

WEEK 5 OF THE LEGISLATIVE SESSION:

With only 4 days remaining in the 30-day session, legislators in the Senate Finance Committee worked on Sunday to pass an unprecedented \$3.8 billion budget for public schools, an increase of 12% over last year's budget. A total \$8.5 billion spending plan for the State was approved by the Senate Finance Committee (SFC).

The bill is only a few steps away from completing the grueling legislative process.

Legislative Update: Thursday, February 17th

Within minutes before adjourning Sine Die of the Second Session of the 55th Legislature, House Speaker Brian Egolf surprised everyone with the news he would not seek re-election, leaving the top House leadership position vacant.

Within the span of the 30-day session, a new Omicron variant surged and then rescinded to the point that Governor Michelle Lujan Grisham lifted the indoor mask mandate for all, including public schools. NEA-NM State President, Mary Parr-Sanchez, responded to the announcement by signaling her approval and noting that she "would encourage the public to support any student, educator or school district that may choose to continue wearing masks for personal safety."

In total, there were 641 pieces of legislation filed. Of those, about 104 were directly related to public schools and only 15 passed both chambers. Some of these bills will have a direct impact on the current educator shortage crisis and hopefully increase the number of highly qualified teachers in an estimated 1000 classrooms currently with none. It's a solid start but we need to do more for our public schools and students.

President Parr-Sanchez wrote in [NEA-NM's 2022 Legislative Platform](#) that "Our education system has not been working for many of our students. It must be rebuilt on the core values of honoring our students' culture, language, and diversity. We must end systems of discrimination and marginalization that do not allow all students to learn and perform to their full potential. We must work to make sure that in a minority-majority state, we do not try to standardize our students or their education in a way that ignores their unique attributes and challenges. We must begin to fully fund our schools." Mightier than the sword, it's now up the Governor's pen to decide if key education bills sent to her desk will become law.

For easy reference, we compiled a list of 11 education related bills on their way to the Governor's desk. Please keep in mind that omission of any bills in the summary below does not mean that they are irrelevant or not important. All bills are important to someone, and many bills relate to public education in one way or another. In the name of brevity, however, we have opted to focus on bills that closely correlate with our [2022 NEA-NM Legislative Priorities](#).

Bill	Title	Floor Votes
HB 2	GENERAL APPROPRIATION ACT OF 2022	H (56-13) S (37-3)
HB 13	TEACHER RESIDENCY CHANGES	H (64-0) S (36-0)
HB 43	CHARTER SCHOOL FACILITY IMPROVEMENTS	H (64-0) S (41-0)

HB 57	2023 TRANSPORTATION DISTRIBUTION CALCULATIONS	H (65-0) S (38-0)
HB 60	NATIVE AMERICAN LANGUAGE CERTIFICATE SALARIES	H (63-0) S (34-0)
HB 73	EDUCATIONAL RETIREES RETURNING TO WORK	H (62-1) S (41-0)
HB 119	ADJUST CERTAIN SCHOOL DISTRIBUTIONS	H (62-0) S (34-0)
SB 1	INCREASING SALARY FOR LICENSED TEACHERS	S (35-0) H (68-0)
SB 36	CONTRIBUTIONS TO EDUCATIONAL RETIREMENT FUND	S (35-0) H (52-12)
SB 38	EARLY CHILDHOOD EDUCATION DEPT AUTHORIZATIONS	S (29-0) H (69-0)
SB 134	NM HOUSING TRUST FUND	S (37-3) H (51-19)
SB 140	OPPORTUNITY SCHOLARSHIP ACT	S (30-6) H (51-17)

Educator Wages:

- ✓ [HB 2](#), the budget bill, includes a 7% pay raise for all public school employees. 3% will be paid in the 4th quarter of the current fiscal year and the other 4% paid as the new school year begins. The bill covers a \$15/hour minimum wage for all hourly school employees and \$1.6 million for an average 4% pay raise for all public school transportation personnel. \$64 million to provide an average 3% for educators participating in K-5 plus or Extended Learning.
- ✓ SB 1 will raise the Tier minimums to \$50,000 (Level 1), \$60,000 (Level 2) and \$70,000 (Level 3).
- ✓ [HB 13](#), Teacher Residency Changes, increases stipends for residents in the teacher residency program from \$20,000/year to no less than \$35,000/year.
- ✓ [HB 60](#) will provide \$1.2 million to increase salaries for teachers who hold a Native American language and culture certificate.
- ✓ [SB 36](#) increases employer contributions to the educational retirement fund by an additional 1 percentage point in FY23 and by 1 percentage point in FY24, raising the rate for FY23 from 16.15 percent of salary to 17.15 percent of salary and raising the rate for FY24 and subsequent years the rate would be raised to 18.15 percent. [HB 2](#) contains \$20 million to fund the changes.

