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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>*HB461</u>	Sponsor	<u>Roybal Caballero</u>
Tracking Number	<u>.207130.2</u>	Committee Referrals	<u>HEC/HSIVC</u>
Short Title	<u>Education Commission Strategic Plan</u>		
Analyst	<u>Force</u>	Original Date	<u>2/23/17</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

House Bill 461 (*HB461) requires the Public Education Commission (PEC) to work with the Public Education Department (PED) to develop the five-year strategic plan for public elementary and secondary education in the state by convening advisory panels and engaging stakeholders with interest in early childhood, public, and higher education. *HB461 requires PEC to evaluate current and potential education funding systems; the effect of the Every Student Succeeds Act in the state; the needs of English learners, and special education and at-risk students; the implementation of innovations to improve academic outcomes for minorities; the effectiveness of current levels of investment in New Mexico's education system; and proposing a long-range financing plan sufficient to support its recommendations and ensure funding into the future. All of these analyses are new to the commission. Finally, PEC is required to update the strategic plan biennially, and present it to the governor and legislature prior to each 60-day legislative session.

*HB461 contains an emergency clause.

FISCAL IMPACT

*HB461 does not contain an appropriation. The bill assigns substantial duties to PEC without a funding mechanism. The commission lacks its own budget and staff, a circumstance which has prompted legislation in recent sessions to either fund PEC directly, transfer a portion of the 2 percent state equalization guarantee withheld for charter school support by PED directly to PEC to allow it to hire its own staff and set its own budget, or remove the administrative attachment between PEC and PED, creating it as a separate entity entitled to its own appropriation. To date, none of this legislation has been enacted. In the absence of dedicated staff, the commission's staffing needs are satisfied by staff from the Options for Parents: Charter Schools Division (CSD) at PED, which is presumably already involved in the development of the state plan, under PED.

Without funding, budget, or staff, it is uncertain how PEC will finance and execute the new duties proposed under *HB461.

SUBSTANTIVE ISSUES

*HB461 proposes to replace current requirements that PEC “solicit input” from diverse stakeholders on the state strategic plan for public education with requirements that PEC “convene advisory panels” of listed stakeholders, a requirement substantially different in quality than merely soliciting input, and one potentially requiring a greater investment of time and resources. As noted, PEC not only lacks funds, but also has no dedicated staff with which to contact and assemble stakeholders in order to convene the required advisory panels. The advisory panels would consist of local school boards, school districts, employees, home schooling associations, the Higher Education Department, juvenile justice agencies, local and national subject matter experts and advocates, and business and civic leaders.

The primary issue presented by *HB461 is one of current and proposed statutory requirements versus actual practice. While current language requires PEC to “work with the department to develop the strategic plan,” in current practice, PED assembles the state strategic plan for public education.

It is uncertain why Section 22-2-2.2 NMSA 1978, requiring PEC to work with PED on the plan, has not been amended to reflect the reality of the development of the state plan and the respective duties of PEC and PED. It should be noted that this section was last amended in 2004, just after the education reforms of 2003 created the cabinet-level PED, and renamed the State Board of Education the Public Education Commission, and may reflect uncertainty at the time of these reforms, particularly since subsequent statutory amendment addressed other existing and new duties of PEC.

Currently, the commission’s primary obligations are the oversight and authorization of state-chartered charter schools and the administration of federal funds for vocational education. In 2005, the duty to administer vocational education was statutorily transferred to PEC, though that body had already had that duty, in its previous incarnation as the State Board of Education. In 2006, PEC was assigned the duty of overseeing and authorizing state-chartered charter schools, with the support of CSD.

Other areas of NMSA 1978 that address the strategic plan for public education refer variously to PEC, PED, or the two entities together, suggesting that this area of law is ripe for cleanup and clarification.

ADMINISTRATIVE IMPLICATIONS

Because PEC lacks the tools necessary to execute the duties proposed by *HB461, administrative requirements of the bill are prohibitive.

ALTERNATIVES

If the purpose of *HB461 is to require PEC, rather than PED, to be the primary source for the state strategic plan for public education, additional sections of law should be amended to supply PEC with funding and staff to administer and complete such a significant task. If, on the other hand, the purpose of the bill is to expand notice and stakeholder involvement in the development

of the state plan, the sponsor may wish to consider amending the bill so that these duties are assigned to PED.

CONSEQUENCE OF NOT ENACTING THE BILL

Current law will remain unclear regarding the respective duties of PED and PEC relative to the strategic plan.

RELATED BILLS

Relates to HB340, Education Strategic Planning Task Force
Relates to HB417, Charter Schools Chartered by Education Dept.
Relates to SB193, Support & Oversight of Charter Schools
Relates to SJR2, Public Education Board & Superintendent, CA
Relates to SJR11, Elected & Appointed Board of Education, CA

SOURCES OF INFORMATION

- Legislative Education Study Committee Files

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