



New Mexico School Boards Association

RESOLUTION

SUBJECT: Requesting that the New Mexico Legislature Consider Eliminating the ERB Contributions for retired and return to work substitute teachers, security officers, and 0.25 FTE employees

WHEREAS, according to the *2018 New Mexico Educator Vacancy Report* there were 740 unfilled teaching positions in grade levels K-12 across the state late last year. There were also more than 400 vacancies for other educators such as counselors, librarians and educational assistants. Compared to the 2017 school-year, the number of teacher vacancies increased by 55 percent; and

WHEREAS, According to the New Mexico Accountability Reporting System (EARS) Report, in 2009-2010 there were 1318 total Educator Preparation Programs (EPPs) Completers and in 2017-2018 there were only 843, a 36 percent decrease; and

WHEREAS, the Las Cruces Public Schools Board of Education acknowledges that the New Mexico Legislature established the Return to Work (RTW) in 2001 and amended the act in 2003 and further amended the act in 2019; and

WHEREAS, the Las Cruces Public Schools Board of Education recognizes that HB 360 (signed into law on April 4, 2019) includes several provisions meant to close loopholes and increase revenue to the Educational Retirement fund. The changes include requiring employee and employer contributions to be made to the fund for retired individuals who return to work under the return to work rule exception, requiring employee contributions from PERA retirees working at an ERB-affiliated employer and requiring contributions from short-term substitute teachers working more than 0.25 FT; and

WHEREAS, the Las Cruces Public Schools Board of Education cites the 2019 Legislative Education Study Committee bill analysis that notes, "HB360/HAFCS/aSFC would also require substitute teachers who work at least one quarter time (0.25 FTE) become members of ERB and make contributions to the fund beginning in FY21. Current ERB rules require any substitute teacher "engaged to fill a vacant position" join ERB and make contributions to the fund, but substitute teachers engaged on a "day-to-day basis" are not eligible to join ERB. Typically, public schools pay substitutes a daily rate, ranging from \$60 per day to \$115 per day in FY17. Assuming a 180-day school year, a substitute teacher could reach 0.25 FTE by serving 45 days per year"; and

WHEREAS, the Las Cruces Public Schools Board of Education cites the 2019 Legislative Education Study Committee Bill Analysis which cites, “HB360/HAFCS/aSFC could also make it more difficult for school districts and charter schools to hire retired law enforcement officers, who are typically retired PERA members, for school security positions”; and

WHEREAS, the Las Cruces Public Schools Board of Education values the service of retired individuals who have worked in various security positions and contributed to the PERA system and have come out of retirement to support our students in the schools as security officers; and

WHEREAS, the Las Cruces Public Schools Board of Education endorses the power of the RTW program that allows educators who have chosen to retire the option of continuing to offer their skills and experience to New Mexico’s schools, colleges and universities without having to suspend their retirement; and

WHEREAS, the Las Cruces Public Schools Board of Education recognizes that New Mexico’s teacher shortage will limit districts’ ability to provide a quality education to students if they must hire unqualified individuals to staff classrooms as long-term substitutes.

NOW, THEREFORE, BE IT RESOLVED that the Las Cruces Public Schools Board of Education requests that the New Mexico School Boards Association support a legislative platform that requests the New Mexico Legislature to reconsider changes required by HB 360 (signed into law in April 2019) regarding required payments to the Educational Retirement Board Fund for short- and long-term substitute teachers, return to work employees who are hired as 0.25 employees, and retired PERA security personnel.

Adopted in open session on September 3, 2019



Ed Frank, President

Las Cruces Public Schools Board of Education