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April 29, 2010

**MEMORANDUM**

**TO:** New Mexico Legislators

*Cynthia Nava*

**FR:** Senator Cynthia Nava

*Rick Miera*

Representative Rick Miera

**RE: SUMMARY OF PUBLIC EDUCATION-RELATED LEGISLATION PASSED BY THE 49<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2010, AND THE 49<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SPECIAL SESSION, 2010 (after executive action)**

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In 1965, the New Mexico Legislature had the foresight to create the Legislative Education Study Committee (LESC) as its permanent bicameral, bipartisan interim education committee, and charged it with conducting a continuing study of all education in New Mexico, the laws governing such education, and the policies and costs of the New Mexico educational system. The interim work of the committee also includes examining current public school programs and their associated costs in order to determine the effective and efficient use of the state's resources. In developing the LESC recommendations for consideration of each full Legislature, the committee not only focuses on necessary changes to current policy but also, just as importantly, formulates a public school support appropriation that addresses the requirements in our state's constitution 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.

This memo and the attached materials, developed by the staff of the LESC, review the legislation from the 2010 regular and special legislative sessions related to public schools, including public school support and the other education-related appropriations – **in both cases after executive action**. The materials are organized as follows:

- **Revenues and Appropriations;**
- **Public School Capital Outlay;**
- **Legislation Endorsed by the LESC;**
- **Adjustments for Solvency: FY 09 and FY 10 Public School Support and Related Appropriations; and**
- **Passed Public School-related Legislation.**

## REVENUES AND APPROPRIATIONS

In both the regular and special 2010 sessions, reaching consensus on the appropriations and revenues needed to fund the FY 11 operations of state government, including public schools, was an arduous task. Both sessions required serious consideration and deliberations surrounding options for a balanced budget: reducing services, raising taxes, or a combination of the two. Despite the absence of consensus on these options in either session, in the final hours of the special session, the Legislature produced a balanced budget with the passage of the *General Appropriation Act of 2010*, supported by measures projected to provide over \$235.5 million in recurring dollars and \$2.1 million in nonrecurring dollars. After Executive action, however, the recurring revenues were reduced to approximately \$186.2 million, resulting in appropriations exceeding recurring revenues by approximately \$45.0 million. According to the Legislative Finance Committee (LFC), this shortfall could potentially require transfers from reserves.

**Table 1, *FY 11 General Fund Revenue Measures of the 2010 Regular and Special Legislative Sessions (after Executive action)*** provides a summary of the revenue-generating measures passed and signed (in some cases with partial veto) by the Governor in the regular session as well as the special session.

**Table 2, *FY 11 Public School Support and Related Appropriations from the General Fund and the Federal American Recovery and Reinvestment Act of 2009*** summarizes the recurring and the nonrecurring public school support and education-related appropriations. In previous years, this table has been fairly straightforward. This year, however, the table is complicated by two unusual conditions: a reduction of most appropriations by 0.544 percent and the use of one-time federal funds from the federal *American Recovery and Reinvestment Act of 2009* (ARRA).

Because Section 10 of the *General Appropriation Act of 2010* requires the recurring appropriations for public school support, including the Public Education Department (PED), to be reduced or “sanded” by 0.544 percent, the FY 11 appropriations are shown in two columns, shaded in yellow. Column C shows the appropriations as they appear in Section 4 of the *General Appropriation Act*, and Column D shows the appropriations after applying the 0.544 percent sanding pursuant to Section 10 of the act. Because the nonrecurring appropriations were not sanded, they are not shaded in yellow in Table 2.

As the title of the table suggests, the spreadsheet also outlines the appropriations to the State Equalization Guarantee (SEG), or Public School Funding Formula, from the ARRA. To show the impact of these one-time (nonrecurring) federal dollars on the SEG, lines 22-27 are shaded in green; and because the SEG appropriation is a component of the recurring appropriations for public education, lines 49-53 (Total Public School Support) and lines 81-85 (Grand Total) are also shaded in green to show the effect of ARRA funds on these appropriations.

In total, after sanding, the 2010 Legislature, in special session, appropriated over \$2.4 billion in recurring dollars from the General Fund and allocated an additional \$23.9 million in federal ARRA dollars to fund public schools in FY 11. The appropriations include:

- nearly \$2.3 billion to the SEG. Considering only General Fund dollars, this is a 7.7 percent increase over FY 10 (line 21). However, when federal ARRA dollars are included, the SEG shows a net 1.0 percent decrease (line 27);
- over \$118.2 million for categorical public school support (line 45) for statutorily created funds and initiatives, including public school transportation, supplemental distributions, the Instructional Material Fund, dual credit instructional materials, and the Indian Education Fund; and
- approximately \$31.4 million to fund the operations of PED and other education-related initiatives funded with recurring dollars: the operations of regional education cooperatives; K-3 Plus and New Mexico PreK; Innovative Digital Education and Learning (IDEAL-NM); operational costs for the Operating Budget Management and Student Teacher Accountability Reporting systems; and the Advanced Placement, After-school Enrichment, Apprenticeship Assistance, Breakfast for Elementary Students, and Graduation, Reality, and Dual-Roles Skills (GRADS) programs.

In nonrecurring appropriations, the 2010 Legislature appropriated \$10.0 million in emergency support for school districts (lines 88 and 89). Combined with the nearly \$2.0 million in recurring dollars for emergency supplemental (line 39), nearly \$12.0 million will be available to provide financial support to school districts or state-chartered charter schools statewide. Language in the *General Appropriation Act of 2010* and provisions in the *Public School Finance Act* prohibit the distribution of emergency funds to an entity having cash and invested reserves, or other resources or any combination thereof, equaling 5.0 percent or more of its operational budget. In addition, \$4.0 million of the appropriation is earmarked solely for the emergency support of small rural school districts with a total membership of fewer than 600 in their elementary, middle, and high schools.

Additional language related to the appropriations in Table 2 is included in *Selected Public Education-related Language, General Appropriation Act of 2010, (HB 2a, Laws 2010, Chapter 6 (partial veto))*, including:

- the required appropriation reductions;
- the guidelines outlining the authority of the Governor, with the approval of the State Board of Finance, to reduce proportionately during FY 11 the General Fund allotments to all agencies, funds, programs, and other recipients of a General Fund appropriation; and
- the authority of the Governor, with the approval of the State Board of Finance, to address insufficient revenues at the end of FY 10 or FY 11 by transferring up to:
  - \$83.0 million to the appropriation account of the General Fund from the Tax Stabilization Reserve; and

- \$49.0 million to the SEG from the “education lockbox” (the separate account of the Appropriation Contingency Fund dedicated for the purpose of implementing and maintaining educational reforms).

Also included is vetoed language that would have appropriated an additional \$15.0 million to the SEG from the ARRA discretionary allocation to the Governor for public safety and other government services.

For school year 2010-2011, the Secretary of Public Education has set a preliminary unit value of \$3,712.45, a decrease of \$80.20 from the final unit value for school year 2009-2010. As was the case for FY 10, the SEG for FY 11 comprises two components – \$3,674.75 from the General Fund and \$37.70 from ARRA.

For informational purposes, **Table 3, *History of the Unit Value (1974-1975 Actual to 2010-2011 Initial)***, summarizes the increases and decreases to the unit value since school year 1974-1975. Of special note are the changes that have been necessitated to the FY 09 and FY 10 unit value because of the economic downturn.

### **PUBLIC SCHOOL CAPITAL OUTLAY**

As has been the case in past legislative sessions, many of the amendments to current law governing public school capital outlay have been included in an “omnibus bill.”

In the 2010 regular session, \*CS/HB 68 (Laws 2010, Chapter 104), *Public School Capital Outlay Omnibus Bill*, amended the *Public School Capital Outlay Act* to:

- extend the roof repair and replacement initiative sunset date from 2012 to 2015;
- require the Public School Facilities Authority (PSFA) to manage procurement, contractor selection, and contract administration of emergency school projects in which the health or safety of students or school personnel is at immediate risk or in which there is a threat of significant property damage;
- add a temporary provision to require the Public School Capital Outlay Oversight Task Force, during calendar year 2010, to continue the work group that has been studying performance-based procurement issues for public school capital outlay projects and to report findings and recommendations to the Legislature and to the Governor by December 15, 2010; and
- repeal the section of law from the 2009 First Special Session that was passed and signed by the Governor to appropriate \$29.0 million from the Public School Capital Outlay Fund directly to the New Mexico Public Schools Insurance Authority for the purpose of paying property insurance premiums for school districts and charter schools, including up to \$7.0 million for Albuquerque Public Schools.

The omnibus bill also contains provisions that would have authorized the Public School Capital Outlay Council to increase a standards-based award to a school district for certain approved high

school projects by a “rural community adjustment” of up to 20 percent of the total project cost. However, these provisions were vetoed.

Among other capital outlay legislation enacted from the 2010 regular session:

- \*CS/HB 145 (Laws 2010, Chapter 56), *Qualified School Construction Bonds*, permits the allocation of bonds designated as interest-free Qualified School Construction Bonds (QSCBs) on a priority basis, allowing the state to maximize the interest savings. The 2009 Legislature initially passed legislation authorizing the designation of bonds as QSCBs, which are allocated to each state pursuant to ARRA; and
- CS/SB 200 (Laws 2010, Chapter 73), *Public Building Energy Efficiency Standards*, sets minimum energy performance standards for the design and construction of new public buildings, including public schools.

As part of the solvency initiatives of the 2010 regular session, the Legislature passed and the Governor signed CS/SB 182a (Laws 2010, Chapter 105), *Capital Outlay Reversions for Solvency*, which voids approximately \$6.4 million in education-related capital outlay projects (see **Table 4, Education-related Capital Outlay Reversions for Solvency**). For projects supported with General Fund dollars, the funds are reverted to the General Fund; and for projects funded with severance tax bond (STB) proceeds, the funds are reauthorized for other projects.

Finally, **Table 5, Education-related General Obligation Bond Projects** shows \$13.5 million in education-related general obligation (GO) bond projects; and **Table 6, Education-related Severance Tax Bond Projects and Reauthorizations** shows \$1.4 million in education-related projects funded with STB proceeds, and approximately \$2.8 million in STB projects that have been reauthorized.

Additional language related to the legislation shown in tables 4 through 6 is included in *Selected Education-related Capital Outlay Language, 2010 Regular and Special Sessions*.

#### LEGISLATION ENDORSED BY THE LESC

Prior to the start of the 2010 regular session, the LESC endorsed 22 substantive measures, of which 12 were ultimately enacted (see **Table 7, Recommendations of the Legislative Education Study Committee for the 2010 Regular Session**). In most cases these bills represent a continuation of policy initiatives endorsed by the LESC in past years, including:

- CS/HB 70a (Laws 2010, Chapter 112), *Educational Data System*, which adds a new section to the *Public School Code* to codify the requirements for a comprehensive P-20 data system that collects, integrates, and reports prescribed data from PED, the Higher Education Department (HED), and other agencies; establishes a governance structure; and prescribes annual reporting requirements;
- CS/HB 230 (Laws 2010, Chapter 59), *Dyslexic Student Intervention*, which implements the recommendations of a study conducted in response to HJM 9, *Assist Students with Dyslexia* (2001) and other later memorials by adding a definition of dyslexia to the *Public*

*School Code* and prescribing interventions for students displaying characteristics of dyslexia;

- two measures that address financial accountability on the part of local school boards and governing authorities of charter schools:
  - CS/HB 227a (Laws 2010, Chapter 115), *School Board Finance & Audit Committees*, which requires school boards and charter school governing boards to establish finance subcommittees and audit committees, and prescribes their duties; and
  - SJM 24, *Study School District Finances & Operations*, which requests that the Office of Education Accountability (OEA), in consultation with the State Auditor and PED, convene a work group to examine school district finance systems and operations and report findings and recommendations to the LESC, the LFC, and the Governor by November 2010; however, this measure did not pass;
- four measures that address long-standing efforts of the LESC to improve educator preparation and professional development:
  - SB 85 (Laws 2010, Chapter 65), *School Leadership Institute*, which adds a new section to the higher education provisions in law to create the institute (established in 2009 by a nonrecurring appropriation without enabling legislation), administratively attached to HED;
  - HB 71a (Laws 2010, Chapter 113), *Mentorship Requirements for Level 1 Teachers*, which amends the *School Personnel Act* to clarify the required length of time for beginning or Level 1 teachers to participate in a mentorship program, and to require that mentors be Level 2 or Level 3 teachers;
  - SB 111a (Laws 2010, Chapter 107), *Additional Teacher Evaluation Standards*, which also amends the *School Personnel Act* to require that teacher professional development plans required in statute since 2004 include documentation of how the results of professional development received from or offered by a state, school district, or charter school are incorporated into the classroom; and
  - HJM 16, *Study Reading Curricula in Teacher Education*, requesting that the New Mexico Deans and Directors of the Colleges of Education create a work group that includes members of the LESC to study reading curricula in teacher education programs and to report findings and recommendations to the Legislature and the Governor by November 2010;
- two measures that build upon high school redesign measures enacted in 2007:
  - HB 53a (Laws 2010, Chapter 25), *Financial Literacy as School Math Requirement*, which amends the *Public School Code* to allow a financial literacy course that is aligned to New Mexico mathematics standards to count as one of the four mathematics units required for graduation; and

- HB 69a (Laws 2010, Chapter 111), *Reporting of Cohort Graduation Data*, which amends the *Assessment and Accountability Act* to specify what data must be reported by PED, school districts, and state-chartered charter schools about high school cohort graduation rates, to provide a better understanding of patterns of on-time graduation and dropping out among the state's high school students;
- two measures that address ongoing concerns about school calendars:
  - SJM 12, *Study Various School Calendars*, which requests that OEA study the school calendars used or allowed in New Mexico and their effects on student learning, teachers, school operations, and school district budgets; and report findings and recommendations to the LESC by October 2010; and
  - CS/SB 87 & 92 (Laws 2010, Chapter 66), *Delay School Year & Day Length Changes*, which amends the *Public School Code* to delay for one year the effective date of the statutory requirement, enacted in 2009, that school districts and charter schools provide a minimum of 180 full instructional days for schools on a regular calendar and 150 full instructional days for schools on a variable school year; and finally
- an accountability and oversight measure relating to charter schools: HB 74a (Laws 2010, Chapter 48), *Charter School Oversight for 1 Year*, which amends the *Charter Schools Act* to require a new charter school, during its planning year, to file status reports with its chartering authority and PED.

### **ADJUSTMENTS FOR SOLVENCY: FY 09 AND FY 10 PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS**

To address the state's financial situation, the Legislature in 2009 was faced with two rounds of emergency action to balance the FY 09 and FY 10 budgets. As a result, the initial appropriations for public school support and related initiatives in FY 09 and FY 10 were adjusted. For informational purposes, LESC staff have prepared two separate tables for FY 09 and FY 10 that conform with final adjustments made by the Department of Finance and Administration:

- **Table 8, *FY 09 Public School Support Appropriations Adjusted for Solvency***; and
- **Table 9, *FY 10 Public School Support Appropriations Adjusted for Solvency***.

An additional document, **Table 10, *History of General Fund Recurring Appropriations to Public Education (FY 2000 through FY 2010)***, summarizes the amount and percentage of recurring General Fund dollars to public education over the last decade.

### **PASSED PUBLIC SCHOOL-RELATED LEGISLATION**

In full consideration of the financial challenges facing the state as a result of the global economic downturn, legislators introduced 962 bills, joint memorials, memorials, and resolutions in the regular session; of these, 226 measures had a bearing on public education. During the special session, they considered another 29 bills and memorials, passed a budget and put in place revenue

enhancements to fund the operation of state government and replenish state reserves in the upcoming fiscal year.

The final attachments to this memo are summaries of public school-related legislation that passed in the 2010 regular and the 2010 special sessions.

A separate listing of public education-related legislation that did not pass is available upon request from the LESC office.

xc: Governor Bill Richardson  
Lieutenant Governor Diane Denish  
Dr. Veronica C. García, Secretary of Public Education  
Members of the Public Education Commission  
Presidents of Local School Boards  
Public School District Superintendants  
State-Chartered Charter School Administrators  
Other Interested Parties

**TABLE 1**

**FY 11 GENERAL FUND REVENUE MEASURES OF THE 2010 REGULAR AND SPECIAL LEGISLATIVE SESSIONS  
(after Executive action)  
(Dollars in Thousands)**

<b>Regular Session Recurring FY 11 Revenue Measures</b>					
	<b>Bill</b>	<b>Description</b>	<b>Before Executive Action</b>	<b>After Executive Action</b>	
1	HB 114 (Laws 2010, Ch. 52), <i>Postpone Fire Protection Fund Distribution</i> (Wallace)	Delays the June 30, 2011 increase in the distribution from the fire protection fund to the fire protection grant fund <sup>1</sup> .	\$2,150.0	\$2,150.0	1
2	CS/HB 120a (Laws 2010, Ch. 53), <i>Tax Withholding Changes</i> (Lujan, B.)	Requires pass-through entities <sup>2</sup> - mostly large corporations and out-of-state businesses - to make quarterly withholding tax payments on the net income distributed to nonresident owners.	\$15,600.0	\$15,600.0	2
3	*HB 203 (Laws 2010, Ch. 31), <i>Business Retention Gross Tax &amp; Gaming Tax</i> (Garcia, T.A.)	Authorizes counties to impose a local option county business retention gross receipts tax on racetracks of up to 1/4 percent in 1/16 percent increments; amends the <i>Gaming Control Act</i> to provide a gaming tax credit of a maximum of \$750 thousand for those racetracks with a net win of less than \$15 million in the previous calendar year (affects Albuquerque Downs and Ruidoso Downs).	(\$400.0)	(\$400.0)	3
4	HB 208 (Laws 2010, Ch. 98), <i>Oil &amp; Gas Tax to Reclamation Fund</i> (Heaton)	Increases the rate of the Oil and Gas Conservation Tax on oil from a maximum of 0.19 percent to a rate of 0.24 percent when the average price of West Texas Intermediate crude in the previous quarter exceeds \$70 per barrel; increases the distribution to the Oil and Gas Reclamation Fund to 19.7 percent (from approximately 5.6 percent) when the oil tax rate is at 0.24 percent.	(\$100.0)	(\$100.0)	4
5	CS/HB 261 & 277 (Laws 2010, Ch. 78), <i>Solar &amp; Wind Energy Equipment Gross Receipts</i> (Garcia, M.H.)	Expands the deduction for receipts from selling wind generation equipment to include sales of solar generation equipment and all supporting structures for the solar or wind generation equipment.	(\$4,300.0)	(\$4,300.0)	5
6	SB 144 (Laws 2010, Ch. 17), <i>Affordable Housing Tax Credit Use &amp; Vouchers</i> (Rodriguez)	Expands the Affordable Housing Tax Credit to all New Mexico counties; permits the New Mexico Mortgage Finance Authority to issue an investment voucher to a person who has made an investment of materials for an affordable housing project approved by the authority.	(\$100.0)	(\$100.0)	6
7	<b>FY 11 Recurring Revenues - Regular Session:</b>		<b>\$12,850.0</b>	<b>\$12,850.0</b>	7

<sup>1</sup> Money in the fire protection grant fund is appropriated to the fire protection grant council for the purposes of making distributions approved by the council for the critical needs of municipal and county fire districts, including fire apparatus and equipment, communications equipment, equipment for wildfires, fire station construction or expansion, or equipment for hazardous material response.