Healthcare:

Legislators failed to pass [HB 59](#) and [SB 101](#) delivering relief for ever-increasing healthcare premiums. [HB 59](#) passed the House Education Committee with a unanimous vote but was tabled in the House Appropriation and Finance Committee because it was not part of [HB 2](#). On the Senate side, [SB 101](#) passed the Senate Education Committee with a unanimous vote but failed to get on the Senate Finance Committee agenda and died in the time-strapped legislative session.

NEA-NM will continue to fight for affordable healthcare for all educators during the interim. One crucial tactic in our strategic plan moving forward is the continued advocacy and involvement of our members with legislators on both the Legislative

Finance Committee and Legislative Education and Study Committee. Your voice and advocacy during the interim will prove key in winning the fight for affordable healthcare.

Planning Time:

- ✓ [HB 2](#) includes \$21 million for much needed professional development.

Class Size and Adequate Staffing:

- ✓ [HB 2](#) provides \$50 million to help with hard-to-staff positions, \$20 million for the Teacher Preparation Affordability Scholarship Fund and \$5 million for Teacher Loan Repayment Fund paving the way for future generations of educators.
- ✓ [HB 73](#) removes restrictions for retired educators to return to the classroom and continue to keep their pension after a three-month (90 day) layout period. Retired educators will be limited to serving for 36 months.

Community Schools:

- ✓ [HB 2](#) will invest \$8 million to expand the Community Schools model that NEA-NM supports. NEA-NM members called to fully fund a statewide rollout of the Community Schools strategy for all high-poverty schools and support Community Schools with much-needed technical assistance and professional development.

Early Childhood Education:

- ✓ [SB 38](#) includes the power to transfer background check authority, childcare licensing authority, and duty to convene the Family, Infant, Toddler Interagency Coordinating Council to allow the Early Childhood Education and Care Department (ECECD) to conduct its essential functions and responsibilities.
- ✓ [HB 2](#) invests over \$260 million for Early Childhood Education and Care programs.

Higher Education:

- ✓ [SB 140](#) will cover all tuition and fees for all degree-seeking undergraduate students who have not earned a college degree, are enrolled any public state or tribal college in New Mexico who take between 6 and 18 hours during the fall and spring semesters and, maintain a 2.5 grade point average. [SB 140](#) provides a solid pathway and the economic means for disadvantage students, especially those from working families, to attend college, succeed and contribute to the growth of our state.
- ✓ [HB 2](#) contains close to \$1 billion in funding for Higher Education.

Other underlining public-school investments:

- ✓ \$95 million for in-person Extended Learning Time programs
- ✓ \$119.8 million for K-5 plus programs
- ✓ \$43 million to purchase culturally and linguistically appropriate instructional materials
- ✓ \$10 million for career technical education initiatives and equipment
- ✓ \$8 million to provide evidence-based structured literacy interventions and develop literacy collaborative models K-2nd grade
- ✓ \$14.9 million for the Indian Education Fund
- ✓ \$13.3 million for Tribal and Rural ELTP

- ✓ \$2 million for Tribal libraries
- ✓ \$500 thousand for implementation of the Hispanic Education Act
- ✓ \$10 million for emergency educational technology and information technology staffing needs at New Mexico public schools

Charter Schools

[HB 43](#) appropriates \$10 million for charter school facility improvements.

Adequate Funding

[HB 57](#) and [HB 119](#), make necessary funding adjustments for schools as the result of the pandemic. These bills are critical for student transportation services and to increase capital outlay funding for all school districts. NEA-NM supports adequate funding for all public schools.

