

## **SELECTED PUBLIC EDUCATION-RELATED LANGUAGE**

### **GENERAL APPROPRIATION ACT OF 2012 CS/HB 2 et al., as amended by the Senate Finance Committee**

#### **Section 4. FISCAL YEAR 2013 APPROPRIATIONS**

##### **F. HEALTH, HOSPITALS AND HUMAN SERVICES**

###### **CHILDREN, YOUTH AND FAMILIES DEPARTMENT**

The general fund appropriations to the early childhood services program of the children, youth and families department include no less than eight million three hundred twelve thousand three hundred ten dollars (\$8,312,310) for direct services and no more than nine hundred twenty-three thousand five hundred ninety dollars (\$923,590) for administrative and program support in the prekindergarten program. [p. 125]

##### **I. OTHER EDUCATION**

###### **PUBLIC EDUCATION DEPARTMENT**

A regional education cooperative may submit an application to the public education department for an allocation from the nine hundred thirty-eight thousand two hundred dollar (\$938,200) appropriation. The public education department may allocate amounts to one or more regional education cooperatives provided that the regional education cooperative's application has adequately justified a need for the allocation and the department finds the regional education cooperative has submitted timely quarterly financial reports, is in compliance with state and federal reporting requirements, including annual audit requirements pursuant to the Audit Act, and is otherwise financially stable. Prior to making an allocation to a regional education cooperative, the public education department shall provide a detailed report to the legislative education study committee and the legislative finance committee on the effectiveness of the technical assistance and other services provided to members of the regional education cooperative and any nonmember public and private entities to which the cooperative provided educational services. An allocation made to a regional education cooperative may only be used for current year operating expenses. [p. 140]

The general fund appropriation to the public education department for the prekindergarten program and the kindergarten-three-plus program shall be used only for direct instruction, transportation and approved administrative costs. [p. 140]

Notwithstanding the provisions of Section 32A-23-9 NMSA 1978 or other substantive law, the general fund appropriation of ten million dollars (\$10,000,000) to the public education

department for the prekindergarten program includes no less than nine million dollars (\$9,000,000) for direct services and no more than one million dollars (\$1,000,000) for administrative and program support in the prekindergarten program. [p. 141]

The general fund appropriation to the public education department for the kindergarten-three-plus program shall only be used to provide funding for approved full-day kindergarten and grades one through three to be extended by a minimum of twenty-five instructional days to be completed prior to the start of the regular school year. Kindergarten-three-plus programs shall be funded at no less than thirty percent of the preliminary unit value per student. Schools that are awarded funding for kindergarten-three-plus for the 2012-2013 school year shall be notified no later than April 15, 2012. [p. 141]

The general fund appropriation to the public education department for the early reading initiative includes two million dollars (\$2,000,000) to be transferred to the teacher professional development fund to support training on effective reading instruction and data-driven decision making and to support reading and instructional coaches at the district level to support schools with the implementation of formative assessment tools and interventions. [p. 141]

Prior to the distribution of early reading initiative funding, the public education department and the secretary's superintendents' council shall jointly develop a distribution plan. The public education department shall not approve a school district or charter school budget that does not demonstrate that its early reading initiative allocation will be used to fund proven instructional strategies and professional development activities such as extended school day and extended school year programs, reading coaches and reading specialists and prekindergarten programs. [p. 141]

The general fund appropriation to the public education department for teaching assistance for low-income students includes five hundred thousand dollars (\$500,000) for a nonprofit organization that provides teaching support in schools with at least sixty percent of the enrolled students eligible for free or reduced-fee lunch, with a priority for schools with eighty-five percent or more of the enrolled students eligible for free or reduced-fee lunch. [p. 141]

The general fund appropriation to the public education department for intervention in D and F schools is contingent on the department using the funds for reading coaches or instructional coaches in D and F schools as identified by the A-B-C-D-F Schools Rating Act. [pp. 141-142]

The general fund appropriation to the public education department for the operating budget management system and the student, teacher accountability reporting system is contingent on the public education department providing the legislative education study committee and the legislative finance committee with read and report-only access no later than July 1, 2012. The public education department shall take reasonable precautions, including electronic blocking or redacting, to prevent the disclosure of personally identifiable information of a student unless the parent or guardian of a minor student or a student who is no longer a minor consents in writing

to the disclosure of personally identifiable information about that student or information that would cause the department to lose federal funding under 20 U.S.C. 1232g, et seq. [p. 142]

The general fund appropriation to the public education department includes fifty thousand dollars (\$50,000) for a nonprofit educational association whose principal purpose is the regulation, direction, administration and supervision of interscholastic activities in New Mexico for athletic and extracurricular activities and support for seventh and eighth grade students statewide. [p. 142]

Any unexpended balances in the special appropriations to the public education department remaining at the end of fiscal year 2013 from appropriations made from the general fund shall revert to the general fund. [p. 142]

## **K. PUBLIC SCHOOL SUPPORT**

### **PUBLIC SCHOOL SUPPORT**

Except as otherwise provided, unexpended balances of appropriations made in this subsection shall not revert at the end of fiscal year 2013. [p. 172]