<sup>2</sup> Legal entities that "pass through" taxable income to investors or owners, meaning that the entity's income is treated as the income of the investors or owners.

**TABLE 1**

**FY 11 GENERAL FUND REVENUE MEASURES OF THE 2010 REGULAR AND SPECIAL LEGISLATIVE SESSIONS  
(after Executive action)  
(Dollars in Thousands)**

<b>Special Session Recurring FY 11 Revenue Measures</b>					
	<b>Bill</b>	<b>Description</b>	<b>Before Executive Action</b>	<b>After Executive Action</b>	
8	CS/HB 3a (Laws 2010, special session, Ch. 5), <i>Cigarette Tax Increase &amp; Tribal Stamp</i> (Chasey)	<del>Temporarily increases the excise tax rate on cigarettes by 75 cents a pack from July 1, 2010 to July 1, 2014; and, in FY 11, earmarks approximately \$13.4 million to early-childhood programs administered by the Public Education Department and the Children, Youth and Families Department.</del>	\$22,492.5	\$35,892.5	8
9	CS/SB 10, 12, 13 (Laws 2010, special session, Ch. 7), <i>Increase Low-Income Comprehensive Tax Rebate</i> (Cisneros, Ortiz y Pino)	Increases the state gross receipts tax (GRT) and compensating tax rates by 1/8 percent.	\$59,870.0	\$59,870.0	9
		Amends the compensating tax to redefine when the tax can be applied – to ensure that tangible personal property acquired from out-of-state sellers without physical presence in New Mexico is subject to the state’s compensating tax. Such property is not subject to the GRT because the seller has no nexus <sup>3</sup> with the state.	\$11,600.0	\$11,600.0	
		<del>Repeals the local option gross receipts tax hold harmless provision for food. Although the state will not collect any taxes on the sale of food, cities and counties will now collect their portion of the tax, which is approximately 2 percent.</del>	\$68,000.0	\$68,000.0	
		Changes current law to require state and local taxes deducted on a taxpayer’s federal tax return to be added back into net income for the purpose of determining state personal income tax (PIT) liability (only for taxpayers who itemize deductions on their federal return).	\$66,000.0	\$66,000.0	
		<del>Increases the amount of the Low Income Comprehensive Tax Rebate (LICTR) and increases the income levels of taxpayers eligible for the LICTR.</del>	(\$5,310.0)	(\$5,310.0)	
10	<b>FY 11 Recurring Revenues - Special Session:</b>		<b>\$222,652.5</b>	<b>\$173,362.5</b>	10
11	<b>TOTAL FY 11 Recurring Revenues:</b>		<b>\$235,502.5</b>	<b>\$186,212.5</b>	11

<sup>3</sup> The term "nexus" means a sufficient connection with the state to allow the state to have taxing authority. This connection means that the business may have a permanent presence in the state--if it has a business location, if it has resident employees, or if it has property (tangible or intangible) in the state.

**TABLE 1**

**FY 11 GENERAL FUND REVENUE MEASURES OF THE 2010 REGULAR AND SPECIAL LEGISLATIVE SESSIONS  
(after Executive action)  
(Dollars in Thousands)**

<b>Special Session Nonrecurring FY 11 Revenue Measures</b>					
	<b>Bill</b>	<b>Description</b>	<b>Before Executive Action</b>	<b>After Executive Action</b>	
12	*SB 2a (Laws 2010, special session, Ch. 2), <i>Temporary Tax Amnesty Program</i> (Griego, P.)	Authorizes the Taxation and Revenue Department (TRD), with the concurrence of the Governor, to declare an amnesty <sup>4</sup> period of up to 180 days during fiscal years 2010 and 2011 for all taxes owed and administered under the <i>Tax Administration Act</i> . During the amnesty period, the secretary of TRD may waive interest and penalty on taxes that were due and not assessed prior to the day the amnesty period begins.	\$2,136.0	\$2,136.0	12
13	<b>Total FY 11 Nonrecurring Revenues:</b>		<b>\$2,136.0</b>	<b>\$2,136.0</b>	13

<sup>4</sup> The amnesty would be available to taxpayers eligible for the current managed audit program, and potentially to taxpayers whom TRD is currently pursuing for non-filed returns, taxpayers with existing debt, and taxpayers who have been audited in the past who have unreported and unassessed taxes.

**TABLE 2**  
**FY 11 PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS**  
**FROM THE GENERAL FUND AND THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**  
*(dollars in thousands)*

	A FY 10 Initial Unit Value: \$3,862.79 <sup>1</sup>	B FY 10 Final Unit Value: \$3,792.65 <sup>2</sup>	C	D FY 11 Initial Unit Value: \$3,712.45 <sup>3</sup>
	FY 10 APPROPRIATION Regular Session	FINAL FY 10 APPROPRIATION after 1st Special Session	FY 11 APPROPRIATION HB 2a Laws 2010, S.S., Ch. 6 (partial veto)*	FY 11 APPROPRIATION sanded by 0.544%
1 <b>PROGRAM COST</b>	\$2,439,723.2	\$2,260,415.5	\$2,171,012.2	
2 Restoration with General Fund Dollars of FY 10 State Fiscal Stabilization Funds from the federal <i>American Recovery and Reinvestment Act of 2009</i> (ARRA)			\$164,700.0	
3 State Fiscal Stabilization Funds from ARRA	(\$164,700.0)	(\$45,500.0)	(\$23,898.0) <sup>4</sup>	
4 FY 09 Solvency Adjustment	(\$19,335.7)			
5 FY 10 Solvency Adjustment (2% reduction)		(\$43,903.3)		
6 Educational Retirement 1.5% Employer/Employee Contribution Switch	(\$23,193.4)			
7 ENROLLMENT GROWTH	\$8,455.8		\$14,016.9	
8 FIXED COSTS	\$3,723.9		\$3,723.9	
9 INSURANCE COSTS			\$11,500.0	
10 <b>PUBLIC SCHOOL EMPLOYEE COMPENSATION</b>				
11 Increase Educational Assistants' Salary Base to \$13,000	\$2,613.0			
12 Increase in Employer's ERB Contribution (0.75%)	\$12,073.2			
13 Assessment (school district costs for printing, scoring, and reporting)	\$1,055.5			
14 <b>PROGRAM COST</b>	\$2,260,415.5	\$2,171,012.2	\$2,341,055.0	
15 Dollar Difference over Previous Year's Appropriation			\$170,042.8	
16 Percent Change			7.8%	
17 LESS PROJECTED CREDITS	(\$64,400.00)	(\$64,400.00)	(\$59,400.00)	(\$59,400.00)
18 LESS OTHER STATE FUNDS (from driver's license fees)	(\$850.00)	(\$850.00)	(\$850.00)	(\$850.00)
19 <b>STATE EQUALIZATION GUARANTEE (General Fund recurring appropriations, not including ARRA)</b>	\$2,195,165.5	\$2,105,762.2	\$2,280,805.0	\$2,268,397.4
20 Dollar Difference over Previous Year's Appropriation			\$175,042.8	\$162,635.2
21 Percent Change			8.3%	7.7%
22 <b>STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 1</b>		\$164,700.0		
23 <b>STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 2</b>		\$45,500.0	\$23,898.0	\$23,898.0
24 <b>PUBLIC SAFETY AND OTHER GOVERNMENT SERVICES ALLOCATION FROM ARRA</b>			\$15,000.0 *	\$15,000.0 *
25 <b>ADJUSTED STATE EQUALIZATION GUARANTEE, INCLUDING ARRA FUNDS</b>		\$2,315,962.2 <sup>5</sup>	\$2,304,703.0 <sup>5</sup>	\$2,292,295.4 <sup>5</sup>
26 Dollar Difference over Previous Year's Appropriation			(\$11,259.2)	(\$23,666.8)
27 Percent Change			-0.5%	-1.0%

<sup>1</sup> FY 10 Initial Unit Value = \$3,606.40 General Fund + \$256.39 federal ARRA dollars.

<sup>2</sup> FY 10 Final Unit Value = \$3,458.06 General Fund + \$334.59 federal ARRA dollars.

<sup>3</sup> FY 11 Initial Unit Value = \$3,674.75 General Fund + \$37.70 federal ARRA dollars.

<sup>4</sup> The FY 11 appropriation for the State Equalization Guarantee distribution includes approximately \$23.9 million in federal ARRA dollars.

<sup>5</sup> Lines 22-27 reflect the inclusion of federal ARRA dollars in the recurring General Fund appropriation for the State Equalization Guarantee (see Line 19). These one-time federal funds replaced recurring General Fund dollars in both FY 10 and FY 11 (see Line 3).

**TABLE 2**  
**FY 11 PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS**  
**FROM THE GENERAL FUND AND THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**  
*(dollars in thousands)*

	A FY 10 Initial Unit Value: \$3,862.79 <sup>1</sup>	B FY 10 Final Unit Value: \$3,792.65 <sup>2</sup>	C	D FY 11 Initial Unit Value: \$3,712.45 <sup>3</sup>		
	FY 10 APPROPRIATION Regular Session	FINAL FY 10 APPROPRIATION after 1st Special Session	FY 11 APPROPRIATION HB 2a Laws 2010, S.S., Ch. 6 (partial veto)*	FY 11 APPROPRIATION sanded by 0.544%		
28	<b>CATEGORICAL PUBLIC SCHOOL SUPPORT</b>				28	
29	TRANSPORTATION				29	
30	Operational	\$90,282.4	\$86,671.1	\$86,303.6	\$85,834.1	30
31	School-owned Bus Replacements	\$563.5	\$541.0			31
32	Rental Fees (contractor-owned buses)	\$12,665.2	\$12,158.6	\$12,031.9	\$11,966.4	32
33	TRANSPORTATION EMPLOYEE COMPENSATION				33	
34	Educational Retirement Employer/Employee 1.5% Contribution Switch	(\$537.5)	(\$516.0)			34
35	Increase in Employer's ERB Contribution (0.75%)	\$194.8	\$187.0			35
36	<b>TOTAL TRANSPORTATION</b>	<b>\$103,168.4</b>	<b>\$99,041.7</b>	<b>\$98,335.5</b>	<b>\$97,800.6</b>	36
37	SUPPLEMENTAL DISTRIBUTIONS				37	
38	Out-of-state Tuition	\$370.0	\$346.0	\$346.0	\$344.1	38
39	Emergency Supplemental	\$2,000.0	\$1,870.0	\$2,000.0	\$1,989.1	39
40	INSTRUCTIONAL MATERIAL FUND (FY 11 adoption includes grades K-8 Language Arts/Reading; grades K-8 Modern, Classical and Native Languages; grades K-8 Reading Intervention Programs)	\$16,230.4	\$15,175.4	\$15,175.4	\$15,092.8	40
41	Dual Credit Instructional Materials	\$1,500.0	\$1,402.5	\$1,000.0	\$994.6	41
42	EDUCATIONAL TECHNOLOGY FUND	\$2,400.0	\$2,244.0			42
43	INDIAN EDUCATION FUND	\$2,250.0	\$2,250.0	\$2,000.0 <sup>6</sup>	\$1,989.1 <sup>6</sup>	43
44	SCHOOLS IN NEED OF IMPROVEMENT FUND	\$2,500.0	\$2,337.5			44
45	<b>TOTAL CATEGORICAL</b>	<b>\$130,418.8</b>	<b>\$124,667.0</b>	<b>\$118,856.9</b>	<b>\$118,210.3</b>	45
46	<b>TOTAL PUBLIC SCHOOL SUPPORT (General Fund recurring appropriations, not including ARRA)</b>	<b>\$2,325,584.3</b>	<b>\$2,230,429.2</b>	<b>\$2,399,661.9</b>	<b>\$2,386,607.7</b>	46
47	<b>Dollar Difference over Previous Year's Appropriation</b>			\$169,232.7	\$156,178.5	47
48	<b>Percent Change</b>			7.6%	7.0%	48
49	<b>STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 1</b>					49
50	<b>STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 2</b>		\$164,700.0	\$23,898.0	\$23,898.0	50
51	<b>ADJUSTED TOTAL PUBLIC SCHOOL SUPPORT, INCLUDING ARRA FUNDS</b>		\$2,440,629.2 <sup>7</sup>	\$2,423,559.9 <sup>7</sup>	\$2,410,505.7 <sup>7</sup>	51
52	<b>Dollar Difference over Previous Year's Appropriation</b>			(17,069.3)	(30,123.5)	52
53	<b>Percent Change</b>			-0.7%	-1.2%	53

<sup>6</sup> The appropriation for the Indian Education Fund includes: \$400 thousand to provide a rural literacy initiative, contingent on receipt of \$400 thousand in matching funds from other than state sources; and \$400 thousand for a nonprofit organization that provides teaching support in schools with a high proportion of Native American students.

<sup>7</sup> Lines 49-53 reflect the inclusion of federal ARRA dollars in the recurring General Fund appropriation for Total Public School Support (see Line 46). These one-time federal funds replaced recurring General Fund dollars in both FY 10 and FY 11 (see Line 3).

**TABLE 2**  
**FY 11 PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS**  
**FROM THE GENERAL FUND AND THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**  
*(dollars in thousands)*

	A	B	C	D	
	FY 10 Initial Unit Value: \$3,862.79 <sup>1</sup>	FY 10 Final Unit Value: \$3,792.65 <sup>2</sup>	FY 11 APPROPRIATION HB 2a Laws 2010, S.S., Ch. 6 (partial veto)*	FY 11 Initial Unit Value: \$3,712.45 <sup>3</sup>	
	FY 10 APPROPRIATION Regular Session	FINAL FY 10 APPROPRIATION after 1st Special Session	FY 11 APPROPRIATION HB 2a Laws 2010, S.S., Ch. 6 (partial veto)*	FY 11 APPROPRIATION sanded by 0.544%	
54 <b>RELATED APPROPRIATIONS: RECURRING</b>					54
55 <b>PUBLIC EDUCATION DEPARTMENT</b>	\$15,979.3	\$15,499.4	\$14,800.0	\$14,719.5	55
56 <b>Regional Education Cooperatives Operations</b>	\$1,200.0	\$1,122.0	\$975.0 <sup>8</sup>	\$969.7 <sup>8</sup>	56
57 <b>EARLY CHILDHOOD EDUCATION:</b>					57
58 K-3 Plus	\$8,452.1	\$7,902.7	\$5,500.0	\$5,470.1	58
59 Pre-kindergarten Program	\$8,452.1	\$7,902.7	\$5,500.0 <sup>9</sup>	\$5,470.1 <sup>9</sup>	59
60 <b>EDUCATOR QUALITY:</b>					60
61 Beginning Teacher Mentorship	\$1,491.5	\$1,394.6			61
62 Summer Reading, Math, and Science Institutes	\$2,485.9	\$2,324.3	\$165.0	\$164.1	62
63 <b>NEW MEXICO CYBER ACADEMY/INNOVATIVE DIGITAL EDUCATION AND LEARNING (IDEAL-NM)</b>	\$994.4	\$929.8	\$712.0	\$708.1	63
64 <b>SCHOOL FINANCE:</b>					64
65 Operating Budget Management System (OBMS) and Student Teacher Accountability Reporting System (STARS) Operational Costs			\$700.0	\$696.2	65
66 Rural Revitalization	\$100.0	\$93.5			66
67 <b>STUDENT ACHIEVEMENT:</b>					67
68 Advanced Placement	\$1,750.0	\$1,636.3	\$563.0	\$559.9	68
69 After-school Enrichment Program	\$1,000.0	\$935.0	\$150.0	\$149.2	69
70 Apprenticeship Assistance	\$650.0	\$607.8	\$200.0	\$198.9	70
71 School Improvement Framework	\$994.4	\$929.8			71
72 Truancy and Dropout Prevention	\$298.3	\$278.9			72
73 <b>STUDENT HEALTH, SAFETY, AND WELL-BEING:</b>					73
74 Breakfast for Elementary Students	\$3,430.5	\$3,207.5	\$2,000.0	\$1,989.1	74
75 Family and Youth Resource Act	\$397.7	\$371.8			75
76 GRADS – Teen Pregnancy Prevention	\$550.0	\$514.3	\$300.0 <sup>10</sup>	\$298.4 <sup>10</sup>	76
77 <b>TOTAL RELATED APPROPRIATIONS: RECURRING</b>	<b>\$48,226.2</b>	<b>\$45,650.3</b>	<b>\$31,565.0</b>	<b>\$31,393.3</b>	77
78 <b>GRAND TOTAL (General Fund recurring appropriations, not including ARRA)</b>	<b>\$2,373,810.5</b>	<b>\$2,276,079.5</b>	<b>\$2,431,226.9</b>	<b>\$2,418,001.0</b>	78
79 Dollar Difference over Previous Year's Appropriation			\$155,147.4	\$141,921.5	79
80 Percent Change			6.8%	6.2%	80
81 <b>STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 1</b>		\$164,700.0			81
82 <b>STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 2</b>		\$45,500.0	\$23,898.0	\$23,898.0	82
83 <b>ADJUSTED GRAND TOTAL, INCLUDING ARRA FUNDS</b>		<b>\$2,486,279.5 <sup>11</sup></b>	<b>\$2,455,124.9 <sup>11</sup></b>	<b>\$2,441,899.0 <sup>11</sup></b>	83
84 Dollar Difference over Previous Year's Appropriation			(31,154.6)	(44,380.5)	84
85 Percent Change			-1.3%	-1.8%	85

<sup>8</sup> The appropriation to Regional Education Cooperatives shall be allocated based on justified need; timely submission of quarterly financial reports; and compliance with state and federal reporting requirements.

<sup>9</sup> An additional \$2.5 million is appropriated to the pre-kindergarten program: \$1.0 million from the Public Pre-kindergarten Fund and \$1.5 million from the federal Temporary Assistance to Needy Families (TANF) block grant to New Mexico.

<sup>10</sup> An additional \$250 thousand is appropriated for GRADS from the TANF block grant to New Mexico.

<sup>11</sup> Lines 81-85 reflect the inclusion of federal ARRA dollars in the recurring General Fund appropriations that make up the Grand Total (see Line 78). These one-time federal funds replaced recurring General Fund dollars in both FY 10 and FY 11 (see Line 3).