Affordable Housing

Confronting the housing crisis that many of our educators are facing, [SB 134](#) provides \$24 million in recurring funds for the New Mexico Housing Trust Fund to develop affordable housing for low to middle income workers and their families.

Legislative Update: Wednesday, February 16th

Wednesday marked the last day for both the House and Senate Education Committees to hear debate and vote on bills. NEA-NM thanks the members and staff of these committees for their time, dedication, and heart. NEA-NM will continue to work with legislators, in the interim, in favor of our students and public-school educators.

House Education Committee

Members approved reforms to the Opportunity Scholarship Fund in [SB 140/a](#). The bill will cover tuition and fees for all degree-seeking undergraduate students of any public state or tribal college in New Mexico. Eligible students must take between six to 18 hours during the fall and spring semesters and maintain a 2.5 grade point average. In addition, members voted in favor of [SB 243](#) amending the Family Income Index Act to remove the restrictions on how funding must be used. The bill allows funds to be used for career technical education or work-based learning. The family income index was enacted in 2021 to specifically target funding to public schools with high concentrations of poverty.

Both bills will move to the House Floor.

Senate Education Committee

Legislators also voted in favor of [HB 43](#), a bill that appropriates \$10 million for charter school facility improvements. The bill now heads to the Senate Floor.

House and Senate Floor

As of this Monday morning, we have compiled a list of the education bills tracked and cleared by both chambers. There is total of 9 bills that are headed to the Governor's desk, except for HB 2, the budget bill, which is pending a concurrent vote.

House (H) Senate (S) Bill	Title	Floor Votes
HB 2	GENERAL APPROPRIATION ACT OF 2022	H (56-13) S (37-3)
HB 119	ADJUST CERTAIN SCHOOL DISTRIBUTIONS	H (62-0) S (34-0)
HB 13	TEACHER RESIDENCY CHANGES	H (64-0) S (36-0)
HB 57	2023 TRANSPORTATION DISTRIBUTION CALCULATIONS	H (65-0) S (38-0)
HB 132	INTEREST RATES FOR CERTAIN LOANS	H (51-18) S (19-8)
HB 60	NATIVE AMERICAN LANGUAGE CERTIFICATE SALARIES	H (63-0) S (34-0)
SB 36	CONTRIBUTIONS TO EDUCATIONAL RETIREMENT FUND	S (35-0) H (52-12)
SB 1	INCREASING SALARY FOR LICENSED TEACHERS	S (35-0) H (68-0)
SB 134	NM HOUSING TRUST FUND	S (37-3) H (51-19)

House Floor

The budget bill, [HB 2](#), finally made it through the grueling legislative process. The House voted to approve Senate amendments and sent the bill to the Governor's desk. The budget bill will funnel \$3.6 billion into the State Equalization Guarantee (SEG). Over \$400 million will be used to increase compensation for educators.

With the intent to clarify the scope and duties of the Early Childhood Education and Care Department (ECECD), Representatives passed [SB 38](#). The bill includes the power to transfer background check authority, childcare licensing authority, and duty to convene the Family, Infant, Toddler Interagency Coordinating Council to allow the ECECD to conduct its essential functions and responsibilities.

After receiving a unanimous vote in the Senate, House legislators voted on a couple of amended bills on the concurrence calendar. Representatives voted to approve [HB 60](#), as amended. The bill requires a minimum annual salary for an educator holding a Native American language and culture certificate match that of a level 1 licensed teacher. Also, representatives voted in favor of [HB 132](#), changing interest rates on certain loans.

The House voted 51 in the affirmative and 17 in the negative to approve [SB 140/a](#), a bill that will reform the Opportunity Scholarship Fund. The bill will cover tuition and fees for all degree-seeking undergraduate students who have not earned a college degree and are enrolled in any public state or tribal college in New Mexico. Eligible students must take between 6 and 18 hours during the fall and spring semesters and maintain a 2.5 grade point average. [SB 140/a](#) provides an economic pathway for disadvantaged students, especially those from working families, to attend college, succeed and contribute to the growth of our state.

