the point the Attorney General’s Office is taking over the representation of the State away from the PED in order for the State to finally comply with the court’s order to sufficiently address the issues related to public education to comply with the State’s Constitution; and

WHEREAS, the PED is now currently controlling and governing all aspects of public education to the exclusion of local school boards and local superintendents with the same result during the same time period as it addressed the in issues leading to the *Yazzie/Martinez* case; and

WHEREAS, the local school districts who are plaintiffs in the *Yazzie/Martinez* case sought additional local funding to alleviate insufficient instructional materials for both the general student populations and for specific student groups, as well as to mitigate a lack of access to technology, particularly in the rural areas of the State, and in connection with the New Mexico Indian Education Act’s statutory requirements, the plaintiffs also sought culturally relevant curricula for Native American students and that public school districts should be provided with sufficient funds to pay for all the teachers that they need to remedy the quality of education for at-risk students that is currently inadequate; and

WHEREAS, the PED relies upon Section 22-2-1(A) of the Public School Code, which states that “[t]he secretary is the governing authority and shall have control, management and direction of all public schools, except as otherwise provided by law[.]” and that the language “except as otherwise provided by law” in Section 22-2-1(A) means little or nothing, as the PED’s asserts that its authority is plenary and complete over all of public education and over all those associated with public education, including local school boards and local superintendents; and

WHEREAS, as part of New Mexico’s Federal Enabling Act and New Mexico’s Constitution, local school districts are mandated to provide a general and uniform public education for all New Mexico school aged citizens located within its boundaries within the State of New Mexico. *See* Act of June 20, 1910, 36 Statutes at Large 557, Chapter 310, § 2; N.M. Const. Art. XII, §§ 1 and 3; N.M. Const. Art. XXI, § 4; N.M. Stat. Ann. § 22-1-4(A) (2015); *see also San Antonio Independent School District v. Rodriguez*, 411 U.S. 1, 35 (1973); and

WHEREAS, PED has now asserted that its plenary and its complete authority includes all charter schools that operate as public schools and that are responsible for their own operations and budget, and they are governed by a governing body equivalent to a local school board under Sections 22-8B-2(A) (2015) and 22-8B-4(B) and (C) of the Charter School Act; and

WHEREAS, in the case of *Alarcon v. Albuquerque Pub. Sch. Bd. of Educ.*, 2018-NMCA-021, 413 P.3d 507 (N.M. Ct. App. 2018), *cert. denied*, 2018-NMCERT-001 (N.M. 2018), the New Mexico Court of Appeals stated that it only appears that the PED has exclusive and plenary control over all education policies in the State. *See Alarcon*, 2018-NMCA-021, at ¶ 64, 413 P.3d at 526, and the court goes on to hold that “[i]n order to avoid any question and to be consistent

with its purposes, [the Legislature] expressly and explicitly states that a local school board has the ‘powers or duties’ to ‘develop educational policies for the school district’ (that are ‘subject to the rules of the department’) in Section 22-5-4(A)[.]” of the Public School Code. *Alarcon*, 2018-NMCA-021, at ¶ 65, 413 P.3d at 526. “Granting a school board such authority is not a limitation, but an express recognition that each local board is a partner with the public education department in making education policy for that particular school district by taking into account the state’s multicultural diversity to achieve student success.” *Id*; and

WHEREAS, the court in *Alarcon* stated that “[w]e therefore conclude that the powers and duties granted to school boards in Section 22-5-4(A) [of the Public School Code] are in addition to, and not a limitation, on the general power to enact policy for the school district recognized in Section 22-1-2(H).” *Alarcon*, 2018-NMCA-021, at ¶ 65, 413 P.3d at 527; and

WHEREAS, this ruling by the Court of Appeals is contrary to the past and current actions of the PED and will be contrary to the future acts of the PED to control and govern local school districts in acting unilaterally without the support and agreement of its partners in public education; and

WHEREAS, under the Constitution at Article XII, Section 6, subsection D, the PED Secretary is a cabinet secretary of the State of New Mexico who “shall have administrative and regulatory powers and duties, including all functions relating to the distribution of school funds and financial accounting for the public schools to be performed as provided by law.” *See* N.M. Stat. Ann. § 22-8-4(A) (1988) (“...the department shall: ... prescribe the forms for and supervise and control the preparation of all budgets of all public schools and school districts ...”), and as such, the real reach and application of the PED’s statutory authority is entwined and limited to the Statewide requirement for the State’s receipt of federal funding through such federal statutes such as the Elementary and Secondary Education Act of 1965 (“ESEA”); and

WHEREAS, one of the Statewide requirements for federal funding, which the PED also failed to comply with, was the new teacher evaluation process known as NMTEACH. The NMTEACH System was created to ensure continued federal funding by complying with the federal requirements for teacher evaluations and ensure academic progress for students as required by federal law. *See* §§ 6.69.8.1-6.69.8.13 NMAC (PED Regulations on Teacher Evaluation System). However, NMTEACH was also struck down by the courts for not being founded in fact or supported by evidence from the PED, who now is controlling and governing all other aspects of public education to the exclusion of local school boards and local superintendents with the same result during the same time leading to the issues giving rise to the *Yazzie/Martinez* case; and

WHEREAS, the PED should only be regulating and controlling those aspects of public education necessary for federal funding, and its authority over public schools was originally intended by the Legislature to be shared with its partners in public education—local school boards and local superintendents; and