**TABLE 2**  
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**FROM THE GENERAL FUND AND THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**  
*(dollars in thousands)*

	A FY 10 Initial Unit Value: \$3,862.79 <sup>1</sup>	B FY 10 Final Unit Value: \$3,792.65 <sup>2</sup>	C	D FY 11 Initial Unit Value: \$3,712.45 <sup>3</sup>
	FY 10 APPROPRIATION Regular Session	FINAL FY 10 APPROPRIATION after 1st Special Session	FY 11 APPROPRIATION HB 2a Laws 2010, S.S., Ch. 6 (partial veto)*	FY 11 APPROPRIATION sanded by 0.544%
86 <b>RELATED APPROPRIATIONS: NONRECURRING</b>				
87 Assessment and Test Development	\$1,000.0	\$1,000.0		
88 Emergency Support to School Districts	\$10,000.0	\$13,000.0	\$6,000.0 <sup>12</sup>	\$6,000.0 <sup>12</sup>
89 Emergency Supplemental Support to Small Rural School Districts			\$4,000.0 <sup>13</sup>	\$4,000.0 <sup>13</sup>
90 School Leadership Institute (to the Higher Education Department)	\$200.0	\$200.0		
91 STARS/OBMS (hosting, licensing, and maintenance)	\$1,400.0	\$1,400.0		
92 State High School Basketball Tournament	\$100.0	\$100.0		
93 Summer Science Program (to New Mexico Institute of Mining and Technology)	\$50.0	\$50.0		
94 <b>TOTAL RELATED APPROPRIATIONS: NONRECURRING</b>	<b>\$12,750.0</b>	<b>\$15,750.0</b>	<b>\$10,000.0</b>	<b>\$10,000.0</b>

<sup>12</sup> For FY 10 and FY 11, the appropriation for emergency support is for school districts statewide experiencing shortfalls.

<sup>13</sup> For FY 11, the appropriation for emergency supplemental support is for small rural school districts with a total membership of fewer than 600 in their elementary, middle, and high schools in financial need. Language in the bill prohibits emergency funding to a school district having cash or other resources of 5 percent or more of its operational budget.

**SELECTED PUBLIC EDUCATION-RELATED LANGUAGE  
GENERAL APPROPRIATION ACT OF 2010  
HB 2a, (Laws 2010, Second Special Session, Chapter 6 (*partial veto*))**

**HEALTH, HOSPITALS, AND HUMAN SERVICES (Section 4, F)**

HUMAN SERVICES DEPARTMENT:

(3) Income support:

The federal funds appropriations to the income support program of the human services department include forty-four million one hundred nineteen thousand three hundred dollars (\$44,119,300) from the temporary assistance for needy families block grant for transfers to other agencies, including...one million dollars (\$1,000,000) to the children, youth and families department for pre-kindergarten programs, one million five hundred thousand dollars (\$1,500,000) to the public education department for pre-kindergarten programs, [and] two hundred fifty thousand dollars (\$250,000) to the public education department for the graduation, reality, and dual-role skills program.

CHILDREN, YOUTH AND FAMILIES DEPARTMENT:

(3) Early childhood services:

The internal service funds/interagency transfers appropriations to the early childhood services program of the children, youth and families department include thirty-nine million nineteen thousand three hundred dollars (\$39,019,300) for childcare programs and one million dollars (\$1,000,000) for prekindergarten programs from the temporary assistance for needy families block grant to New Mexico.

**OTHER EDUCATION (Section 4, I)**

PUBLIC EDUCATION DEPARTMENT:

The internal service funds/interagency transfers appropriation to the public education department includes one million five hundred thousand dollars (\$1,500,000) for the pre-kindergarten program from the temporary assistance for needy families block grant to New Mexico.

The other state funds appropriation to the public education department includes one million dollars (\$1,000,000) for the pre-kindergarten program from the public pre-kindergarten fund.

The internal service funds/interagency transfers appropriation to the public education department includes two hundred fifty thousand dollars (\$250,000) for

the graduation, reality, and dual-role skills program from the temporary assistance for needy families block grant to New Mexico.

A regional educational cooperative may submit an application to the public education department for an allocation from the nine hundred seventy-five thousand dollar (\$975,000) appropriation.

Any unexpended balances in the special appropriations to the public education department remaining at the end of fiscal year 2011 from appropriations made from the general fund shall revert to the general fund.

#### **PUBLIC SCHOOL SUPPORT (Section 4, K)**

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 2010-2011 school year and then, upon verification of the number of units statewide for fiscal year 2011 but no later than January 31, 2011, the secretary of public education may adjust the program unit value.

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 number of students in elementary physical education that will be used to calculate the number of elementary physical education program units.

For the 2010-2011 school year, the state equalization guarantee distribution includes sufficient funding for school districts to implement a new formula-based program. Those districts shall use current year membership in the calculation of program units for the new formula-based program.

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2010 from appropriations made from the general fund shall revert to the general fund.

#### ***Indian Education Fund***

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.

The general fund appropriation to the public education department for the Indian Education Act includes four hundred thousand dollars (\$400,000) 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 four hundred thousand dollars (\$400,000) in matching funds from other than state sources no later than September 30, 2010.

### **SPECIAL APPROPRIATIONS (Section 5)**

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 2010 and 2011. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2011 shall revert to the appropriate fund.

(16) PUBLIC EDUCATION DEPARTMENT: 4,000.0 (*General Fund appropriation from the "Education Lockbox," as noted below*)

For emergency supplemental support in fiscal year 2011 to small rural school districts with a total membership of fewer than six hundred in their elementary, middle and high schools in financial need, but no money shall be distributed to any school district having cash and invested reserves, or other resources or any combination thereof, equaling five percent or more of the school district's operational budget. 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.

(17) PUBLIC EDUCATION DEPARTMENT: 6,000.0 (*General Fund appropriation from the "Education Lockbox," as noted below*)

For emergency support to school districts experiencing shortfalls. All requirements for distribution of supplemental funds shall be in accordance with Section 22-8-30 NMSA 1978. The 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.

## **ADDITIONAL FISCAL YEAR 2010 BUDGET ADJUSTMENT (Section 9)**

F. In addition to the budget authority otherwise provided in the General Appropriation Act of 2010, the following agencies may request specified budget adjustments: ...

(12) the public school insurance authority may request budget increases from internal service funds/interagency transfers, other state funds and fund balances for program support and the benefits and risk programs; ...

(15) the educational retirement board may request budget increases from other state funds for investment manager fees, custody fees and investment-related legal fees, provided the department of finance and administration approves a certified request from the educational retirement board that additional increases from other state funds are required for increased investment manager fees, custody fees and investment-related legal fees, and may request category transfers, except that funds authorized for investment manager fees, custody services and investment-related legal fees within the contractual services category of the administrative services division of the educational retirement board shall not be transferred; ...

(41) the public school facilities authority may request budget increases for project management expenses pursuant to the Public School Capital Outlay Act[.]

## **APPROPRIATION REDUCTIONS (Section 10)**

A. The general fund appropriations in Section 4 of the General Appropriation Act of 2010 are reduced as follows:

(4) public school support is reduced as follows:

(a) the state equalization guarantee distribution by five hundred forty-four thousandths percent;

(b) the transportation distribution, including operational, school-owned bus replacements and rental fees, by five hundred forty-four thousandths percent; and

(c) the supplemental distribution, including out-of-state tuition and emergency supplemental; the instructional material fund; dual-credit instructional materials; the indian education fund; public education department special appropriations; and apprenticeship assistance by five hundred forty-four thousandths percent.

**AMERICAN RECOVERY AND REINVESTMENT ACT APPROPRIATIONS**  
**(Section 12)**

~~For fiscal year 2011, from the public safety and other government services allocation from the federal American Recovery and Reinvestment Act of 2009, fifteen million dollars (\$15,000,000) shall be distributed to school districts and charter schools through the state equalization guarantee distribution, and ten million dollars (\$10,000,000) shall be distributed to all state agencies to offset the reductions in Section 10 of the General Appropriation Act of 2010, provided that the distribution shall be made in the same proportion as the reductions.~~

**AUTHORITY TO REDUCE ALLOTMENTS (Section 14)**

A. During fiscal year 2011, the department of finance and administration shall regularly consult with the legislative finance committee staff to compare revenue collections with the revenue estimate. If a general fund consensus revenue forecast projects that revenues and transfers to the general fund, including all transfers authorized pursuant to Section 15 of the General Appropriation Act of 2010, will be insufficient to meet general fund appropriations for fiscal year 2011, the governor, with the approval of the state board of finance and after review and an opportunity to comment by the legislative finance committee, shall reduce general fund allotments to all agencies, funds, programs and other recipients that receive a general fund appropriation in Section 4 of the General Appropriation Act of 2010, pursuant to the following guidelines:

- (1) the aggregate of all the reductions in allotments shall equal the amount of the projected deficit;
- (2) the reductions shall apply proportionately to all agencies, funds, programs and other recipients, and to all programs and categories within agencies, that receive a general fund appropriation in Section 4 of the General Appropriation Act of 2010, except that no reductions shall be made in the allotments for the medicaid programs or the developmental disabilities support program;
- (3) if a reduction in an allotment for personal services and employee benefits necessitates a reduction in salaries, the agency is authorized to temporarily reduce salaries in the amount of the reduction;
- (4) if a subsequent general fund consensus revenue forecast released during fiscal year 2011 projects revenues to increase above the previous forecast, the allotments shall be increased to reflect the new forecast, up to the amount of the original appropriations;
- (5) if a subsequent general fund consensus revenue forecast released during fiscal year 2011 projects revenues to decrease further from the previous forecast, allotments shall be further reduced pursuant to this subsection; and
- (6) expenditures of the appropriations made to legislative agencies in Laws 2010, Chapter 1, Subsection A of Section 3 and 4, 5, 7 and 8 shall also be reduced in accordance with the provisions of this subsection.

## **TRANSFER AUTHORITY (Section 15)**

A. The governor has projected that general fund revenues, including all transfers to the general fund authorized by law, are likely to be insufficient to meet the level of appropriations authorized by law from the general fund for fiscal year 2010 and to meet the level of appropriations recommended in the budget and appropriations bill for fiscal year 2011 submitted in accordance with Section 6-3-21 NMSA 1978, thus satisfying Subsection D of Section 6-4-2.2 NMSA 1978.

B. If the revenue and other transfers to the general fund at the end of fiscal year 2010 or 2011 are not sufficient to meet appropriations, the governor, with state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the tax stabilization reserve, provided that the total transferred pursuant to this subsection shall not exceed eighty-three million dollars (\$83,000,000).

C. If, after the total amount authorized in Subsection B of this section has been transferred, the governor determines that revenue and transfers to the general fund at the end of fiscal year 2010 or 2011 are still not sufficient to meet appropriations, the governor, with state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the appropriation contingency fund, provided that the total amount transferred pursuant to this subsection shall not exceed forty-nine million dollars (\$49,000,000). A transfer pursuant to this subsection is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms pursuant to Laws 2004, Chapter 114, Section 12 and shall be used for the purpose of supplanting general fund appropriations to the state equalization guarantee distribution, which implements and maintains educational reforms enacted in the second session of the forty-ninth legislature or previously.

**TABLE 3**

**HISTORY OF THE UNIT VALUE  
(1974-1975 ACTUAL TO 2010-2011 INITIAL)**

School Year	Initial Unit Value	Final Unit Value	Difference from Previous School Year's Final Unit Value	
			dollar difference	percent difference
1974-1975		\$616.50		
1975-1976		\$703.00	\$86.50	14.03%
1976-1977		\$800.00	\$97.00	13.80%
1977-1978		\$905.00	\$105.00	13.13%
1978-1979		\$1,020.00	\$115.00	12.71%
1979-1980		\$1,145.00	\$125.00	12.25%
1980-1981		\$1,250.00	\$105.00	9.17%
1981-1982		\$1,405.00	\$155.00	12.40%
1982-1983 <sup>1</sup>	\$1,540.00	\$1,511.33	\$106.33	7.57%
1983-1984		\$1,486.00	<b>(\$25.33)</b>	<b>-1.68%</b>
1984-1985		\$1,583.50	\$97.50	6.56%
1985-1986 <sup>2</sup>	\$1,608.00	\$1,618.87	\$35.37	2.23%
1986-1987		\$1,612.51	<b>(\$6.36)</b>	<b>-0.39%</b>
1987-1988		\$1,689.00	\$76.49	4.74%
1988-1989		\$1,737.78	\$48.78	2.89%
1989-1990		\$1,811.51	\$73.73	4.24%
1990-1991		\$1,883.74	\$72.23	3.99%
1991-1992		\$1,866.00	<b>(\$17.74)</b>	<b>-0.94%</b>
1992-1993 <sup>3</sup>	\$1,851.73	\$1,867.96	\$1.96	0.11%
1993-1994	\$1,927.27	\$1,935.99	\$68.03	3.64%
1994-1995	\$2,015.70	\$2,029.00	\$93.01	4.80%
1995-1996	\$2,113.00	\$2,113.00	\$84.00	4.14%
1996-1997	\$2,125.83	\$2,149.11	\$36.11	1.71%
1997-1998	\$2,175.00	\$2,175.00	\$25.89	1.20%
1998-1999	\$2,322.00	\$2,344.09	\$169.09	7.77%
1999-2000 <sup>4</sup>	\$2,460.00	\$2,460.00	\$115.91	4.94%
2000-2001	\$2,632.32	\$2,647.56	\$187.56	7.62%
2001-2002	\$2,868.72	\$2,871.01	\$223.45	8.44%
2002-2003	\$2,896.01	\$2,889.89	\$18.88	0.66%
2003-2004	\$2,977.23	\$2,976.20	\$86.31	2.99%
2004-2005	\$3,035.15	\$3,068.70	\$92.50	3.11%
2005-2006 <sup>5</sup>	\$3,165.02	\$3,198.01	\$129.31	4.21%
2006-2007 <sup>5,6</sup>	\$3,444.35	\$3,446.44	\$248.43	7.77%
2007-2008	\$3,645.77	\$3,674.26	\$227.82	6.61%
2008-2009 <sup>7</sup>	\$3,892.47	\$3,871.79	\$197.53	5.38%
2009-2010	\$3,862.79 <sup>8</sup>	\$3,792.65 <sup>9</sup>	<b>(\$79.14)</b>	<b>-2.04%</b>
2010-2011	\$3,712.45 <sup>10</sup>		<b>(\$80.20)</b>	<b>-2.11%</b>

<sup>1</sup> The 1982-83 General Fund appropriation was reduced by 2.0 percent.

<sup>2</sup> The final unit value includes \$10.87 due to the ½ mill redistribution (Laws 1985, Chapter 15).

<sup>3</sup> The "floating" unit value went into effect.

<sup>4</sup> The basis for funding changed to the prior-year average membership of the 40<sup>th</sup>, 80<sup>th</sup>, and 120<sup>th</sup> school days.

<sup>5</sup> For FY 06, appropriated program cost contains an additional \$51.8 million to implement the third year of the five-year phase-in of the three-tiered licensure system. Although this funding was distributed based on need in FY 06, the \$51.8 million was included in the calculation of the unit value in FY 07.

<sup>6</sup> The basis for funding changed to the prior-year average membership of the 80<sup>th</sup> and 120<sup>th</sup> school days.

<sup>7</sup> The 2009 legislative session solvency measures resulted in a \$20.68 decrease in the FY 09 unit value.

<sup>8</sup> FY 10 initial unit value comprises \$3,606.40 in General Fund dollars and \$256.39 in federal funding from the federal *American Recovery and Reinvestment Act of 2009* (ARRA).

<sup>9</sup> FY 10 final unit value comprises \$3,458.06 in General Fund dollars and \$334.59 in federal ARRA funding.

<sup>10</sup> FY 11 initial unit value comprises \$3,674.75 in General Fund dollars and \$37.70 in federal ARRA funding.

**TABLE 4  
EDUCATION-RELATED CAPITAL OUTLAY REVERSIONS FOR SOLVENCY**

<b>CS/SB 182a, (Laws 2010, Chapter 105 (partial veto)), Capital Outlay Reversions for Solvency</b>						
<b>SCHOOL DISTRICT</b>	<b>SCHOOL</b>	<b>PROJECT</b>	<b>AMOUNT (dollars)</b>	<b>AGENCY</b>	<b>SOURCE</b>	
1	Alamogordo Public Schools	District-wide	artificial turf at football field, incl. surrounding area, runways, and track facilities	\$167,000	PED GF	1
2	Albuquerque Public Schools	Chaparral ES	playground and athletic field improvements	\$50,000	PED GF	2
3	Albuquerque Public Schools	Cibola HS	improvements to shooting sports team facilities	\$11,264	PED GF	3
4	Albuquerque Public Schools	Cibola HS	plan, design, construct, and equip tennis courts	\$40,000	PED GF	4
5	Albuquerque Public Schools	Rio Grande HS	improvements to physical education and wrestling room	\$50,000	PED GF	5
6	Albuquerque Public Schools	Sandia HS	renovations to science rooms	\$75,000	PED GF	6
7	Albuquerque Public Schools	South Valley Academy CS	lecture hall, incl. classroom and bathroom facilities	\$60,196	PED GF	7
8	Albuquerque Public Schools	Wilson MS	purchase and install blinds	\$20,000	PED GF	8
9	Albuquerque Public Schools	Eldorado HS	weight room improvements, incl. purchasing and installing equipment	\$16,861	PED GF	9
10	Albuquerque Public Schools	South Valley Academy CS	improve lecture halls and purchase and install information technology	\$12,195	PED GF	10
11	Albuquerque Public Schools	Highland HS	plan, design, construct, and equip basketball court	\$12,222	PED GF	11
12	Albuquerque Public Schools	Jefferson MS	plan, design, and construct improvements to field	\$25,000	PED GF	12
13	Albuquerque Public Schools	Jefferson MS	construct and upgrade track	\$40,000	PED GF	13
14	Albuquerque Public Schools	John Adams MS	plan, design, and construct site improvements, including paving, storm drainage, and landscaping	\$80,000	PED GF	14
15	Albuquerque Public Schools	Nuestros Valores Charter	facility improvements, incl. furnishing and equipping science laboratory and exterior improvements for Armijo Building	\$32,800	PED GF	15
16	Albuquerque Public Schools	Nuestros Valores Charter	acquire land for, plan, design, and construct facility	\$50,000	PED GF	16
17	Albuquerque Public Schools	Public Acad. for the Performing Arts CS	plan, design, purchase, renovate, and equip facility	\$29,288	PED GF	17
18	Albuquerque Public Schools	Sandia HS	plan, design, construct, engineer, equip, and furnish building for the behavioral intervention program	\$25,000	PED GF	18
19	Albuquerque Public Schools	Sandia HS	plan, design, construct, engineer, equip, and furnish renovations to science rooms	\$50,000	PED GF	19
20	Albuquerque Public Schools	Valley HS	purchase, renovate, and equip performing arts center, incl. communication devices, orchestra equipment, and sound system	\$50,000	PED GF	20
21	Albuquerque Public Schools	West Mesa HS	plan, design, construct, renovate, and equip baseball field	\$13,969	PED GF	21
22	Albuquerque Public Schools	Whittier ES	plan, design, and construct roof walkway	\$15,000	PED GF	22
23	Albuquerque Public Schools	Wilson MS	plan, design, construct, and equip improvements to cafeteria and kitchen	\$59,000	PED GF	23
24	Albuquerque Public Schools	Wilson MS	construct electrical improvements	\$40,000	PED GF	24
25	Albuquerque Public Schools	Wilson MS	install new floor for gymnasium	\$24,000	PED GF	25