Senate Floor

Senators wrestled to find a balance between allowing retired educators to return to the classroom to help with the current educator shortage crisis and the need to protect the solvency of the Educational Retirement fund balance. After a lengthy debate, Senators voted 41 in the affirmative and 0 in the negative to allow retired educators to return to work after a 90-day layout period but would limit that worker to 36 months of additional service. [HB 73/a](#) includes a provision to ease the negative impact on the Educational Retirement fund balance. Contributions paid to the ERB after returning to the classroom are non-refundable. The bill raises questions around the cost of healthcare if a retired educator decides to return to the classroom. We recommend that a retired educator planning to return to the classroom contact the [Educational Retirement Board](#).

[SB 172](#) is identical to [HB 73](#)

Next stop, the Governor's pen.

Legislative Update: Tuesday, February 15th

House Government, Elections, and Indian Affairs

The committee approved [SB 38](#), a bill that includes the power to transfer background check authority, childcare licensing authority, and duty to convene the Family, Infant, Toddler Interagency Coordinating Council to allow the ECECD to conduct its essential functions and responsibilities. The bill now heads to the House Floor and only steps away from reaching the Governor's desk.

House Floor

After a relatively short debate, legislators passed [SB 36](#) with 52 votes in favor and 12 against. The bill increases employer contributions to the educational retirement fund by an additional 1 percentage point in FY23 and by 1 percentage point in FY24, raising the rate for FY23 from 16.15 percent of salary to 17.15 percent of salary and raising the rate for FY24 and subsequent years the rate would be raised to 18.15 percent. [HB 2](#) contains \$20 million to fund the changes.

Confronting the housing crisis, the Senate voted to approve [SB 134](#), providing \$24 million in recurring funds for the New Mexico Housing Trust Fund (NMHTF) with 51 votes in the affirmative and 15 against.

In August, NEA-SF conducted a survey of about 400 school staff members. The survey found that a great majority of educators were not able to buy a home in Santa Fe on their salary. The median home sales price in Santa Fe is more than \$500,000.

Both bills, [SB 36](#) and [SB 134](#) now head to the Governor's desk.

Clarifying the process in which workers are allowed to collectively organize and form a union, legislators voted to approve/disapprove [SB 41](#) amending the University Research Park and Economic Development Act to allow workers to form a union subject to the Public Employee Bargaining Act rather than the federal National Labor Relations Act as they currently are.

Senate Floor

Senators debated and voted unanimously (34-0) to approve [HB 60](#) requiring that the minimum annual salary for an educator holding a Native American language and culture certificate match that of a level 1 licensed teacher. Senator Harold Pope spoke in favor of this bill and referred to it as an equity bill. Representative Derrick Lente stated during the House Floor debate that “Without language there is no culture.”

In the absence of any debate, Senators gave [HB 119](#) a unanimous vote (34-0). The bill changes the calculation of the state distribution for school districts levying the public-school capital improvements tax or “two-mill levy” increase funding through the Public-School Capital Outlay Act from \$20.1 million to \$31.1 million, an increase of \$10.9 million, or 54 percent.

Legislative Update: Monday, February 14th

As of Monday morning, of all the education bills that we have been tracking, only 7 have passed the House Floor and 5 on the Senate side. Below is a quick snapshot for your reference:

House/Senate Bill	Bill Title	House/Senate Floor Vote
H 119	ADJUST CERTAIN SCHOOL DISTRIBUTIONS	H (62-0)
H 73	EDUCATIONAL RETIREES RETURNING TO WORK	H (62-1)
H 60	NATIVE AMERICAN LANGUAGE CERTIFICATE SALARIES	H (63-0)
H 43	CHARTER SCHOOL FACILITY IMPROVEMENTS	H (64-0)
H 13	TEACHER RESIDENCY CHANGES	H (64-0) H (62-5)
H 57	2023 TRANSPORTATION DISTRIBUTION CALCULATIONS	H (65-0)
H 39	GRT DEDUCTION FOR NONATHLETIC SPECIAL EVENTS	H (67-1)
S 38	EARLY CHILDHOOD EDUCATION DEPT AUTHORIZATIONS	S (29-0)
S 140	OPPORTUNITY SCHOLARSHIP ACT	S (30-6)
S 1	INCREASING SALARY FOR LICENSED TEACHERS	S (35-0)
S 36	CONTRIBUTIONS TO EDUCATIONAL RETIREMENT FUND	S (35-0)
S 243	FAMILY INCOME INDEX DISTRIBUTION USES	S (36-0)

Senate Education Committee Agenda

It was an intense day in the SEC with legislators discussing and voting on 5 House Bills and a Senate Memorial.