The purpose of public school support is to carry out the mandate to establish and maintain a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state. [172]

The rate of distribution of the state equalization guarantee distribution shall be based on a program unit value determined by the secretary of public education. The secretary of public education shall establish a preliminary unit value to establish budgets for the 2012-2013 school year and then, on verification of the number of units statewide for fiscal year 2013 but no later than January 31, 2013, the secretary of public education may adjust the program unit value. [p. 172]

The secretary of public education, in collaboration with the department of finance and administration, shall ensure all teachers have been evaluated under the tiered licensure evaluation system and have the professional competencies of the appropriate level. The secretary of public education shall withhold from the state equalization guarantee distribution funding for the minimum salary of any teacher who has not been evaluated. [p. 72]

The secretary of public education, in collaboration with the department of finance and administration, shall ensure all principals and assistant principals have been evaluated under the highly objective uniform statewide standards of evaluation and have the professional competencies to serve as a principal or assistant principal. The secretary of public education shall withhold from the state equalization guarantee distribution funding for the minimum salary of any principal or assistant principal who has not been evaluated. [p. 172]

After considering those elementary physical education programs eligible for state financial support and the amount of state funding available for elementary physical education, the secretary of public education shall annually determine the programs and the consequent numbers of students in elementary physical education that will be used to calculate the number of elementary physical education program units. [pp. 172-173]

For the 2012-2013 school year, the state equalization guarantee distribution includes sufficient funding for school districts and charter schools to implement a new formula-based program. Those districts and charter schools shall use current year membership in the calculation of program units for the new formula-based program. [p. 173]

Notwithstanding the provisions of the Public School Finance Act or other substantive law, no charter school in its first year of operation in fiscal year 2013 shall generate an average per MEM program cost that is greater than the average per MEM program cost of the school district in which the charter school is located. [p. 173]

The general fund appropriation to the state equalization guarantee distribution reflects the deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 that includes payments commonly known as “impact aid funds” pursuant to 20 U.S.C. 7701 et seq., and formerly known as “PL874 funds”. [p. 173]

If federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 or other revenues for which the state takes credit fall short of the projected amount of sixty-nine million dollars (\$69,000,000) in fiscal year 2013, the public education department may, after exhausting any fund balance in the state-support reserve fund, request from the state board of finance a transfer of up to four million dollars (\$4,000,000) from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004, to augment the appropriation for the state equalization guarantee distribution. [p. 173]

The general fund appropriation to the public school fund shall be reduced by the amounts transferred to the public school fund from the current school fund and from the federal Mineral Leasing Act receipts otherwise unappropriated. [p. 173]

Pursuant to Article 12, Section 6 of the New Mexico Constitution, the secretary of the public education department has 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. To administer effective spending priorities when approving programs, school district and charter school budgets, budget adjustment requests, and in setting the unit value, the secretary shall verify and audit student membership and program units. The secretary of public education shall work with and assist superintendents and school boards and head administrators and governing bodies of charter schools to ensure efficient spending practices, that membership and program units are correctly calculated, and school

district and charter school operating budgets are implemented in a manner that will minimize adverse impacts to instructional programs and student achievement. The secretary shall ensure that the number of instructional days will not be reduced. [pp. 173-174]

The general fund appropriation to the state equalization guarantee distribution shall not be used by any school district or charter school to pay for expenses associated with student recruitment and promotional activities including advertising and marketing efforts through mailers, television, newspaper or radio. A school district or charter school found by the public education department to have spent state equalization guarantee distribution funds in this manner shall have their state equalization guarantee distribution decreased by the public education department accordingly. [p. 174]

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2013 from appropriations made from the general fund shall revert to the general fund. [p. 174]

Prior to the distribution of emergency supplemental funds to any public school district or charter school, the secretary of public education shall verify with the New Mexico state auditor that the school district or charter school is in compliance with all provisions of Section 12-6-12 NMSA 1978. No emergency supplemental distributions shall be made to any school district or charter school not current with its audits. [p. 175]

Prior to the distribution of any emergency supplemental funds, the secretary of public education shall provide the legislative finance committee and the legislative education study committee with a report outlining the criteria used to qualify for funds, the financial status of recipients, including the status of recipients' financial audits, and any cost savings measures recipients implemented before applying for funds. In no event shall money be distributed to any school district or charter school having cash and invested reserves or other resources or any combination thereof, equaling five percent or more of their operating budget. [p. 175]

Any unexpended balances in the supplemental distributions to the public education department remaining at the end of fiscal year 2013 from appropriations made from the general fund shall revert to the general fund. [p. 175]

The general fund appropriation to the instructional material fund includes sufficient funding for adult basic education instructional materials. The public education department shall transfer the allocation for adult basic education to the adult basic education fund pursuant to Section 22-15-9 NMSA 1978. [p. 176]

If the public education department proposes a reading adoption for fiscal year 2013, department adopted materials shall be aligned to the common core content standards. [p. 176]