WHEREAS, the PED Secretary, an unelected and Governor-appointed official of the executive branch, has been given and has improperly exercised authority to remove duly- and publicly-elected officials of local school boards, who were subsequently reinstated by the court denoting political motivation rather than setting forth actual evidence of any wrongdoing and has routinely threatened the removal of other school officials and school board members for failing to comply with PED formal or informal directives; and

WHEREAS, local school boards should be setting curriculum for all courses of instruction not subject to uniformity in order for the State to receive federal funding or where directed by the Legislature; and

WHEREAS, local school boards should be setting graduation, attendance, education support, equity and all other requirements and standards not subject to uniformity in order for the State to receive federal funding or where directed by the Legislature; and

WHEREAS, 24 local school districts are appealing to the Court of Appeals challenging the assertion by the PED of plenary and complete control and governance of all local school districts eliminating local control of public schools; and; and

NOW THEREFORE BE IT RESOLVED that the Board of Education, the governing body of the Gallup-McKinley County Schools, requests the Legislature to amend the provisions of the New Mexico Public School Code to recognize and affirm that local control of public schools exists and that local school boards and local superintendents have sufficient authority to govern and control local school districts where Statewide uniformity with federal or State requirements for funding is not implicated or required; and

BE IT FURTHER RESOLVED that the Legislature and New Mexico Public Education Department fully comply with the Court Order in the Yazzie/Martinez cases to adequately fund all public schools at a local level to be expended consistent with local needs by local school boards; and

BE IT FURTHER RESOLVED that the Legislature act to bar the Public Education Department from removing any duly elected school board member or employed public school administrator without sufficient due process involving the necessary seeking and obtaining a court order from a local district court before allowing that removal and such removal shall only be for a period of time to obtain compliance with any applicable law as determined by a local district court; and

BE IT FURTHER RESOLVED that the Board of Education for the Gallup-McKinley County Schools requests the Legislature provide for statutory and regulatory provisions of law that provide that the Secretary of the Public Education Department cannot make any changes to the governance and control of local school districts, such as curriculum and educational supports where Statewide uniformity with federal or State requirements for funding is not implicated or required; and

BE IT FURTHER RESOLVED that the Legislature act to immediately appropriate additional and separate funding outside of operational and SEG funding to reimburse and absorb the

costs of the School District's continued operation post-COVID to recover from educational deficits that still exist from the pandemic.

Committee Recommendation:

Consider adding language to the 2023 platform specifically to:

- 1. Affirm local school boards and superintendents have sufficient authority to govern and control local school districts;*
- 2. Adequately fund all public schools to fully comply with the Yazzie/Martinez Court Order;*
- 3. Allow PED to temporally remove a duly elected school board member only after sufficient due process has occurred with sufficient time allowed to obtain compliance with any applicable law.*
- 4. Provide funding outside the SEG to reimburse and absorb costs of school districts continued operation of post-COVID deficits.*

Recommend Approval

OTHER

PROPOSED RESOLUTION #22

Submitted By: Rio Rancho Public Schools

Title: **Teacher Licensure Advancement**

WHEREAS, New Mexico has a 3-Tiered Licensure Advancement System for Teachers; and

WHEREAS, there are currently three options for teachers to advance through the 3-Tiered Licensure Advancement System--Professional Development Dossier (PDD), National Board Certification (NBCT) or Advancement Program Level (APL) Micro-Credentials to advance from Level 1 to Level 2 and from Level 2 to Level 3; and

WHEREAS, the school year 2023-2024 is the last year the Professional Development Dossier (PDD) option will be available; and

WHEREAS, a Level 1 teacher will be eligible to advance to Level 2 via the APL I-II Micro-Credentials when they have:

- Successfully completed five required micro-credential courses with a mastery score of 85% or higher;
- Taught three full school years of teaching experience (minimum of 160 days per year) with successful annual evaluations with a Level 1 teaching license; and

WHEREAS, a Level 2 teacher will be eligible to advance to Level 3 via the APL II-III Micro-Credentials when they have:

- Successfully completed four micro-credentials with a mastery score of 85% or higher;

- Taught three school years with a Level 2 teaching license. (Minimum of 160 days per year) with successful annual evaluations;
- Earned a master’s degree; and

WHEREAS, the State of New Mexico should have a comprehensive approach to establish sustained structures for building educator excellence and increasing student achievement growth; and

WHEREAS, Micro-credentialing appears to limit the number of teachers from completing advancement requirements; and

WHEREAS, teachers should not be prevented from participating in advancement programs; and

WHEREAS, teachers may only take one micro-credentialing course each quarter; and

WHEREAS, teachers should receive accredited, graduate-level professional development courses for licensure advancement; and

WHEREAS, a master’s degree and years of experience should be sufficient for level 3 advancement; and

WHEREAS, the micro-credentialing system does not appear to have mechanism by which district can assist their teachers in the process; and

NOW, THEREFORE, BE IT RESOLVED that the RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION, urges the Governor and the New Mexico Legislature to extend the Dossier Program for three years or until a new licensure advancement system can be developed; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION urges the Governor direct the New Mexico Public Education Department to convene a task force (including 1/3 teachers, 1/3 administrators and 1/3 higher education) to develop a licensure advancement system that provides teachers with multiple options for advancement and opportunities to work at their own pace.

Committee Recommendation:

Consider adding language to the platform specifically to:

“Licensure Advancement System – Extend the current dossier program temporarily and convene a task force to develop a licensure system with multiple options for teacher advancement.”

Recommend Approval