**TABLE 4  
EDUCATION-RELATED CAPITAL OUTLAY REVERSIONS FOR SOLVENCY**

<b>CS/SB 182a, (Laws 2010, Chapter 105 (partial veto)), <i>Capital Outlay Reversions for Solvency</i></b>						
<b>SCHOOL DISTRICT</b>	<b>SCHOOL</b>	<b>PROJECT</b>	<b>AMOUNT (dollars)</b>	<b>AGENCY</b>	<b>SOURCE</b>	
26	Albuquerque Public Schools	Hawthorne ES	improvements to parking areas, including drainage improvements	\$10,000	DOT GF	26
27	Albuquerque Public Schools	District-wide	College Preparatory Mentoring for Eighth Graders project	\$50,000	UNM-BoR GF	27
28	Albuquerque Public Schools	Christine Duncan Comm. CS	portable classroom	\$13,251	PED GF	28
29	Albuquerque Public Schools	21st Century Public Academy CS	portable multiuse facility	\$72,000	PED GF	29
30	Albuquerque Public Schools	A. Montoya ES	administration building addition	\$42,152	PED GF	30
31	Albuquerque Public Schools	District-wide	network printers and information technology	\$10,000	PED GF	31
32	Albuquerque Public Schools	District-wide	laptops, multimedia projectors, and information technology	\$10,000	PED GF	32
33	Albuquerque Public Schools	HS District-wide	equip shooting sports club teams	\$21,771	PED GF	33
34	Albuquerque Public Schools	Amy Biehl Charter HS	energy-efficiency improvements	\$11,745	PED GF	34
35	Albuquerque Public Schools	Arroyo del Oso ES	repair and improve exterior surfaces, incl. stucco	\$10,309	PED GF	35
36	Albuquerque Public Schools	Arroyo del Oso ES	security cameras and monitoring equipment	\$23,840	PED GF	36
37	Albuquerque Public Schools	Bandelier ES	plan and design renovation of library and media center	\$45,000	PED GF	37
38	Albuquerque Public Schools	Bel-Air ES	information technology	\$11,309	PED GF	38
39	Albuquerque Public Schools	Bel-Air ES	videoconferencing equipment	\$20,000	PED GF	39
40	Albuquerque Public Schools	Chamiza ES	information technology and cable television system upgrade	\$18,478	PED GF	40
41	Albuquerque Public Schools	Cibola HS	plan, design, construct, and renovate practice space for student activities	\$10,000	PED GF	41
42	Albuquerque Public Schools	Cibola HS	soccer field turf	\$10,000	PED GF	42
43	Albuquerque Public Schools	Cibola HS	plan, design, and renovate student bathrooms	\$10,000	PED GF	43
44	Albuquerque Public Schools	Collet Park ES	improve HVAC system	\$20,000	PED GF	44
45	Albuquerque Public Schools	Dennis Chavez ES	videoconferencing and information technology	\$13,500	PED GF	45
46	Albuquerque Public Schools	Duranes ES	purchase and install window blinds	\$40,000	PED GF	46
47	Albuquerque Public Schools	Edward Gonzales ES	information technology	\$17,879	PED GF	47
48	Albuquerque Public Schools	Eubank ES	books and information technology for library	\$30,000	PED GF	48
49	Albuquerque Public Schools	Grant MS	mobile mini buildings and information technology at the health clinic	\$31,702	PED GF	49
50	Albuquerque Public Schools	Hawthorne ES	improve early childhood play area and adjacent areas	\$32,923	PED GF	50
51	Albuquerque Public Schools	Highland HS	design and renovate production classroom, teacher lounge, and student activities center	\$10,000	PED GF	51
52	Albuquerque Public Schools	James Monroe MS	audiovisual laboratory, interactive whiteboard, and information technology	\$18,444	PED GF	52

**TABLE 4  
EDUCATION-RELATED CAPITAL OUTLAY REVERSIONS FOR SOLVENCY**

<b>CS/SB 182a, (Laws 2010, Chapter 105 (partial veto)), Capital Outlay Reversions for Solvency</b>					
<b>SCHOOL DISTRICT</b>	<b>SCHOOL</b>	<b>PROJECT</b>	<b>AMOUNT (dollars)</b>	<b>AGENCY</b>	<b>SOURCE</b>
53	Albuquerque Public Schools	Jefferson MS	additions and renovations to storage and to the music, art, and home economics rooms	\$25,000	PED GF
54	Albuquerque Public Schools	Jefferson MS	east side area improvements, media center upgrade, and building additions	\$45,000	PED GF
55	Albuquerque Public Schools	Kennedy MS	plan, design, and construct parking lot	\$80,000	PED GF
56	Albuquerque Public Schools	La Cueva HS	artificial turf at the multipurpose field	\$70,000	PED GF
57	Albuquerque Public Schools	Lyndon B. Johnson MS	improve playfield, track, and basketball courts	\$25,000	PED GF
58	Albuquerque Public Schools	Madison MS	renovate gymnasiums and locker rooms, incl. ADA compliance	\$20,000	PED GF
59	Albuquerque Public Schools	Mark Twain ES	information technology for use by severely disabled students	\$10,000	PED GF
60	Albuquerque Public Schools	Mark Twain ES	improve physical education program, incl. fields and infrastructure	\$15,000	PED GF
61	Albuquerque Public Schools	Matheson Park ES	improve grass field, incl. drainage	\$25,000	PED GF
62	Albuquerque Public Schools	Public Acad. for Perf. Arts CS	plan, design, construct, purchase, and equip facility	\$75,000	PED GF
63	Albuquerque Public Schools	Petroglyph ES	landscaping, handicap access sidewalk, field area, incl. artificial turf, track, and retaining wall	\$50,000	PED GF
64	Albuquerque Public Schools	Roosevelt MS	multipurpose track	\$190,000	PED GF
65	Albuquerque Public Schools	Sandia Base ES	improvements, incl. grass athletic fields, site preparation, and infrastructure	\$10,000	PED GF
66	Albuquerque Public Schools	Sandia Base ES	improve pick-up, bus turnoff, and parking areas	\$10,000	PED GF
67	Albuquerque Public Schools	Sandia HS	electronic upgrades for signs	\$25,000	PED GF
68	Albuquerque Public Schools	Sandia HS	plan, design, renovate, construct, and equip science rooms	\$10,000	PED GF
69	Albuquerque Public Schools	Taft MS	communications infrastructure	\$25,000	PED GF
70	Albuquerque Public Schools	Taft MS	information technology	\$20,000	PED GF
71	Albuquerque Public Schools	Truman MS, Alamosa ES	information technology	\$30,000	PED GF
72	Albuquerque Public Schools	Volcano Vista HS	equipment for weight room and athletic program and fields	\$20,000	PED GF
73	Albuquerque Public Schools	Volcano Vista HS	electronic marquee	\$20,000	PED GF
74	Albuquerque Public Schools	West Mesa HS	improve athletic fields	\$25,000	PED GF
75	Albuquerque Public Schools	Wherry ES	improve and equip gymnasium	\$25,000	PED GF
76	Albuquerque Public Schools	Wilson MS	information technology and commercial refrigerator and marquee for health clinic	\$36,962	PED GF
77	Albuquerque Public Schools	Wilson MS	marquee sign for health clinic	\$15,000	PED GF
78	Albuquerque Public Schools	Wilson MS	information technology	\$13,522	PED GF
79	Albuquerque Public Schools	Wilson MS	physical education gross equipment	\$15,000	PED GF

**TABLE 4  
EDUCATION-RELATED CAPITAL OUTLAY REVERSIONS FOR SOLVENCY**

<b>CS/SB 182a, (Laws 2010, Chapter 105 (partial veto)), Capital Outlay Reversions for Solvency</b>					
<b>SCHOOL DISTRICT</b>	<b>SCHOOL</b>	<b>PROJECT</b>	<b>AMOUNT (dollars)</b>	<b>AGENCY</b>	<b>SOURCE</b>
80	Albuquerque Public Schools	Wilson MS	improve physical education track	\$10,000	PED GF
81	Albuquerque Public Schools	Corrales ES	information technology	\$15,000	PED GF
82	Albuquerque Public Schools	Eldorado HS Cluster	library books	\$30,854	PED GF
83	Albuquerque Public Schools	La Resolana CS	equipment and educational technology	\$46,470	PED GF
84	Albuquerque Public Schools	Mark Twain ES	educational technology	\$34,172	PED GF
85	Albuquerque Public Schools	Mitchell ES	parking drop-off area, traffic improvements, and parking lot	\$30,000	DOT GF
86	<del>Albuquerque Public Schools</del>	<del>Hayes MS</del>	<del>construct student drop-off area</del>	<del>\$200,000</del>	<del>PED STB</del>
87	Albuquerque Public Schools	Hayes MS	construct student drop-off center	\$113,235	PED STB
88	Albuquerque Public Schools	Twenty-first Century CS	purchase property and a facility	\$140,000	PED GF
89	Albuquerque Public Schools	A. Montoya ES	educational technology	\$2,076	PED GF
90	Albuquerque Public Schools	Apache ES	educational technology	\$7,106	PED GF
91	Albuquerque Public Schools	Cibola HS	information technology	\$1	PED GF
92	Albuquerque Public Schools	East Mountain HS	furnish and equip the science department	\$3,305	PED GF
93	Albuquerque Public Schools	Roosevelt MS	educational technology	\$2,996	PED GF
94	Albuquerque Public Schools	Wherry ES	plan, design, construct, renovate, install, furnish, and equip gymnasium and artificial turf field	\$12,639	PED GF
95	Albuquerque Public Schools	Duranos ES	improvements to patio	\$75,000	PED STB
96	Artesia Public Schools	District-wide	improvements to the parking lot at the Mack Chase Athletic Complex	\$23,415	PED GF
97	Aztec Municipal Schools	Aztec HS	honors dormitory for Navajo students attending Aztec High School	\$264,810	IAD GF
98	Belen Consolidated Schools	Rio Grande ES	plan and design drop-off area	\$70,000	PED GF
99	Bernalillo Public Schools	Northeast Heights ES	design, construct, and equip multipurpose facility	\$40,000	LGD-DFA GF
100	Bernalillo Public Schools	District-wide	reader board	\$40,000	LGD-DFA GF
101	Bloomfield Schools	District-wide	replace boilers and evaporative coolers	\$72,379	PED GF
102	Cloudcroft Municipal Schools	Cloudcroft HS	purchase and install boiler for heating system	\$13,145	PED GF
103	Cloudcroft Municipal Schools	Cloudcroft HS	new roof for weight room area	\$10,730	PED GF
104	Cloudcroft Municipal Schools	Cloudcroft HS	lift station for septic system	\$29,087	PED GF
105	Cloudcroft Municipal Schools	Cloudcroft MSD	playground equipment and fencing for schools and track facilities	\$13,145	PED GF
106	CYFD	Statewide	pre-kindergarten classrooms, including portables, statewide	\$1,111,958	CYFD STB

**TABLE 4  
EDUCATION-RELATED CAPITAL OUTLAY REVERSIONS FOR SOLVENCY**

<b>CS/SB 182a, (Laws 2010, Chapter 105 (partial veto)), Capital Outlay Reversions for Solvency</b>						
<b>SCHOOL DISTRICT</b>	<b>SCHOOL</b>	<b>PROJECT</b>	<b>AMOUNT (dollars)</b>	<b>AGENCY</b>	<b>SOURCE</b>	
107	Deming Public Schools	Cesar Chavez Charter HS plan, design, and construct building	\$25,000	PED	GF	107
108	Des Moines Municipal Schools	District-wide equipment for industrial arts classes	\$930	PED	GF	108
109	Espanola Public Schools	Carinos CS equip the kitchen and playground, purchase and install portables, related site improvements	\$38,500	PED	GF	109
110	Eunice Public Schools	Eunice HS remodel, equip, and furnish science laboratory	\$14,938	PED	GF	110
111	<del>Gadsden Independent Schools</del>	<del>San Miguel ES purchase San Miguel ES for community center</del>	<del>\$25,000</del>	<del>LGD-DFA</del>	<del>GF</del>	111
112	Gadsden Independent Schools	San Miguel ES purchase San Miguel ES for community center	\$297,000	LGD-DFA	STB	112
113	Hagerman Municipal Schools	District-wide design, purchase, construct, and install bleachers at Bobcat Stadium	\$50,000	PED	GF	113
114	Jal Public Schools	Jal Junior HS plan, design, construct, purchase, equip, and furnish building for incubator project	\$28,320	LGD-DFA	GF	114
115	Juvenile Justice Program	JJP - Albuquerque plan, design, construct, improve, and equip cyber academy	\$45,876	LGD-DFA	GF	115
116	Las Cruces Public Schools	Fairacres ES plan, design, and construct enclosed breezeway	\$10,000	PED	GF	116
117	Las Cruces Public Schools	Valley View ES plan and design special needs playground area	\$10,000	PED	GF	117
118	Las Cruces Public Schools	District-wide athletic fields and related facilities for Title IX compliance	\$19,534	PED	STB	118
119	Las Vegas City Public Schools	Los Niños ES plan and design New Beginnings Center	\$55,000	PED	GF	119
120	Loving Municipal Schools	District-wide plan, design, construct, and furnish house, including the purchase of land, for the building trades class	\$6,082	PED	GF	120
121	Lovington Municipal Schools	Taylor MS plan, design, and construct improvements to sports facilities, incl. purchase of bleachers	\$75,405	PED	GF	121
122	Maxwell Municipal Schools	District-wide driver education vehicles	\$15,000	PED	GF	122
123	Mora Independent Schools	District-wide staff wellness and exercise equipment	\$0	PED	GF	123
124	PED	Statewide purchase vehicle for the school transportation bureau	\$14,000	PED	STB	124
125	Pojoaque Valley Public Schools	District-wide purchase and install bleachers, repair electrical system, and make improvements to fencing, batting cages, concession buildings, and surrounding areas at little league fields	\$25,000	PED	GF	125
126	Questa Independent Schools	La Cienega School Daycare to plan, design, construct, furnish, equip, and restore La Cienega School Daycare	\$7	PED	STB	126
127	Rio Rancho Public Schools	Martin Luther King Jr. ES playground and athletic field improvements	\$80,092	PED	GF	127
128	Rio Rancho Public Schools	Rio Rancho HS improve athletic complex, incl. restrooms and concession facilities	\$10,000	PED	GF	128

**TABLE 4  
EDUCATION-RELATED CAPITAL OUTLAY REVERSIONS FOR SOLVENCY**

<b>CS/SB 182a, (Laws 2010, Chapter 105 (partial veto)), <i>Capital Outlay Reversions for Solvency</i></b>						
<b>SCHOOL DISTRICT</b>	<b>SCHOOL</b>	<b>PROJECT</b>	<b>AMOUNT (dollars)</b>	<b>AGENCY</b>	<b>SOURCE</b>	
129	Rio Rancho Public Schools	District-wide	plan, design, construct, and equip recreational and support center	\$80,000	PED GF	129
130	Rio Rancho Public Schools	District-wide	purchase equipment, including soccer goal, weight equipment, parts and signs for basketball scoreboards, and golf equipment	\$2,680	PED GF	130
131	Roswell Independent Schools	Sunset ES	information technology	\$17,672	PED GF	131
132	Roswell Independent Schools	Roswell HS	outdoor, indoor, and two-sided signs	\$13,379	PED GF	132
133	Roswell Independent Schools	Roswell HS	surface area improvements, including asphalt, around the gymnasium and field house	\$719	PED GF	133
134	Roswell Independent Schools	Goddard HS	improve band storage room	\$20,000	PED GF	134
135	Roswell Independent Schools	Goddard HS	renovate baseball field, incl. purchase and installation of outdoor two-sided electronic sign	\$15,000	PED GF	135
136	Roswell Independent Schools	Goddard HS	improvements, incl. outdoor electronic two-sided sign and upgrades to baseball field	\$24,000	PED GF	136
137	Santa Fe Public Schools	Agua Fria ES	replace roof	\$25,866	PED GF	137
138	Santa Fe Public Schools	District-wide	design regional career technical center	\$75,142	PED GF	138
139	Santa Fe Public Schools	Acad. for Tech. and the Classics CS	purchase equipment	\$9,634	PED STB	139
140	Tularosa Municipal Schools	Tularosa HS	plan, design, construct, purchase, and install improvements to the grounds	\$200,000	PED GF	140
141	Tularosa Municipal Schools	Tularosa HS	improvements to grounds	\$200,000	PED STB	141
142	Wagon Mound Public Schools	District-wide	renovations, incl. removal of heating and cooling units in cafeteria and kitchen	\$40,000	PED GF	142
143	West Las Vegas Public Schools	Valley MS	plan, design, construct, install, and equip football field	\$10,000	PED GF	143
144	West Las Vegas Public Schools	District-wide	buses, shop equipment, and information technology	\$25,000	PED GF	144
145	Total Reversions Before Executive Action			\$6,609,881		145
146	Total Vetoes			<del>\$225,000</del>		146
147	Total Reversions After Executive Action			\$6,384,881		147

**TABLE 5**

**EDUCATION-RELATED GENERAL OBLIGATION BOND PROJECTS**

<b>*CS/SB 1a, (Laws 2010, Second Special Session, Chapter 3), 2010 Capital Projects GO Bond Act</b>					
<b>DISTRICT</b>	<b>SCHOOL</b>	<b>PROJECT</b>	<b>AMOUNT</b>	<b>SOURCE</b>	
PED	public school libraries statewide	Acquire library books, equipment, and library resources	\$2,000,000	GOB	
PED	public schools statewide	Renovate and construct Pre-K classrooms and facilities	\$2,000,000	GOB	
PED	public schools statewide	Purchase school books and instructional materials	\$2,000,000	GOB	
PED	Statewide	Purchase school buses	\$500,000	GOB	
PED	Statewide	Purchase and install student count equipment in school buses	\$500,000	GOB	
New Mexico School for the Blind and Visually Impaired	NMSBVI	Renovate Watkins Education Center, coordinate with PSFA for infrastructure improvements to address critical deficiencies and ADA compliance	\$3,500,000	GOB	
New Mexico School for the Deaf	NMSD	Coordinate with PSFA for improvements, incl. fire suppression, renovations to address critical deficiencies and ADA compliance	\$3,000,000	GOB	
<b>TOTAL GO BOND PROJECTS</b>			<b>\$13,500,000</b>		

TABLE 6

EDUCATION-RELATED SEVERANCE TAX BOND PROJECTS AND REAUTHORIZATIONS

HB 5a, (Laws 2010, Second Special Session, Chapter 4 (partial veto)), <i>Severance Tax Bond Projects</i>				
DISTRICT	SCHOOL	PROJECT	AMOUNT	SOURCE
<b>NEW PROJECTS</b>				
Youth Diagnostic Development Center	YDDC	Renovate and equip YDDC and Camino Nuevo site in accordance with the Missouri Model and implement Cambiar New Mexico	\$400,000	CPF-STB
Youth Diagnostic Development Center	YDDC	Install upgrades, including walkways, sidewalks, ramps, and stairs to comply with ADA	\$500,000	CPF-STB
Youth Diagnostic Development Center	YDDC	Upgrade security systems at YDDC and Camino Nuevo site	\$500,000	CPF-STB
<b>Total New Projects</b>			<b>\$1,400,000</b>	
<b>REAUTHORIZATIONS</b>				
Mora Independent, West Las Vegas, and Las Vegas City Public Schools	District-wide	<b>Extend Time through FY 12; Change Purpose</b> to exclude Wagon Mound Public Schools. To purchase and install automated phone system and information technology, including related equipment, furniture, and infrastructure.	\$100,000	GF
New Mexico School for the Deaf	NMSD	<b>Expand Purpose</b> to include correcting other capital deficiencies. To plan, design, construct, renovate, equip, and furnish Dillon Hall.	\$2,591,704	STB
<b>Change from</b> New Mexico School for the Deaf <b>to</b> Albuquerque Public Schools	<b>From</b> NMSD <b>to</b> Sign and Language Academy CS	<b>Change Purpose from</b> plan, design, construct, renovate, equip and furnish Dillon Hall, <b>to</b> renovate and improve a facility.	\$100,000	STB
<b>Total Reauthorizations</b>			<b>\$2,791,704</b>	

**SELECTED EDUCATION-RELATED CAPITAL OUTLAY  
LANGUAGE  
*2010 REGULAR AND SPECIAL SESSIONS***

**CS/SB 182a, (Laws 2010, Chapter 105 (Partial Veto)), *Capital Outlay Reversions for Solvency***

**REVERSION OF BALANCES FROM LAWS 2007 GENERAL FUND APPROPRIATIONS FOR CERTAIN CAPITAL PROJECTS. (Section 1)**

Notwithstanding the requirements for reversion contained in Section 6-29-9 NMSA 1978 or in Laws 2007, Chapter 2, 42, 334 or 341, and except as provided in Section 21 of this act, on the effective date of this act, the unexpended or uncommitted balances of appropriations made from the general fund in Laws 2007, Chapter 2, 42, 334 or 341 to the following agencies for the following described projects, as further identified by the department of finance and administration appropriation identification number, shall revert to the general fund, and, within thirty days of the effective date of this act, the department of finance and administration shall transfer such unexpended or uncommitted balances to the general fund.