Moving along the legislative process and now facing the Senate floor, House bills [HB 13/a](#) Teacher Residency Changes, [HB 57/a](#) 2023 Transportation Distribution Calculations, [HB 73/a](#) Educational Retirees Returning to Work, and [HB 119](#) Adjust Certain School Distributions all received a Do Pass.

After a couple of hours of debate and several amendments, legislators finally agreed to approve [HB 60](#)/a Native American Language Certificate Salaries. The bill now heads to the Senate Finance Committee.

Legislators also moved to pass [Senate Memorial 31](#), requesting the Legislative Education Study Committee study to explore a flat school board per diem. The SEC will meet again on Wednesday, perhaps for the last time in the 30-day session.

House Appropriation and Finance Committee

A swift debate resulted in a favorable vote for [SB 1](#) and [SB 36](#), sending both these education bills to the House Floor for a final vote. The bills are just a couple of steps away from the Governor’s desk.

[SB 1](#) will increase the statutory minimum teacher salaries to \$50 thousand for level 1 teachers, \$60 thousand for level 2 teachers, and \$70 thousand for level 3-A teachers and counselors. The bill would also increase the statutory salary minimums for principals and assistant principals.

[SB 36](#) increases employer contributions to the educational retirement fund by an additional 1 percentage point in FY23 and by 1 percentage point in FY24, raising the rate for FY23 from 16.15 percent of salary to 17.15 percent of salary and raising the rate for FY24 and subsequent years the rate would be raised to 18.15 percent. [HB 2](#) contains \$20 million to fund the changes.

House Floor

Following a lengthy debate on a bill that will bring tax changes, legislators focused their attention on several bills, among them [SB 1](#), Increasing Salary for Licensed Teachers. With no debate and a unanimous vote of 64-0, legislators sent the bill to the Governor’s desk.

Minimum Teacher and Principal Salaries

	Current Law	Senate Bill 1
Level 1 Teacher	\$41,000	\$50,000
Level 2 Teacher	\$50,000	\$60,000
Level 3 Teacher	\$60,000	\$70,000
Principal		
Elementary Assistant	\$66,000	\$77,000
Middle School Assistant	\$69,000	\$80,500
High School Assistant	\$75,000	\$87,500
Elementary School	\$72,000	\$84,000
Middle School	\$84,000	\$98,000
High School	\$96,000	\$112,000

Source: LESC Files

Senate Floor

Passing a spending bill is not an easy feat, but it does make it easier when there is more rather than less money in state revenue. With a windfall of over \$1.4 billion dollars and the price of oil forecasted to increase as the crisis in Russia brews, Senators voted 37 in the affirmative and 3 against to approve [HB 2](#), New Mexico's FY23 budget bill.

The spending bill promises to invest \$4.3 billion or about half of the total state budget into K-12 public education. \$3.6 billion will be injected into the State Equalization Guarantee (SEG) with over \$400 million directed to increase compensation for educators.

Legislative Update: Sunday, February 13th

SFC Agenda

After a brief debate following Saturday's discussion on [HB 2](#), Senators voted unanimous to pass an amended budget bill. Next step, a vote on the Senate floor.

In addition, Senators decided to reform the Opportunity Scholarship Fund and give [SB 140/a](#) Do Pass. The bill will cover all tuition and fees would be provided to all degree-seeking undergraduate students of any public state or tribal college in New Mexico who take between six and 18 hours during the fall and spring semesters and maintain a 2.5 grade point average.

Senate Floor

Only two bills, both related to education, were debated and voted on Sunday. With 36 votes in the affirmative and 0 in the negative, Senators approved [SB 243](#), amending the Family Income Index Act to remove the restrictions on how funding must be used. The bill also allows funds to be used for career technical education or work-based learning. The family income index was enacted in 2021 to target funding to public schools with high concentrations of poverty.

The second bill, [SB 140/a, passed with 30 votes in favor and 6 against. The bill reforms the Opportunity Scholarship Fund.](#) Both bills now head to the House.