The general fund appropriation to the public education department for dual credit instructional materials shall be used by the department to reimburse school districts, charter schools, state-

supported schools and bureau of Indian education high schools in New Mexico for the cost of required textbooks and other course supplies for students enrolled in the dual credit program to the extent of the available funds. [p. 176]

The general fund appropriation to the public education department for the Indian Education Act includes four hundred thousand dollars (\$400,000) for a nonprofit organization that provides teaching support in schools with a high proportion of Native American students. [p. 176]

The general fund appropriation to the public education department for the Indian Education Act includes three hundred thousand dollars (\$300,000) to provide a rural literacy initiative to support after-school and summer literacy block programs for students in kindergarten through eighth grade in schools with a high proportion of Native American students contingent on receipt of three hundred thousand dollars (\$300,000) in matching funds from other than state sources no later than September 30, 2012. [p. 176]

## **Section 5. SPECIAL APPROPRIATIONS**

The following amounts are appropriated from the general fund or other funds as indicated for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal years 2012 and 2013. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2013 shall revert to the appropriate fund. [p. 177]

(1) LEGISLATIVE COUNCIL SERVICE      75.0

To update data from the 2007 through 2008 public school funding formula study. [p. 177]

(32) PUBLIC EDUCATION DEPARTMENT      1,000.0

For transition to the common core content standards, limited to professional development for teachers and school leaders on the new content, including professional development on effective instructional strategies and outreach to districts. Prior to expenditure of funds, the public education department shall submit to the legislative finance committee and the legislative education study committee a report on planned expenditure of funds, and by January 1, 2013, progress made as a result of the appropriation. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. [p. 181]

(33) PUBLIC EDUCATION DEPARTMENT      4,000.0

For emergency support to school districts experiencing shortfalls. All requirements for distribution of funds shall be in accordance with Section 22-8-30 NMSA 1978. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. Prior to the distribution of any emergency supplemental funds, the secretary of public education shall provide the legislative education study committee and the

legislative finance committee with a report outlining the criteria used to qualify for funds, the financial status of recipients, including the status of recipients' financial audits, and any cost-saving measures recipients implemented before applying for funds. In no event shall money be distributed to any school district having cash and invested reserves, or other resources or any combination of cash and invested reserves, equaling five percent or more of its operating budget. [p. 181]

(34) PUBLIC EDUCATION DEPARTMENT 1,500.0

For kindergarten through twelfth grade science instructional materials for school districts with low student performance in science. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. [pp. 181-182]

(35) PUBLIC EDUCATION DEPARTMENT 1,500.0

For emergency supplemental support in fiscal year 2013 to small, rural and isolated school districts with a total membership of fewer than two hundred in their elementary, middle and high schools experiencing shortfalls. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. Prior to the distribution of any emergency supplemental funds, the secretary of public education shall provide the legislative education study committee and the legislative finance committee with a report outlining the criteria used to qualify for funds, the financial status of recipients, including the status of recipients' financial audits, and any cost-saving measures recipients implemented before applying for funds. [p. 182]

(36) PUBLIC EDUCATION DEPARTMENT 2,500.0

For special supplemental funding for school districts and charter schools for increases in fixed costs. The appropriation shall be allocated by September 1, 2012 to school districts and charter schools in proportion to each school district's and charter school's final program units for fiscal year 2012. [p. 182]

(37) PUBLIC EDUCATION DEPARTMENT 1,000.0

The period of time for expending one million dollars (\$1,000,000) of the appropriation made from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004 contained in Paragraph 25 of Section 5 of Chapter 179 of Laws 2011 is extended through fiscal year 2013 for the purpose of implementing a new teacher evaluation system that is based on student achievement growth. [p. 182]

(38) PUBLIC EDUCATION DEPARTMENT 1,500.0

For increased fuel costs incurred by school districts or state-chartered charter schools. The appropriation is contingent on certification by the public education department to the department of finance and administration and the legislative finance committee that no other funds, including federal funds, are available in fiscal year 2013 for the purpose specified and the appropriation is necessary to avoid disruption in service and approval by the state board of finance. The distribution of funding shall be based on miles traveled for to-and-from transportation of public school students. School districts and state-chartered charter schools shall request funds for fuel from the secretary of public education and provide supporting documentation that they have incurred increased costs due to higher fuel prices. The secretary of the public education department shall approve requests for funding for fuel cost increases and make distributions on a reimbursement basis. [pp. 182-183]

**Section 7. DATA PROCESSING APPROPRIATIONS**

... Unless otherwise indicated, the appropriation may be expended in fiscal years 2012, 2013 and 2014. Unless otherwise indicated, any unexpended balances remaining at the end of fiscal year 2014 shall revert to the computer systems enhancement fund or other funds as indicated. ... [p. 186-187]

(20) PUBLIC EDUCATION DEPARTMENT 450.0

For maintenance and support of the operating budget management system. [p. 190]

(21) PUBLIC EDUCATION DEPARTMENT 200.0

For upgrades and enhancements to the student teacher accountability reporting system. [p. 190]