**REVERSION OF BALANCES FROM LAWS 2008 GENERAL FUND APPROPRIATIONS FOR CERTAIN CAPITAL PROJECTS. (Section 3)**

Notwithstanding the requirements for reversion contained in Section 6-29-9 NMSA 1978 or in Laws 2008, Chapter 83 or 92, ~~and except as provided in Section 21 of this act,~~ on the effective date of this act, the unexpended or uncommitted balances of appropriations made from the general fund in Laws 2008, Chapter 83 or 92 to the following agencies for the following described projects, as further identified by the department of finance and administration appropriation identification number, shall revert to the general fund, and, within thirty days of the effective date of this act, the department of finance and administration shall transfer such unexpended or uncommitted balances to the general fund.

**CHANGE IN PURPOSE AND AUTHORIZATIONS FOR CERTAIN SEVERANCE TAX BOND PROCEEDS AUTHORIZED, APPROPRIATED OR REAUTHORIZED IN LAWS 2008. (Section 4)**

Notwithstanding the requirements for reversion in Laws 2008, Chapter 83 or 92, and except as provided in Section 21 of this act, the unexpended or uncommitted balances remaining on the effective date of this act of severance tax bond proceeds authorized, appropriated or reauthorized in Laws 2008, Chapter 83 or 92 for the following described projects, as further identified by the department of finance and administration appropriation identification numbers and under the control of the following agencies, shall not be expended for their original purposes, but may be expended as provided in Sections 18 and 19 of this act or as specifically provided in any other act of the second session of the forty-ninth legislature; provided that, if severance tax bonds have not been issued for a project identified in this section or have been issued for less than the authorized amount, then the remaining authorization to issue bonds for the project is void.

**REVERSION OF BALANCES FROM LAWS 2009 APPROPRIATIONS FOR CERTAIN CAPITAL PROJECTS. (Section 5)**

Notwithstanding the requirements for reversion contained in Section 6-29-9 NMSA 1978 or in Laws 2009, Chapter 125 or 128, ~~and except as provided in Section 21 of this act,~~ on the effective date of this act, the unexpended or uncommitted balances of appropriations made in Laws 2009, Chapter 125 or 128 to the following agencies for the following described projects, as further identified by the department of finance and administration appropriation identification number, shall revert to the originating fund, and, within thirty days of the effective date of this act, the department of finance and administration shall transfer such unexpended or uncommitted balances to the originating fund.

**CHANGE IN PURPOSE AND AUTHORIZATIONS FOR CERTAIN SEVERANCE TAX BOND PROCEEDS AUTHORIZED, APPROPRIATED OR REAUTHORIZED IN LAWS 2009. (Section 6)**

Notwithstanding the requirements for reversion in Laws 2009, Chapter 128, ~~and except as provided in Section 21 of this act,~~ the unexpended or uncommitted balances remaining on the effective date of this act of severance tax bond proceeds authorized, appropriated or reauthorized in Laws 2009, Chapter 128 for the following described projects, as further identified by the department of finance and administration appropriation identification numbers and under the control of the following agencies, shall not be expended for their original purposes, but may be expended as provided in Sections 18 and 19 of this act or as specifically provided in any other act of the second session of the forty-ninth legislature; provided that, if severance tax bonds have not been issued for a project identified in this section or have been issued for less than the authorized amount, then the remaining authorization to issue bonds for the project is void.

**\*CS/SB 1a, (Laws 2010, Second Special Session, Chapter 3), 2010 Capital Projects GO Bond Act**

**PROJECTS. (Section 10)**

The proceeds from the sale of bonds issued under the provisions of the 2010 Capital Projects General Obligation Bond Act shall be distributed as follows for the purposes and in the amounts specified: ...

B. for library acquisitions and capital improvements at public libraries, public school libraries, academic libraries and tribal libraries statewide: ...

(3) to the public education department, two million dollars (\$2,000,000) to acquire library books, equipment and library resources for public school libraries statewide...

C. for public school facility improvements acquisitions, bus acquisitions and books and instructional materials acquisitions, to the public education department:

(1) two million dollars (\$2,000,000) for renovation and construction of pre-kindergarten classrooms and facilities at public schools statewide;

(2) two million dollars (\$2,000,000) to purchase school books and instructional materials statewide;

(3) five hundred thousand dollars (\$500,000) to purchase school buses statewide; and

(4) five hundred thousand dollars (\$500,000) for student count equipment in school buses statewide;

D. for capital improvements at institutions of higher education and special schools statewide: ...

(8) to the board of regents of the New Mexico school for the blind and visually impaired, three million five hundred thousand dollars (\$3,500,000) for renovating Watkins education center and to coordinate with the public school facilities authority for other infrastructure improvements to address critical deficiencies and to comply with the Americans with Disabilities Act of 1990 at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county;

(9) to the board of regents of the New Mexico school for the deaf, three million dollars (\$3,000,000) to coordinate with the public school facilities authority for improvements, including fire suppression and improvements to comply with the Americans with Disabilities Act of 1990, and other renovations to address critical deficiencies at the New Mexico school for the deaf in Santa Fe in Santa Fe county.

### **HB 5a, (Laws 2010, Second Special Session, Chapter 4 (Partial Veto)), Severance Tax Bond Projects**

#### **SEVERANCE TAX BONDS--AUTHORIZATIONS--APPROPRIATION OF PROCEEDS. (Section 1)**

A. The state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act in an amount not to exceed the total of the amounts authorized for purposes specified in this act or may allocate to such purposes the proceeds of severance tax bonds reauthorized for but not allocated to specific purposes in acts of the second session of the forty-ninth legislature. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take the appropriate steps necessary to comply with the Internal Revenue Code of 1986, as amended. Proceeds from the sale of the bonds and proceeds of severance tax bonds reauthorized for but not allocated to specific purposes in acts of the second session of the forty-ninth legislature are appropriated for the purposes specified in this act.

B. The agencies named in this act shall certify to the state board of finance when the money from the proceeds of the severance tax bonds appropriated in this section is needed for the purposes

specified in the applicable section of this act. If an agency has not certified the need for severance tax bond proceeds for a particular project, including projects that have been reauthorized, by the end of fiscal year 2012, the authorization for that project is void.

C. Before an agency may certify for the need of severance tax bond proceeds, the project must be developed sufficiently so that the agency reasonably expects to:

(1) incur within six months after the applicable bond proceeds are available for the project a substantial binding obligation to a third party to expend at least five percent of the bond proceeds for the project; and

(2) spend at least eighty-five percent of the bond proceeds within three years after the applicable bond proceeds are available for the project.

D. Except as otherwise specifically provided by law:

(1) the unexpended balance from the proceeds of severance tax bonds appropriated in this act for a project shall revert to the severance tax bonding fund no later than the following dates:

(a) for a project for which severance tax bond proceeds were appropriated to match federal grants, six months after completion of the project;

(b) for a project for which severance tax bond proceeds were appropriated to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the severance tax bond proceeds were made available for the purchase; and

(c) for any other project for which severance tax bonds were appropriated, within six months of completion of the project, but no later than the end of fiscal year 2014; and

(2) all remaining balances from the proceeds of severance tax bonds appropriated for a project in this act shall revert to the severance tax bonding fund three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.

E. Except for appropriations to the capital program fund, money from severance tax bond proceeds provided pursuant to this act shall not be used to pay indirect project costs.

F. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

**OTHER FUND APPROPRIATIONS--LIMITATIONS—REVERSIONS. (Section 2)**

A. Except as otherwise specifically provided by law:

(1) the unexpended balance of an appropriation made in this act from other state funds shall revert no later than the following dates:

(a) for a project for which an appropriation was made to match federal grants, six months after completion of the project;

(b) for a project for which an appropriation was made to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the appropriation was made for the purchase; and

(c) for any other project for which an appropriation was made, within six months of completion of the project, but no later than the end of fiscal year 2014; and

(2) all remaining balances from an appropriation made in this act for a project shall revert three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.

B. Except for appropriations to the capital program fund, money from appropriations made in this act shall not be used to pay indirect project costs.

C. Except as provided in Subsection E of this section, the balance of an appropriation made from the general fund shall revert in the time frame set forth in Subsection A of this section to the capital projects fund.

D. Except as provided in Subsection E of this section, the balance of an appropriation made from other state funds shall revert in the time frame set forth in Subsection A of this section to the originating fund.

E. The balance of an appropriation made from the general fund or other state fund to the Indian affairs department or the aging and long-term services department for a project located on lands of an Indian nation, tribe or pueblo shall revert in the time frame set forth in Subsection A of this section to the tribal infrastructure project fund.

F. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

**TABLE 7**  
**RECOMMENDATIONS OF THE LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**FOR THE 2010 REGULAR SESSION**

	ITEM	FINAL DISPOSITION
	<b><u>ASSESSMENT AND ACCOUNTABILITY</u></b>	
1	<b>HB 69a, <i>Reporting of Cohort Graduation Data</i></b> (Rep. Miera) – Amends the <i>Assessment and Accountability Act</i> to require that, when the Public Education Department (PED) and school districts publish cohort graduation data, they include data useful for a better understanding of on-time graduation and dropping out among New Mexico high school students, such as how many students are known to have dropped out; have exited with the intention of earning a General Educational Development (GED); are known to still be in high school; have met all the requirements for graduation but have not passed the graduation test; and progress through high school from grade to grade.	PASSED. SIGNED, CHAPTER 111.
2	<b>HB 67, <i>Extend Educational Testing Contract Lengths</i></b> (Rep. Miera) – Amends the <i>Procurement Code</i> to allow contract extensions of up to 12 years for the development and implementation of standardized tests in grades K through 12 and for the development and implementation of teacher tests for professional licensure.	DID NOT PASS. (SFC – API)
3	<b>SB 106, <i>Education Dept. Pays for Standard-based Tests</i></b> (Sen. Asbill/Rep. Roch) – Amends the <i>Assessment and Accountability Act</i> to require PED to pay the costs of standards-based assessments.	Not ruled germane. (SCC)
	<b><u>CHARTER SCHOOLS</u></b>	
4	<b>HB 74a, <i>Charter School Oversight for 1 Year</i></b> (Rep. Gonzales) – Amends the <i>Charter Schools Act</i> to require a new charter school, during the planning year, to file a minimum of three status reports with the chartering authority and PED to ensure that the charter school is developing in accordance with its approved charter; and requires that the chartering authority and the charter school agree to the content, format, and schedule of the reports prior to signing the charter contract.	PASSED. SIGNED, CHAPTER 48.
5	<b>HB 191, <i>Prohibit Virtual Charter Schools</i></b> (Rep. Roch) – Adds a new section to the <i>Charter Schools Act</i> to define the term “virtual charter school” and to prohibit virtual charter schools in New Mexico.	NOT RULED GERMANE. (HRC)
	<b><u>DUAL CREDIT</u></b>	
6	<b>SJM 14, <i>Develop Accelerated Learning Master Plan</i></b> (Sen. García) – Requests that the Higher Education Department (HED) and PED convene a work group, including representatives of certain entities, to develop a master plan for accelerated learning that would offer high school students multiple options for study at the postsecondary level; that the work group presents its findings and recommendations to the LESC by November 1, 2010; and that the LESC review the plan before it is implemented.	DID NOT PASS. (HEC – API)
7	<b>SB 114a, <i>Dual Credit Textbook Fund</i></b> (Sen. Nava/Rep. Espinoza) – Adds a new section to the <i>Public School Code</i> to create the Dual Credit Textbook Fund to distribute money to school districts, charter schools, and state-supported schools to provide textbooks and course supplies for their students participating in the Dual Credit Program; requires PED to promulgate rules governing the process; and requires certain reports from school districts, charter schools, and state-supported schools.	DID NOT PASS. (SFC – API)

	ITEM	FINAL DISPOSITION
	<b><u>HIGH SCHOOL REDESIGN</u></b>	
8	<b>HB 53a, <i>Financial Literacy as School Math Requirement</i></b> (Rep. Thomas) – Amends the <i>Public School Code</i> to allow a financial literacy course that addresses New Mexico mathematics standards to count as one of the four mathematics units required for graduation.	PASSED. SIGNED, CHAPTER 25.
	<b><u>P-20 DATA SYSTEM</u></b>	
9	<b>CS/HB 70a, <i>Educational Data System</i></b> (Rep. Miera) – Adds a new section to the <i>Public School Code</i> to codify the requirements for a comprehensive P-20 data system that collects, integrates, and reports data from PED, HED, and other agencies; prescribes the components of the data system; designates PED and HED as “data system partners”; and creates and prescribes membership and duties of the Data System Council.	PASSED. SIGNED, CHAPTER 112.
10	<b>SJM 23, <i>Educational Research &amp; Reform Consortium</i></b> (Sen. Nava) – Requests that the Office of Education Accountability (OEA), PED, and HED, in cooperation with certain other entities, study the formation of a consortium to conduct educational research to support school reform; and that OEA report findings and recommendations to the LESC and the Governor by November 15, 2010.	DID NOT PASS. (HEC – API)
	<b><u>PUBLIC SCHOOL FINANCE</u></b>	
11	<b>SJM 24, <i>Study School District Finances &amp; Operations</i></b> (Sen. Nava) – Requests that OEA, in consultation with the State Auditor and PED, convene a work group to examine school district finance systems and operations; requests certain other entities to be members of the work group; and requests that OEA report findings and recommendations to the LESC, the Legislative Finance Committee, and the Governor by November 30, 2010.	DID NOT PASS. (HEC – API)
12	<b>CS/HB 227a, <i>School Board Finance &amp; Audit Committees</i></b> (Rep. King/Rep. Hall) – Adds a new section of statute to require local school boards and governing authorities of charter schools to establish finance subcommittees and audit committees; and prescribes membership of the audit committees and duties of both the audit committees and the finance subcommittees.	PASSED. SIGNED, CHAPTER 115.
	<b><u>PUBLIC SCHOOL PERSONNEL</u></b>	
13	<b>HB 71a, <i>Mentorship Requirements for Level 1 Teachers</i></b> (Rep. Stapleton) – Amends the <i>School Personnel Act</i> to clarify the required length of time for beginning or Level 1 teachers to participate in a formal mentoring program.	PASSED. SIGNED, CHAPTER 113.
14	<b>SB 78a, <i>Alternative School Curricular Plans</i></b> (Sen. Nava) – Amends the <i>Public School Code</i> to allow the Secretary of Public Education to waive class-size requirements for classes to which a student teacher who meets certain criteria has been assigned.	PASSED. POCKET VETOED.
15	<b>SJM 22, <i>Study Internship Teaching License</i></b> (Sen. Lovejoy) – Requests that PED and OEA study specified issues of the Internship teaching license; and that PED and OEA present findings and recommendations to the LESC prior to the next legislative session.	DID NOT PASS. (HEC – API)
16	<b>SB 111a, <i>Additional Teacher Evaluation Standards</i></b> (Sen. Nava/Rep. Stapleton) – Amends the <i>School Personnel Act</i> to require that teacher professional development plans include documentation of how the results of professional development received from or offered by the state, school district, or charter school are incorporated in the classroom.	PASSED. SIGNED, CHAPTER 107.

	ITEM	FINAL DISPOSITION
17	<b>SB 85, <i>School Leadership Institute</i></b> (Sen. Kernan) – Adds a new section to statutes governing public higher education to create the School Leadership Institute, administratively attached to HED; and prescribes duties of the institute and programs it must offer.	PASSED. SIGNED, CHAPTER 65.
18	<b>HJM 16, <i>Study Reading Curricula in Teacher Education</i></b> (Rep. Stewart) – Requests that the New Mexico Deans and Directors of Colleges of Education create a work group to study reading curricula in teacher education programs; and that the work group report findings and recommendations to the appropriate interim legislative committee and to the Governor by November 1, 2010.	PASSED.
	<b><u>SCHOOL CALENDARS</u></b>	
19	<b>CS/SB 87 &amp; 92, <i>Delay School Year &amp; Day Length Changes</i></b> (Sen. Morales/Sen. Kernan) – Amends the <i>Public School Code</i> to delay for one year the effective date of the statutory requirement, enacted in 2009, that school districts and charter schools provide a minimum of 180 full instructional days for schools on a regular calendar and 150 full instructional days for schools on a variable school year calendar.	PASSED. SIGNED, CHAPTER 66.
20	<b>SJM 12, <i>Study Various School Calendars</i></b> (Sen. Kernan) – Requests that OEA study various school calendars used or allowed in New Mexico and their effects on student learning and achievement, teachers, school operations, and school district budgetary needs; and that the OEA report its findings and recommendations to the LESC by October 31, 2010.	PASSED.
	<b><u>SPECIAL EDUCATION</u></b>	
21	<b>CS/HB 230, <i>Dyslexic Student Intervention</i></b> (Rep. Stewart/Sen. García) – Amends the <i>Public School Code</i> to define dyslexia and to prescribe interventions for students displaying characteristics of dyslexia.	PASSED. SIGNED, CHAPTER 59.
22	<b>SJM 13, <i>Study School Student Seclusion &amp; Restraint</i></b> (Sen. García) – Requests that PED, in collaboration with certain other entities, form a work group to examine the issues and concerns related to restraint and seclusion of public school students; and that the work group report its findings and recommendations to the LESC by October 31, 2010.	DID NOT PASS. (HOUSE FLOOR – API)
	<b><u>APPROPRIATIONS, GENERAL OBLIGATION BONDS, AND LANGUAGE IN CS/HB 2a et al.</u></b>	
23	<b>Library General Obligation Bonds</b> (Sen. Lovejoy) – Requests \$20.25 million in General Obligation Bonds for New Mexico libraries as follows: \$6.5 million for academic libraries; \$6.5 million for publicly funded school and juvenile detention libraries; \$6.0 million for New Mexico public libraries; and \$1.25 million for tribal libraries. *CS/CS/SB 113a, <i>GO Bond Projects</i> (2010 Regular Session, Sen. Cisneros) and <b>CS/SB 1a, <i>2010 Capital Projects GO Bond Act</i></b> (2 <sup>nd</sup> Special Session, Sen. Cisneros) both included: <ul style="list-style-type: none"> <li>• \$2.0 million for academic library acquisitions statewide (to HED);</li> <li>• \$2.0 million for public school library acquisitions statewide (to PED);</li> <li>• \$2.0 million for public library acquisitions statewide (to the Cultural Affairs Department); and</li> <li>• \$1.0 million for tribal library acquisitions and capital improvements (to the Cultural Affairs Department).</li> </ul>	2010 REGULAR SESSION: *CS/CS/SB 113a DID NOT PASS.  [NOTE: 2010 2 <sup>ND</sup> SPECIAL SESSION: CS/SB 1a PASSED. SIGNED, CHAPTER 3.]
24	<b>K-3 Plus Funds Allocation</b> – Ensures that school districts receive K-3 Plus funds in time to commence programs prior to the start of the new fiscal year by including funds appropriated to PED for K-3 Plus in a special appropriation of non-reverting funds in Section 5 of the <i>General Appropriation Act of 2010</i> , so those funds can be made available to school districts before July 1, 2010.	NOT CONSIDERED

	ITEM	FINAL DISPOSITION
25	<b>SB 141, NM Tech Summer Science Program</b> (Sen. Nava) – Makes a special nonrecurring appropriation of \$50,000 to New Mexico Tech in the <i>General Appropriation Act of 2010</i> for the Summer Science Program.	DID NOT PASS. (SFC – API)
26	<b>SB 82, Minority Math, Engineering &amp; Science Program</b> (Sen. Nava) – Makes a special nonrecurring appropriation of \$150,000 to PED in the <i>General Appropriation Act of 2010</i> for the Mathematics, Engineering and Science Achievement-New Mexico program (MESA-NM).	DID NOT PASS. (SFC – API)
27	<b>HB 184, Outdoor Classroom Program</b> (Rep. Hall) – Makes a special nonrecurring appropriation of \$100,000 to the Department of Energy, Minerals and Natural Resources in the <i>General Appropriation Act of 2010</i> for the Outdoor Classroom Project.	DID NOT PASS. (HAFC – API)
	<b><u>LETTERS TO THE STATE AGENCIES AND OTHERS</u></b>	
28	<b>Course Information Collection and Reporting</b> – Write a letter to PED requesting that the department work with LESC staff to determine how it can document and report information related to course offerings and course completion in middle and high schools; and report to the LESC at its first full meeting of the 2010 interim.	SENT JANUARY 19, 2010
29	<b>Student ID Numbers in Two-year College Records</b> – Write a letter requesting that PED, HED, the New Mexico Association of Community Colleges, and the New Mexico Independent Community Colleges form a work group to develop a proposal for collecting students’ identification numbers, known as Unique IDs, in unit record data systems of those branch and community colleges that do not require high school transcripts for admission.	SENT JANUARY 19, 2010
30	<b>Beginning Teacher Mentorship Request</b> – Write a letter to PED requesting that the department in collaboration with OEA investigate the following: <ul style="list-style-type: none"> <li>• in the instance of Level 1 “mentor” teachers: <ul style="list-style-type: none"> <li>➤ the specific mentoring services that each Level 1 mentor teacher is providing compared to the mentoring services provided by Level 2 and Level 3 mentors in the same school district;</li> <li>➤ the licensure status of teachers that each Level 1 teacher is mentoring; and</li> <li>➤ the years of teaching experience that each Level 1 mentor teacher has, including whether and for how long the teacher taught on an Internship license before receiving a Level 1 license; and</li> </ul> </li> <li>• the specific uses of mentorship funds in each school district, including the amounts of compensation provided to mentor teachers.</li> </ul>	SENT JANUARY 19, 2010
31	<b>Residential Treatment Centers (RTCs) and School District Contracts</b> – Write a letter to PED requesting that, in formulating a template for agreements between school districts and residential treatment centers, PED provide detailed guidance to the parties to clarify where longstanding practice may no longer be consonant with the law; and to ensure that services are planned and delivered efficiently and effectively for all students residing at the RTCs, particularly when multiple school districts and charter schools share responsibility for an individual student.	SENT JANUARY 19, 2010

TABLE 8

FY 09 PUBLIC SCHOOL SUPPORT APPROPRIATIONS ADJUSTED FOR SOLVENCY  
(dollars in thousands)

Unit Value: \$3674.26 (Final) \$3,892.47 (Prelim.) (\$20.68) \$3,871.79 (Final) <sup>1</sup>				
	FY 08 APPROPRIATION	FY 09 INITIAL APPROPRIATION Laws 2008, Ch. 3 (partial veto)	Amount Increase/ Decrease	FY 09 ADJUSTED APPROPRIATION Laws 2009, Ch. 2 (partial veto)
1 PROGRAM COST	\$2,175,399.2	\$2,328,883.9		
2 ENROLLMENT GROWTH	\$9,488.5	\$10,530.1		
3 FIXED COSTS	\$6,796.0	\$3,758.8		
4 INSURANCE COSTS	\$10,324.8	\$19,283.6		
5 PUBLIC SCHOOL EMPLOYEE COMPENSATION:				
6 Teachers - 2% for FY 09	\$58,040.0	\$24,875.4		
7 Instructional Staff - 2% for FY 09	\$9,240.6	\$3,959.5		
8 Other Certified and Non-certified, Including EAs - 2% for FY 09	\$23,315.7	\$10,343.7		
9 Additional Educational Assistant, Secretary/Clerical/Technical Assistants, Business Office Support, Warehouse/ Maintenance/Custodial and Food Service Compensation (1% Above General Compensation in FY 09)		\$3,305.6		
10 Additional Average 2.0 % (professional instructional support staff/salaries less than \$60,000)	\$3,159.3			
11 Additional Average 2.0 % (principals & assistant principals based on responsibility)	\$1,732.3			
12 Minimum Salaries – Level 3 Teachers to \$50,000 in FY 08	\$9,118.6			
13 Increase in Employer's ERB Contribution (0.75%)	\$14,268.9	\$12,317.8		
14 One Additional Instructional Day		\$14,000.0		
15 Elementary Physical Education	\$8,000.0	\$8,000.0		
16 Assessment and Test Development - School District Costs		\$464.8		
17 PROGRAM COST	\$2,328,883.9	\$2,439,723.2		
18 LESS PROJECTED CREDITS	(\$55,600.0)	(\$55,400.0)		
19 LESS OTHER STATE FUNDS (from Driver's License Fees)	(\$750.0)	(\$750.0)		
20 STATE EQUALIZATION GUARANTEE <i>Reduced 2.5%</i>	\$2,272,533.9	\$2,383,573.2	(\$59,589.3)	\$2,323,983.9
21 Percent Change from Initial to Adjusted FY 09 Appropriation				-2.5%
22 Percent Change from FY 08 to Adjusted FY 09 Appropriation				2.3%
23 "EDUCATION LOCK BOX" TRANSFER (Laws 2009, Ch. 3 (partial veto))			\$35,753.6 <sup>2</sup>	
24 STATE EQUALIZATION GUARANTEE PLUS "EDUCATION LOCK BOX" TRANSFER	\$2,272,533.9	\$2,383,573.2	(\$23,835.7)	\$2,359,737.5
25 Percent Change from Initial to Adjusted FY 09 Appropriation				-1.0%
26 Percent Change from FY 08 to Adjusted FY 09 Appropriation				3.8%

<sup>1</sup> The final Unit Value for school year 2008-09 is based on a Program Cost of \$2,421,387.5 thousand. This program cost was determined by adding the credits back into the adjusted SEG (line 24). The credits are \$5.5 million higher than those shown on line 15 because for FY 09 the state took credit for more Federal Forest Reserve payments to school districts.

<sup>2</sup> Lines 23-26 reflect the inclusion of nonrecurring funds from the "Education Lock Box" in the recurring General Fund appropriations to the State Equalization Guarantee (line 20).

TABLE 8

FY 09 PUBLIC SCHOOL SUPPORT APPROPRIATIONS ADJUSTED FOR SOLVENCY  
(dollars in thousands)

	FY 08 APPROPRIATION	FY 09 INITIAL APPROPRIATION Laws 2008, Ch. 3 (partial veto)	Amount Increase/ Decrease	FY 09 ADJUSTED APPROPRIATION Laws 2009, Ch. 2 (partial veto)
27 <b>CATEGORICAL PUBLIC SCHOOL SUPPORT</b>			<b>Reduced 2.5%</b>	
28 TRANSPORTATION				
29 Operational	\$91,186.6	\$97,039.4	(\$2,426.0)	\$94,613.4
30 School-owned Bus Replacements	\$420.4	\$468.8	(\$11.7)	\$457.1
31 Rental Fees (Contractor-owned Buses)	\$11,000.4	\$11,974.1	(\$299.4)	\$11,674.7
32 Kindergarten Plus Transportation	\$336.6			
33 Compensation - 2% for FY 09	\$2,266.0	\$908.0	(\$22.7)	\$885.3
34 Additional Transportation Compensation - 1% for FY 09		\$454.0	(\$11.4)	\$442.7
35 Increase in Employer's ERB Contribution (0.75%)	\$356.9	\$204.0	(\$5.1)	\$198.9
36 <b>TOTAL TRANSPORTATION</b>	<b>\$105,566.9</b>	<b>\$111,048.3</b>	<b>(\$6,776.2)<sup>3</sup></b>	<b>\$104,272.1</b>
37 SUPPLEMENTAL DISTRIBUTIONS				
38 Out-of-state Tuition	\$370.0	\$370.0	(\$9.3)	\$360.8
39 Emergency Supplemental	\$2,000.0	\$2,000.0	(\$50.0)	\$1,950.0
40 INSTRUCTIONAL MATERIAL FUND	\$37,224.9	\$39,020.0	(\$975.5)	\$38,044.5
41 EDUCATIONAL TECHNOLOGY FUND	\$6,000.0	\$6,000.0	(\$150.0)	\$5,850.0
42 INDIAN EDUCATION FUND	See line 71	\$2,500.0	(\$62.5)	\$2,437.5 <sup>4</sup>
43 MATHEMATICS AND SCIENCE PROFICIENCY FUND	See line 83	See line 83	See line 83	See line 83
44 SCHOOL LIBRARY MATERIAL FUND	\$2,000.0	\$2,000.0	(\$50.0)	\$1,950.0
45 SCHOOLS IN NEED OF IMPROVEMENT FUND	\$2,500.0	\$2,500.0	(\$62.5)	\$2,437.5
46 TEACHER PROFESSIONAL DEVELOPMENT FUND	\$2,500.0	\$2,000.0	(\$50.0)	\$1,950.0
47 <b>Percent Change from FY 08 to Adjusted FY 09 Appropriation</b>				<b>0.7%</b>
48 <b>TOTAL PUBLIC SCHOOL SUPPORT</b>	<b>\$2,430,695.7</b>	<b>\$2,551,011.5</b>	<b>(\$67,775.3)</b>	<b>\$2,483,236.2</b>
49 <b>Percent Change from Initial to Adjusted FY 09 Appropriation</b>				<b>-2.7%</b>
50 <b>Percent Change from FY 08 to Adjusted FY 09 Appropriation</b>				<b>2.2%</b>
51 <b>"EDUCATION LOCK BOX" TRANSFER (Laws 2009, Ch. 3 (partial veto))</b>			\$35,753.6 <sup>5</sup>	
52 <b>TOTAL PUBLIC SCHOOL SUPPORT PLUS "EDUCATION LOCK BOX" TRANSFER</b>	<b>\$2,430,695.7</b>	<b>\$2,551,011.5</b>	<b>(\$32,021.7)</b>	<b>\$2,518,989.8</b>
53 <b>Percent Change from Initial to Adjusted FY 09 Appropriation</b>				<b>-1.3%</b>
54 <b>Percent Change from FY 08 to Adjusted FY 09 Appropriation</b>				<b>3.6%</b>

<sup>3</sup> The "Total Transportation" amount includes an additional \$4.0 million reduction, equal to the amount of the special appropriation for fuel in the 2008 special session.

<sup>4</sup> Includes \$500,000 to provide a rural literacy initiative to support after-school and summer literacy block programs for students in grades K-8 in schools with a high proportion of Native American students contingent on receipt of two hundred fifty thousand dollars (\$250,000) in matching funds from other than state sources.

<sup>5</sup> Lines 51-54 reflect the inclusion of nonrecurring funds from the "Education Lock Box" in the recurring General Fund appropriation to Total Public School Support (line 48).

TABLE 8

FY 09 PUBLIC SCHOOL SUPPORT APPROPRIATIONS ADJUSTED FOR SOLVENCY  
(dollars in thousands)

	FY 08 APPROPRIATION	FY 09 INITIAL APPROPRIATION Laws 2008, Ch. 3 (partial veto)	Amount Increase/ Decrease	FY 09 ADJUSTED APPROPRIATION Laws 2009, Ch. 2 (partial veto)	
55	<b>RELATED APPROPRIATIONS - RECURRING (to PED unless otherwise noted)</b>				
		<i>Reduced 2.5% unless otherwise noted</i>			
56	Public Education Department Budget Operations	\$14,956.3	\$17,135.0	(\$651.1) <sup>6</sup>	\$16,483.9
57	Public Education Department Budget Compensation		\$309.3	(\$7.7) <sup>6</sup>	\$301.6
58	Regional Education Cooperatives Operations	See line 105	\$1,400.0		\$1,400.0
59	Advanced Placement	\$2,000.0	\$2,000.0	(\$50.0)	\$1,950.0
60	After-school Enrichment Program/21 <sup>st</sup> Century Community Learning Centers	\$3,500.0	\$3,300.0	(\$82.5)	\$3,217.5 <sup>7</sup>
61	Anti-obesity Programs/Before- and After-school Physical Activity and Nutrition	\$650.0	\$300.0	(\$1.7) <sup>8</sup>	\$298.3
62	Apprenticeship Assistance	\$650.0	\$800.0	(\$18.8) <sup>9</sup>	\$781.2
63	Beginning Teacher Mentorship	\$2,000.0	\$2,000.0	(\$50.0)	\$1,950.0
64	Breakfast for Elementary Students (an additional \$400,000 in nonrecurring funds was appropriated for FY 08 - line 98)	\$2,450.0	\$3,450.0	(\$61.3) <sup>10</sup>	\$3,388.7
65	CHARTER SCHOOL STIMULUS FUND		\$300.0	(\$21.9) <sup>11</sup>	\$278.1
66	College and High School Redesign Initiative in Los Lunas Public Schools	\$210.0	\$75.0	(\$1.9)	\$73.1
67	Develop Improved Student Advisement Plan		\$50.0	(\$1.3)	\$48.7
68	Family and Youth Resource Act	\$1,500.0	\$1,500.0	(\$37.5)	\$1,462.5
69	Food to Schools (to be transferred to HSD/Income Support)	\$500.0			
70	GRADS – Teen Pregnancy Prevention	\$1,000.0	\$1,000.0	(\$25.0)	\$975.0
71	Indian Education Act	\$2,500.0			
72	K-3 Plus	\$7,163.4	\$7,163.4	(\$179.1)	\$6,984.3
73	New Mexico Cyber Academy	\$500.0	\$1,000.0	(\$30.6) <sup>12</sup>	\$969.4
74	New Mexico Outdoor Classroom	See line 99	\$150.0	(\$3.8)	\$146.2
75	Pre-kindergarten Program	\$7,000.0	\$8,500.0	(\$212.5)	\$8,287.5 <sup>13</sup>
76	Professional Development Statewide (miscellaneous appropriations in FY 08)	\$374.5			
77	REC Distance Learning Networks	\$120.0			
78	Rio Rancho Cyber Academy	\$155.0			
79	Rural Revitalization		\$350.0	(\$8.8)	\$341.2
80	School Improvement Framework	\$3,000.0	\$3,000.0	(\$75.0)	\$2,925.0
81	School Safety Crime Stoppers Program Statewide	\$230.0			
82	School Transportation Safety Equipment and Training	\$10.0			
83	Summer Reading, Math and Science Institutes	\$2,500.0	\$2,500.0	(\$62.5)	\$2,437.5
84	Truancy Prevention/Dropout Prevention	\$1,000.0	\$770.0	(\$19.3)	\$750.7
85	<b>TOTAL RELATED APPROPRIATIONS - RECURRING</b>	<b>\$53,969.2</b>	<b>\$57,052.7</b>	<b>(\$1,602.3)</b>	<b>\$55,450.4</b>
86	<b>GRAND TOTAL - PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS - RECURRING</b>	<b>\$2,484,664.9</b>	<b>\$2,608,064.2</b>	<b>(\$69,377.6)</b>	<b>\$2,538,686.6</b>
87	<b>Percent Change from Initial to Adjusted FY 09 Appropriation</b>				<b>-2.7%</b>
88	<b>Percent Change from FY 08 to Adjusted FY 09 Appropriation</b>				<b>2.2%</b>
89	<b>"EDUCATION LOCK BOX" TRANSFER (Laws 2009, Ch. 3 (partial veto))</b>			\$35,753.6 <sup>14</sup>	
90	<b>GRAND TOTAL - RECURRING PLUS "EDUCATION LOCK BOX" TRANSFER</b>	<b>\$2,484,664.9</b>	<b>\$2,608,064.2</b>	<b>(\$33,624.0)</b>	<b>\$2,574,440.2</b>
91	<b>Percent Change from Initial to Adjusted FY 09 Appropriation</b>				<b>-1.3%</b>
92	<b>Percent Change from FY 08 to Adjusted FY 09 Appropriation</b>				<b>3.6%</b>

<sup>6</sup> The appropriations for the PED Operating Budget and the PED Compensation Increase were reduced by 3.8% and 2.5%, respectively.

<sup>7</sup> Includes \$1.8 million for 21<sup>st</sup> Century Community Learning Centers statewide.

<sup>8</sup> The \$32,400 balance of the \$300,000 CS/SB165a (HB2 Jr.) appropriation was reduced by 7.3%.

<sup>9</sup> The \$750,000 HB2 appropriation was reduced by 2.5%, and the \$50,000 HB2 Jr. appropriation was not reduced.

<sup>10</sup> The \$2.45 million HB 2 appropriation was reduced by 2.5%, and the \$1.0 million HB2 Jr. appropriation was not reduced.

<sup>11</sup> The \$300,000 HB2 Jr. appropriation was reduced by 7.3%.

<sup>12</sup> The \$750,000 HB2 appropriation was reduced by 2.5%, and the HB2 Jr. balance of \$161,800 was reduced by 7.3%.

<sup>13</sup> An additional \$1 million in TANF funds is designated for Pre-kindergarten programs.

<sup>14</sup> Lines 89-92 reflect the inclusion of nonrecurring funds from the "Education Lock Box" in the recurring General Fund appropriations for the Grand Total Public School Support and Related Appropriations.

TABLE 8

FY 09 PUBLIC SCHOOL SUPPORT APPROPRIATIONS ADJUSTED FOR SOLVENCY  
(dollars in thousands)

	FY 08 APPROPRIATION	FY 09 INITIAL APPROPRIATION Laws 2008, Ch. 3 (partial veto)	Amount Increase/ Decrease	FY 09 ADJUSTED APPROPRIATION Laws 2009, Ch. 2 (partial veto)
93 <b>RELATED APPROPRIATIONS: NONRECURRING</b> (to PED unless otherwise noted)				
94 American Diploma Project (to LESC)	\$50.0			
95 Assessment and Test Development (Special Education Alternative Assessment NCLB)		\$4,000.0		\$4,000.0
96 Alternative Assessment	\$500.0			
97 11 <sup>th</sup> Grade Exit Exam	\$1,500.0			
98 Breakfast for Elementary Students	\$400.0	See line 64	See line 64	See line 64
99 New Mexico Outdoor Classroom	\$250.0			
100 New Mexico School Leadership Turnaround Specialists	\$150.0			
101 Close out Federal Fiscal Year 2005 Grants in FY 08 and FY 09 contingent on review by DFA and approval by BOF		\$2,000.0		\$2,000.0
102 Emergency support to hold school districts harmless from decreased revenue	\$6,300.0	\$5,000.0		\$5,000.0
103 STARS - Hosting services (\$877 thousand) and OBMS (\$400 thousand)		\$1,277.0		\$1,277.0
104 Pre-kindergarten Start-up		\$400.0		\$400.0
105 Regional Education Cooperatives Operations	\$1,050.0	See line 58	See line 58	See line 58
106 Specialized legal services	\$120.0			
107 STATE EQUALIZATION GUARANTEE (to offset reductions in credits)	\$1,000.0			
108 STATE SUPPORT RESERVE FUND	\$1,000.0			
109 State High School Basketball Tournament		\$100.0		\$100.0
110 Summer Camp Program in Santa Fe	\$175.0	\$200.0		\$200.0
111 Summer Science Program (to New Mexico Tech)		\$65.0		\$65.0
112 <b>TOTAL RELATED APPROPRIATIONS: NONRECURRING</b>	<b>\$12,495.0</b>	<b>\$13,042.0</b>		<b>\$13,042.0</b>
113 <b>SECTION 6 – SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS</b>				
114 Fuel for Public School Buses		\$1,600.0		\$1,600.0
115 ISD and Motor Pool Charges for PED		\$62.0		\$62.0
116 <b>TOTAL SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS</b>		<b>\$1,662.0</b>		<b>\$1,662.0</b>
117 <b>SECTION 7 – DATA PROCESSING APPROPRIATIONS</b>				
118 STARS Data Warehouse (District Level Implementation)	\$2,500.0	\$1,650.0		\$1,650.0
119 Innovative Digital Education and Learning (IDEAL-NM) (to HED)	\$6,400.0			
120 <b>TOTAL DATA PROCESSING APPROPRIATIONS</b>	<b>\$8,900.0</b>	<b>\$1,650.0</b>		<b>\$1,650.0</b>

TABLE 9

FY 10 PUBLIC SCHOOL SUPPORT APPROPRIATIONS ADJUSTED FOR SOLVENCY  
(dollars in thousands)

FY 09 Final Unit Value = \$3,871.79  
 FY 10 Preliminary Unit Value = \$3,862.79  
 GF portion = \$3,606.4  
 ARRA portion = \$256.39  
 FY 10 Final Unit Value = \$3,792.65  
 (GF portion = \$3,458.06  
 ARRA portion = \$334.59<sup>1</sup>)

	2009 Regular Session		2009 1st Special Session	
	FY 09 ADJUSTED APPROPRIATION Laws 2009, Ch. 2 (partial veto)	FY10 Initial Appropriation Laws 2009, Chapter 124 (partial veto)	Amount Increase/ Decrease	Final FY 10 Appropriation Laws 2009, SS, Chapter 5 (partial veto)
1 PROGRAM COST		\$2,439,723.2		
2 State Fiscal Stabilization Fund (American Recovery and Reinvestment Act) (2009 regular session)		(\$164,700.0)		
3 Adjustment for solvency in 2009 regular session: 1% adjusted reduction to SEG		(\$19,335.7)		
4 State Fiscal Stabilization Fund (American Recovery and Reinvestment Act) (2009 special session)			(\$45,500.0)	
5 Adjustment for solvency in 2009 special session: 2% reduction to SEG			(\$43,903.3)	
6 Educational Retirement 1.5% Employer/Employee Contribution Switch		(\$23,193.4)		
7 ENROLLMENT GROWTH		\$8,455.8		
8 FIXED COSTS		\$3,723.9		
9 Increase Educational Assistants' Salary Base to \$13,000		\$2,613.0		
10 Increase in Employer's ERB Contribution (0.75%)		\$12,073.2		
11 Assessment and Test Development (school district costs)		\$1,055.5		
12 TOTAL PROGRAM COST		\$2,260,415.5		
13 LESS PROJECTED CREDITS		(\$64,400.0)		
14 LESS OTHER STATE FUNDS (from driver's license fees)		(\$850.0)		
15 STATE EQUALIZATION GUARANTEE (General Fund recurring appropriations, excluding Lockbox or ARRA)	\$2,323,983.9	\$2,195,165.5	(\$89,403.3)	\$2,105,762.2
16 Percent Difference from Initial to Final FY 10 Appropriation				-4.1%
17 Percent Difference from FY 09 to Final FY 10 Appropriation				-9.4%
18 "EDUCATION LOCKBOX" TRANSFER (Laws 2009, Ch. 3 (partial veto))	\$35,753.6			
19 STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 1		164,700.0		164,700.0
20 STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 2			45,500.0	45,500.0
21 ADJUSTED STATE EQUALIZATION GUARANTEE, INCLUDING LOCKBOX OR ARRA FUNDS	\$2,359,737.5	\$2,359,865.5	(\$43,903.3)	\$2,315,962.2
22 Percent Difference from Initial to Final FY 10 Appropriation				-1.9%
23 Percent Difference from FY 09 to Final FY 10 Appropriation				-1.9%
24 CATEGORICAL PUBLIC SCHOOL SUPPORT			<i>Reduced 6.5%, unless otherwise noted</i>	
25 TRANSPORTATION				
26 Operational	\$94,613.4	\$90,282.4		
27 School-owned Bus Replacements	\$457.1	\$563.5		
28 Rental Fees (contractor-owned buses)	\$11,674.7	\$12,665.2		
29 Compensation - 2% for FY 09	\$885.3			
30 Additional Transportation Compensation - 1% for FY 09	\$442.7			
31 Educational Retirement 1.5% Employer/Employee Contribution Switch		(\$537.5)		
32 Increase in Employer's ERB Contribution (0.75%)	\$198.9	\$194.8		
33 TOTAL TRANSPORTATION (The FY 09 transportation distribution was reduced an additional \$4.0 million)	\$104,272.1	\$103,168.4	(\$4,126.7)	\$99,041.7 <sup>2</sup>
34 SUPPLEMENTAL DISTRIBUTIONS				
35 Out-of-state Tuition	\$360.8	\$370.0	(\$24.1)	\$346.0
36 Emergency Supplemental	\$1,950.0	\$2,000.0	(\$130.0)	\$1,870.0
37 INSTRUCTIONAL MATERIAL FUND	\$38,044.5	\$16,230.4	(\$1,055.0)	\$15,175.4
38 Dual Credit Instructional Materials		\$1,500.0	(\$97.5)	\$1,402.5
39 EDUCATIONAL TECHNOLOGY FUND	\$5,850.0	\$2,400.0	(\$156.0)	\$2,244.0
40 INDIAN EDUCATION FUND	\$2,437.5	\$2,250.0		\$2,250.0 <sup>3</sup>
41 SCHOOL LIBRARY MATERIAL FUND	\$1,950.0			
42 SCHOOLS IN NEED OF IMPROVEMENT FUND	\$2,437.5	\$2,500.0	(\$162.5)	\$2,337.5
43 TEACHER PROFESSIONAL DEVELOPMENT FUND	\$1,950.0			
44 TOTAL CATEGORICAL	\$159,252.3	\$130,418.8	(\$5,751.8)	\$124,667.0
45 TOTAL PUBLIC SCHOOL SUPPORT (General Fund recurring appropriations, not including Lockbox or ARRA)	\$2,483,236.2	\$2,325,584.3	(\$95,155.1)	\$2,230,429.2
46 Percent Difference from Initial to Final FY 10 Appropriation				-4.1%
47 Percent Difference from FY 09 to Final FY 10 Appropriation				-10.2%
48 "EDUCATION LOCKBOX" TRANSFER (Laws 2009, Ch. 3 (partial veto))	\$35,753.6			
49 STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 1		164,700.0		164,700.0
50 STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 2			45,500.0	45,500.0
51 ADJUSTED TOTAL PUBLIC SCHOOL SUPPORT, INCLUDING LOCKBOX OR ARRA FUNDS	\$2,518,989.8	\$2,490,284.3	(\$49,655.1)	\$2,440,629.2 <sup>4</sup>
52 Percent Difference from Initial to Final FY 10 Appropriation				-2.0%
53 Percent Difference from FY 09 to Final FY 10 Appropriation				-3.1%

<sup>1</sup> The final unit value for FY 10 is based on a program cost of approximately \$2.38 billion. This program cost was determined by adding the credits and other state funds (lines 13-14) back into the adjusted SEG (line 21), which was adjusted to include nonrecurring funds.

<sup>2</sup> Total transportation was reduced by 4.0%.

<sup>3</sup> The appropriation to the Indian Education Fund was not reduced. The appropriation includes \$500 thousand to provide a rural literacy initiative, \$500 thousand for Teach for America, and sufficient funding to conduct a statewide needs assessment.

<sup>4</sup> Lines 18-23 and lines 48-53 reflect the inclusion of nonrecurring funds in the recurring General Fund appropriation for the State Equalization Guarantee (line 15), and Total Public School Support (line 45), respectively. For FY 09, the nonrecurring funds are a transfer from the "Education Lockbox"; and for FY 10, the nonrecurring funds are federal ARRA dollars, which replaced recurring General Fund dollars in both the 2009 regular session (line 2) and the 2009 special session (line 4).

TABLE 9

FY 10 PUBLIC SCHOOL SUPPORT APPROPRIATIONS ADJUSTED FOR SOLVENCY  
(dollars in thousands)

	2009 Regular Session		2009 1st Special Session	
	FY 09 ADJUSTED APPROPRIATION Laws 2009, Ch. 2 (partial veto)	FY10 Initial Appropriation Laws 2009, Chapter 124 (partial veto)	Amount Increase/ Decrease	Final FY 10 Appropriation Laws 2009, SS, Chapter 5 (partial veto)
54 RELATED APPROPRIATIONS - RECURRING (to PED unless otherwise noted)		<i>Reduced 6.5%, unless otherwise noted</i>		54
55 Public Education Department	\$16,785.5	\$15,979.3	(\$479.9)	\$15,499.4 <sup>5</sup>
56 Regional Education Cooperatives Operations	\$1,400.0	\$1,200.0	(\$78.0)	\$1,122.0
57 COLLEGE/WORKPLACE READINESS & HIGH SCHOOL REDESIGN				
58 College and High School Redesign Initiative in Los Lunas Public Schools	\$73.1			
59 EARLY CHILDHOOD EDUCATION				
60 K-3 Plus	\$6,984.3	\$8,452.1	(\$549.4)	\$7,902.7
61 Pre-kindergarten Program	\$8,287.5	\$8,452.1	(\$549.4)	\$7,902.7 <sup>6</sup>
62 EDUCATOR QUALITY				
63 Beginning Teacher Mentorship	\$1,950.0	\$1,491.5	(\$96.9)	\$1,394.6
64 Summer Reading, Math and Science Institutes	\$2,437.5	\$2,485.9	(\$161.6)	\$2,324.3
65 NEW MEXICO CYBER ACADEMY/INNOVATIVE DIGITAL EDUCATION AND LEARNING (IDEAL-NM)				
66 New Mexico Cyber Academy	\$969.4	\$994.4	(\$64.6)	\$929.8 <sup>7</sup>
67 SCHOOL FINANCE				
68 Rural Revitalization	\$341.2	\$100.0	(\$6.5)	\$93.5
69 CHARTER SCHOOL STIMULUS FUND	\$278.1			
70 STUDENT ACHIEVEMENT				
71 Advanced Placement	\$1,950.0	\$1,750.0	(\$113.8)	\$1,636.2
72 Develop Improved Student Advisement Plan	\$48.7			
73 After-school Enrichment Program/21 <sup>st</sup> Century Community Learning Centers	\$3,217.5	\$1,000.0	(\$65.0)	\$935.0
74 Apprenticeship Assistance	\$781.2	\$650.0	(\$42.3)	\$607.7
75 New Mexico Outdoor Classroom	\$146.2			
76 School Improvement Framework	\$2,925.0	\$994.4	(\$64.6)	\$929.8
77 Truancy Prevention/Dropout Prevention	\$750.7	\$298.3	(\$19.4)	\$278.9
78 STUDENT HEALTH, SAFETY AND WELL-BEING				
79 Anti-obesity Programs/Before- and After-school Physical Activity and Nutrition	\$298.3			
80 Breakfast for Elementary Students	\$3,388.7	\$3,430.5	(\$223.0)	\$3,207.5
81 Family and Youth Resource Act	\$1,462.5	\$397.7	(\$25.9)	\$371.8
82 GRADS - Teen Pregnancy Prevention	\$975.0	\$550.0	(\$35.8)	\$514.2 <sup>8</sup>
83 TOTAL RELATED APPROPRIATIONS - RECURRING	\$55,450.4	\$48,226.2	(\$2,576.1)	\$45,650.1
84 GRAND TOTAL PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS - RECURRING (General Fund recurring appropriations, not including Lockbox or ARRA funds)	\$2,538,686.6	\$2,373,810.5	(\$97,731.2)	\$2,276,079.3
85 Percent Difference from Initial to Final FY 10 Appropriation				-4.1%
86 Percent Difference from FY 09 to Final FY 10 Appropriation				-10.3%
87 "EDUCATION LOCKBOX" TRANSFER (Laws 2009, Ch. 3 (partial veto))	\$35,753.6			
88 STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 1		164,700.0		164,700.0
89 STATE FISCAL STABILIZATION FUNDS FROM ARRA: Phase 2			45,500.0	45,500.0
90 ADJUSTED GRAND TOTAL PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS - RECURRING, INCLUDING LOCKBOX OR ARRA FUNDS	\$2,574,440.2	\$2,538,510.5	(\$2,231.2)	\$2,486,279.3 <sup>9</sup>
91 Percent Difference from Initial to Final FY 10 Appropriation				-2.1%
92 Percent Difference from FY 09 to Final FY 10 Appropriation				-3.4%
93 SECTION 5 – RELATED APPROPRIATIONS: NONRECURRING (to PED unless otherwise noted)	FY 09 Adjusted	FY 10 Initial	Increase/ Decrease	FY 10 Adjusted
94 Assessment & Test Development (additional \$3.0 million appropriated from Instructional Material Fund cash balances)	\$4,000.0	\$1,000.0		\$1,000.0
95 Close out Federal Fiscal Year 2005 Grants in FY 08 and FY 09 Contingent on Review by DFA and Approval by BOF	\$2,000.0			
96 Emergency Support to Hold School Districts Harmless from Decreased Revenue	\$5,000.0	\$6,000.0		\$6,000.0 <sup>10</sup>
97 Emergency Support to School Districts Experiencing Extraordinary Financial Distress to Prevent Employee Layoffs and Education Program Cuts (appropriation is from "Education Lockbox")		\$4,000.0		\$4,000.0 <sup>11</sup>
98 Emergency Supplemental in 2009 Special Session			\$3,000.0	\$3,000.0
99 School Leadership Institute (to the Higher Education Department)		\$200.0		\$200.0
100 Operating Budget Management System (OBMS) and the Student Teacher Accountability Reporting System (STARS) (hosting, licensing, and maintenance)	\$1,277.0	\$1,400.0		\$1,400.0
101 Pre-kindergarten Start-up	\$400.0			
102 State High School Basketball Tournament	\$100.0	\$100.0		\$100.0
103 Summer Camp Program in Santa Fe	\$200.0			
104 Summer Science Program (to the New Mexico Institute of Mining and Technology)	\$65.0	\$50.0		\$50.0
105 TOTAL RELATED APPROPRIATIONS: NONRECURRING	\$13,042.0	\$12,750.0	\$3,000.0	\$15,750.0

<sup>5</sup> Per Executive Order 2009-044, the PED budget was reduced by \$479.9 thousand. The original appropriation in Section 4 of the General Appropriation Act of 2009 was reduced in by \$17.1 thousand accordance with Section 10 of that act.

<sup>6</sup> The pre-kindergarten program also received an additional \$1.5 million from the federal Temporary Assistance for Needy Families (TANF) block grant to New Mexico.

<sup>7</sup> The appropriation to PED for the New Mexico Cyber Academy includes \$250 thousand to provide professional development for teachers and for web-based learning resources for students.

<sup>8</sup> The GRADS program also received an additional \$250 thousand from TANF funds.

<sup>9</sup> Lines 87-92 reflect the inclusion of nonrecurring funds in the recurring General Fund appropriation for the Grand Total Public School Support and Related Recurring Appropriations (line 83). For FY 09, the nonrecurring funds are a transfer from the "Education Lockbox", and for FY 10, the nonrecurring funds are federal ARRA dollars, which replaced recurring General Fund dollars in both the 2009 regular session (line 2) and the 2009 special session (line 4).

<sup>10</sup> The \$6.0 million in emergency support is to be distributed based on supplemental distribution provisions in current law.

<sup>11</sup> The \$4.0 million in emergency support to school districts experiencing extraordinary financial distress shall not exceed \$500 thousand to a school district based on: (1) an application to PED indicating that without the distribution the school district will have to reduce district employees or cut education programs; (2) the application is recommended in writing by PED; (3) the application and PED recommendation are reviewed by DFA and the LFC; and (4) the application and distribution are approved by the State Board of Finance.

**TABLE 10**

**HISTORY OF GENERAL FUND RECURRING APPROPRIATIONS  
TO PUBLIC EDUCATION  
(FY 2000 through FY 2010)  
(dollars in thousands)**

<b>Fiscal Year</b>	<b>Total Appropriation</b>	<b>Public Education*</b>	<b>DOLLAR INCREASE/ (DECREASE) (from prior year)</b>	<b>Percent to Public Education</b>
2000	\$3,328,489.7	\$1,562,907.9	\$75,647.6	47.0%
2001	\$3,574,160.3	\$1,657,343.6	\$94,435.7	46.4%
2002	\$3,866,225.9	\$1,805,538.6	\$148,195.0	46.7%
2003	\$3,896,246.7	\$1,808,677.6	\$3,139.0	46.4%
2004	\$4,119,803.3	\$1,883,638.4	\$74,960.8	45.7%
2005	\$4,384,999.0	\$1,992,856.7	\$109,218.3	45.4%
2006	\$4,708,633.3	\$2,131,901.6	\$139,044.9	45.3%
2007	\$5,113,148.0	\$2,293,467.1	\$161,565.5	44.9%
2008	\$5,674,955.6	\$2,484,677.9	\$191,210.8	43.8%
2009 (adjusted for solvency) <sup>1</sup>	\$5,862,403.0	\$2,538,686.6	\$54,008.7	43.3%
2010 (estimated) (adjusted for solvency) <sup>2</sup>	\$5,269,660.0	\$2,276,079.3	<b>(\$262,607.3)</b>	43.2%

\* Beginning in FY 2006, public education includes public school support, funding for the Public Education Department, and special projects. Prior to FY 2006, public education also included General Fund appropriations to the School for the Blind and Visually Impaired and the School for the Deaf.

<sup>1</sup> The FY 2009 appropriation for public education does not include the one-time \$35.7 million appropriation to the State Equalization Guarantee from the "Education Lockbox."

<sup>2</sup> The FY 2010 appropriation for public education does not include the \$210.2 million appropriation to the State Equalization Guarantee from the federal *American Recovery and Reinvestment Act of 2009*.

**PASSED**  
**PUBLIC SCHOOL-RELATED LEGISLATION**  
**49<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2010**

**HOUSE BILLS**

- \*H 1**      **FEED BILL [SGND (Jan. 28) Ch. 1 (partial veto)]**, *Rep. W.K. Martinez* — funds the 2010 legislative session, including the Legislative Education Study Committee (LESC).
- H 16a**     **RETIREMENT BENEFICIARY DESELECTION OPTION [SGND (Mar.2) Ch. 19]**, *Rep. Trujillo/Sen. Sapien* — amends the Public Employees Retirement Act to grant a retired member a one-time irrevocable option to deselect a designated beneficiary, under certain conditions.
- H 21a**     **SCHOOL PRIORITY FOR CERTAIN STUDENTS [POCKET VETO]**, *Rep. Giannini* — ~~amends the open enrollment provisions in the Public School Code to expand the first priority for enrollment in a public school to include students who had resided in the school's attendance area prior to an active duty military parent's deployment, requiring the student to relocate outside the attendance are for custodial care.~~
- H 24a**     **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN [SGND (Mar. 8) Ch. 41]**, *Rep. Cote* — enacts the Interstate Compact on Educational Opportunity for Military Children; creates the Interstate Commission; provides that the compact will become effective and binding when at least 10 states adopt it; allows the commission to assess membership fees and impose penalties on states in default of the compact; allows the Interstate Commission to initiate legal action against the state if the state is in default of either the compact or the rules and bylaws of the commission; requires member states to develop a state council and to appoint or designate a military family education liaison to facilitate the implementation of the compact; provides for a full-time staff for the commission; and includes specific provisions that address the range of issues that confront military students.
- \*H 38a**     **PUBLIC PROJECT REVOLVING LOAN FUND PROJECTS [SGND (Mar. 8) Ch. 46]**, *Rep. Lundstrom* — authorizes the New Mexico Finance Authority to make loans for public projects from the Public Project Revolving Fund, including projects at public schools and charter schools.
- H 44a**     **HEALTH EDUCATION REQUIRED FOR GRADUATION [SGND (Mar. 10) Ch. 110]**, *Rep. MH. Garcia* — requires a course in health education for students entering grade 8 in school year 2012-2013; allows school districts to determine whether the course is offered in middle school or high school; and requires school districts, by the beginning of school year 2011-2012, to submit to the Public Education Department (PED) a health education implementation plan for school year 2012-2013 and subsequent years, including the grade in which health education will be required and an indication of alignment of the course with PED content and performance standards.
- H 53a**     **FINANCIAL LITERACY AS SCHOOL MATH REQUIREMENT [SGND (Mar. 3) Ch. 25]**, *Rep. Thomas* — amends the Public School Code to allow a financial literacy course that addresses New Mexico mathematics standards to count as one of the four mathematics units required for graduation. (For the LESC)

PASSED  
PUBLIC SCHOOL-RELATED LEGISLATION  
49<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2010

- \*H 64**      **SCHOOL EQUALIZATION DISTRIBUTION DATE CHANGE [SGND (Feb. 5) Ch. 2]**, *Rep. Miera* — adds a temporary provision to allow the Secretary of Public Education to adjust the unit value for school year 2009-2010 later than January 31, 2010 – after receipt of approval to use State Fiscal Stabilization Funds for a portion of the State Equalization Guarantee distribution.
- \*H 68**      **PUBLIC SCHOOL CAPITAL OUTLAY OMNIBUS BILL [SGND (Mar. 9) Ch. 104**  
**\*CS/H 68**      **(partial veto)]**, *Rep. Miera* — amends the Public School Capital Outlay Act to allow, rather than require, the Public School Facilities Authority (PSFA) to enter into contracts for inspection of capital outlay projects; to extend the time period for awarding funds for necessary roof repairs and replacements; ~~to allow for grant adjustment for certain school facilities in remote rural areas~~; and to allow the PSFA to administer procurement for certain emergency projects; also repeals an appropriation from the 2009 special session of \$29.0 million for insurance premiums paid by school districts.
- H 69a**      **REPORTING OF COHORT GRADUATION DATA [SGND (Mar. 10) Ch. 111]**, *Rep. Miera* — amends the Public School Code to require the Public Education Department, school districts, and state-chartered charter schools to report certain cohort graduation data. (For the LESC)
- H 70**      **EDUCATIONAL DATA SYSTEM [SGND (Mar. 10) Ch. 112]**, *Rep. Miera* — adds a  
**CS/H 70a**      new section to the Public School Code to codify the requirements for a comprehensive P-20 data system that collects, integrates, and reports certain prescribed data from the Public Education Department (PED), the Higher Education Department (HED), and other agencies; prescribes components of the data system; designates PED and HED as “data system partners”; and creates and prescribes membership and duties of the Data System Council. (For the LESC)
- H 71a**      **MENTORSHIP REQUIREMENTS FOR LEVEL 1 TEACHERS [SGND (Mar. 10) Ch. 113]**, *Rep. Stapleton* — amends the School Personnel Act to clarify that beginning or Level 1 teachers must participate in a formal mentoring program for at least the first full school year. (For the LESC)
- H 74a**      **CHARTER SCHOOL OVERSIGHT FOR 1 YEAR [SGND (Mar. 8) Ch. 48]**, *Rep. Gonzales* — amends the Charter Schools Act to require a new charter school, during the planning year, to file a minimum of three status reports with the chartering authority and the Public Education Department to ensure that the charter school is developing in accordance with its approved charter; and requires that the chartering authority and the charter school agree to the content, format, and schedule of the reports prior to signing the charter contract. (For the LESC)
- H 79**      **TOBACCO SETTLEMENT FUND DISTRIBUTION [SGND (Mar. 8) Ch. 49]**, *Rep. Tripp* — amends statute to provide for an additional distribution from the Tobacco Settlement Permanent Fund to the Tobacco Settlement Program Fund for FY 11. (May affect public schools)

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- H 90**            **NATIVE AMERICAN SCHOOLS DUAL CREDIT PROGRAM [SGND (Mar. 5) Ch. 36]**, *Rep. Begaye* — amends statute to include federal Bureau of Indian Education high schools and tribal colleges in the dual credit program; and defines the terms “bureau of Indian education high school” and “tribal college.”
- H 144a**        **UNEMPLOYMENT CONTRIBUTION SCHEDULE [SGND (Mar. 8) Ch. 55]**, *Rep. Stewart* — amends statute on unemployment compensation to change the contribution schedule for each calendar year starting after 2010; discontinues the temporary increase in the weekly benefit amount; eliminates the staggered contributions for specific years; and abolishes the State Unemployment Trust Fund and transfers the balance to the Unemployment Compensation Fund for the payment of benefits. (May affect public schools)
- \*H 145        **QUALIFIED SCHOOL CONSTRUCTION BONDS [SGND (Mar. 8) Ch. 56]**,  
\*CS/H 145      *Rep. Miera* — requires the Public School Capital Outlay Council to consider certain criteria in allocating qualified school construction bonds authorized by the federal American Recovery and Reinvestment Act of 2009.
- H 150a**        **HISPANIC EDUCATION ACT [SGND (Mar. 10) Ch. 114]**, *Rep. Miera* — creates the Hispanic Education Act to provide for the study, development, and implementation of educational systems that affect the educational success of Hispanic students to close the achievement gap and increase graduation rates, among other purposes; establishes the Hispanic Education Liaison in the Public Education Department and prescribes its duties; requires this office, in collaboration with the Higher Education Department, to submit an annual preschool-through-postsecondary status report to the Governor and the LESC no later than November 15; prescribes contents of this report; and creates the Hispanic Education Advisory Council and describes duties and membership. [Similar to S 132a]
- H 165        **WHISTLEBLOWER PROTECTION ACT [SGND (Mar. 1) Ch. 12]**, *Rep. Cervantes*  
CS/H 165      — creates the Whistleblower Protection Act to prohibit public employer retaliation against employees in certain circumstances. (May affect public schools and the Public Education Department)
- H 227        **SCHOOL BOARD FINANCE & AUDIT COMMITTEES [SGND (Mar. 10)**  
CS/H 227a      **Ch. 115]**, *Rep. King* — adds a new section of statute to require local school boards and governing authorities of charter schools to establish finance subcommittees and audit committees; and prescribes membership of the audit committees and duties of both the audit committees and the finance subcommittees. (CS/H 227 & 251)
- H 230        **DYSLEXIC STUDENT INTERVENTION [SGND (Mar. 8) Ch. 59]**, *Rep. Stewart/*  
CS/H 230      *Sen. García* — amends the Public School Code to define the term “dyslexia” and to prescribe interventions for students displaying characteristics of dyslexia. (For the LESC)
- H 231a**        **DISCLOSURE OF EDUCATIONAL PENSION AMOUNTS [SGND (Mar. 8)**  
**Ch. 60]**, *Rep. Thomas* — amends the Educational Retirement Act to allow the disclosure of retirement and disability benefits.

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- H 232a**     **STANDARDIZED SCHOOL FINANCE REPORTING DATES [SGND (Mar. 10) Ch. 116]**, *Rep. Miera* — amends the Public School Code to establish the following standardized membership reporting dates: the second Wednesday in October, the second Wednesday in December, and the second Wednesday in February; and allows the Public Education Department to require membership or other reports at other times.
- \*H 237a**     **GOVERNMENT RESTRUCTURING TASK FORCE [SGND (Mar. 9) Ch. 101]**, *Rep. Varela* — creates the Government Restructuring Task Force, to function until December 31, 2010; prescribes membership and assigns duties, which include studying the current resources of the state’s agencies, programs, services, funding, and policies, among them the recommendations of the Governor’s Committee on Government Efficiency and the need for consolidating agencies; requires the task force to report findings and recommendations to the Legislative Council, the Legislative Finance Committee (LFC), and the LESC by December 1, 2010; requires the task force to report proposed legislation to the Governor and the Legislature by December 31, 2010; and requires the Legislative Council Service, the LFC, and the LESC to provide staff for the task force.
- H 239**     **NO EDUCATIONAL RETIREMENT BENEFIT ADJUSTMENTS [SGND (Mar. 8) Ch. 81]**, *Rep. Miera* — amends the Educational Retirement Act to prevent a decrease in annuities in the event of a decrease in the consumer price index.
- H 247**     **LFC OVERSIGHT OF CERTAIN FEDERAL FUNDS [POCKET VETO]**, *Rep. Gardner* — ~~requires the Legislative Finance Committee (LFC) to oversee expenditures of federal funds that are not subject to appropriation; and requires all state agencies to cooperate with the LFC and provide information as requested. (May affect public schools)~~

**HOUSE JOINT MEMORIALS**

- HJM 1**     **STUDY UNIFORM MILITARY CREDIT AT NM COLLEGES**, *Rep. Cote* — requests that the Higher Education Department (HED) study the benefits and feasibility of establishing uniform standards for accepting military credit and articulation among all colleges and universities in New Mexico; and that HED present its findings to the appropriate interim committee of the Legislature by November 2010.
- HJM 16**    **STUDY READING CURRICULA IN TEACHER EDUCATION**, *Rep. Stewart* — requests that the New Mexico Deans and Directors of Colleges of Education create a work group to study reading curricula in teacher education programs; and that the work group report findings and recommendations to the appropriate interim legislative committee and to the Governor by November 1, 2010. (For the LESC)
- HJM 22a**   **IMPROVE HIGH SCHOOL SCIENCE LABS**, *Rep. Arnold-Jones* — requests that the Public School Facilities Authority, under the guidance of the Mathematics and Science Bureau of the Public Education Department, develop a plan for revamping public high school science laboratories in accordance with the concepts of the New Mexico Project 2012; and that a status report on the plan be transmitted to the LESC by December 2010.

**HOUSE MEMORIALS**

- HM 2**      **NM SPEECH LANGUAGE & HEARING ASSOCIATION DAY**, *Rep. Wallace* — proclaims January 22, 2010 as “New Mexico Speech-Language and Hearing Association Day” at the House.
- HM 4**      **USE POLLINATOR-FRIENDLY PLANTS IN LANDSCAPING**, *Rep. Stewart* — requests that state and county agencies, municipalities, public schools, colleges, and universities use pollinator-friendly plants in landscaping projects to create pollinator habitats. [Similar to SM 9]
- HM 6**      **NMSU COURSE ON ELECTED OFFICIAL ETHICS**, *Rep. Cote* — requests that New Mexico State University develop a course on ethics for public officials in New Mexico and that the course become part of the orientation training provided to public officials.
- HM 7**      **STUDY CHILD HOMELESSNESS**, *Rep. O’Neill* — requests that the Children, Youth and Families Department assist a coalition of organizations dedicated to ameliorating child homelessness to study child homelessness in New Mexico, including school-related issues, and present legislative recommendations by November 2010.
- HM 12**     **“NEW MEXICO MESA DAY,”** *Rep. Sandoval* — declares January 29, 2010 as “New Mexico MESA Day” at the House of Representatives. [Similar to SM 20a]
- HM 24**     **ALBUQUERQUE BOND & MIL LEVY ELECTION**, *Rep. Miera* — proclaims the support of the House of Representatives for the Albuquerque Public Schools’ general obligation bond and mill levy election and requests that the Governor do likewise. [Similar to SJM 35 and SM 31]
- HM 25**     **“4-H & FFA DAY,”** *Rep. Hall* — declares February 9, 2010 as 4-H and FFA Day at the House of Representatives. [Similar to SM 37]
- HM 30**     **“SCHOOLS ON THE RISE DAY,”** *Rep. Miera* — declares February 10, 2010 as Schools on the Rise Day at the House of Representatives. [Similar to SM 32, which did not pass]
- HM 37**     **“FAMILY & PARENT INVOLVEMENT DAY,”** *Rep. El. Chávez* — declares February 11, 2010 as Family and Parent Involvement Day in the House of Representatives.
- HM 44**     **“SANTA FE COMMUNITY COLLEGE DAY,”** *Rep. Trujillo* — proclaims February 16, 2010 as “Santa Fe Community College Day” at the House of Representatives.
- HM 46a**    **STUDY READING & MATH SCORES & DROPOUT RATES**, *Rep. Steinborn* — requests that the Public Education Department study the correlation between fourth and eighth grade reading and mathematics proficiency scores and high school dropout rates for the past two years.

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**HM 48**            **“CENSUS IN SCHOOLS WEEK,”** *Rep. B. Luján* — designates the week of February 8, 2010 as “Census in Schools Week” at the House of Representatives. [Similar to SM 49]

**HM 50a**           **DEVELOP STATEWIDE NURSING EDUCATION PLAN,** *Rep. El. Chávez* — requests that the Center for Nursing Excellence and the Board of Nursing convene a task force to develop a statewide plan for nursing education involving multiple institutions of nursing education; requests that, after the plan is developed, the center and the board develop a statewide infrastructure of distance learning and a central curriculum resource website; and requests that the center and the Director of the Board of Nursing report their findings to the Legislative Health and Human Services Committee and the LESC by November 1, 2010.

**HM 69a**           **STUDY SCHOOL CONTENT, CURRICULA & PROGRAMS,** *Rep. King* — requests that the Public Education Department study the alignment among state academic content standards, school district curricula, and teacher preparation and professional development programs; collaborate with the Office of Education Accountability and the LESC to design the study; and present results and recommendations to the LESC by December 2010.

**HOUSE RESOLUTION**

**HR 2**               **WEBCASTING OF COMMITTEE HEARINGS,** *Rep. Steinborn* — amends House  
**CS/HR 2** rules to require webcasting of committee meetings, within budgetary and technological constraints, providing that webcasts not be archived and not serve as an official record of House proceedings.

**SENATE BILLS**

- S 1  
CS/S 1a      **SCHOOL ATHLETE HEAD INJURY SAFETY PROTOCOLS [SGND (Mar. 9) Ch. 96]**, *Sen. M. Sanchez* — adds a new section to the Public School Code to establish safety protocols and education for coaches regarding brain injuries resulting from athletic activities; and requires the New Mexico Activities Association to consult with the Brain Injury Advisory Council and school districts to promulgate rules to establish protocols.
- S 18  
\*CS/S 18a  
\*CS/CS/S 18a      **CHANGES TO STATE INVESTMENT BODIES [SGND (Mar. 1) Ch. 14]**, *Sen. Keller* — amends statute to change the composition, powers, and duties of the State Investment Council, the Public Employees Retirement Board, and the Educational Retirement Board; provides for the State Investment Council to appoint the State Investment Officer and to appoint members to the Private Equity Advisory Committee; and permits the appointment of alternate investment advisory committees for any separate alternative investment asset class when the percentage of the portfolio invested by the SIC in that alternative investment asset class exceeds 10 percent of the total funds invested. (CS/S 18, 218 & 238)
- S 78a      **ALTERNATIVE SCHOOL CURRICULAR PLANS [POCKET VETO]**, *Sen. Nava* — ~~amends the Public School Code to allow the Secretary of Public Education to waive class size requirements for classes to which a student teacher who meets certain criteria has been assigned, effective for school years 2010-2011 through 2012-2013. (For the LESC)~~
- S 84a  
CS/S 84      **NEW SCHOOL SUSTAINABILITY FEATURES [POCKET VETO]**, *Sen. McSorley* — ~~adds a new section to the Public School Capital Outlay Act to require the Public School Capital Outlay Council to develop and implement a “One Percent for the Twenty-first Century” program under which schools will be equipped with sustainability features; to require the Council to promulgate rules to determine if the costs of compliance would exceed the estimated life cycle savings of the building, addition, or renovation; and to sunset the program effective July 1, 2020 and repeal the provisions effective July 1, 2021.~~
- S 85      **SCHOOL LEADERSHIP INSTITUTE [SGND (Mar. 8) Ch. 65]**, *Sen. Kernan* — adds a new section to the higher education statutes to create the School Leadership Institute, administratively attached to the Higher Education Department; and prescribes duties of the institute and programs it must offer. (For the LESC)
- S 87  
CS/S 87      **DELAY SCHOOL YEAR & DAY LENGTH CHANGES [SGND (Mar. 8) Ch. 66]**, *Sen. Morales* — amends the Public School Code to delay for one year the effective date of the statutory requirement, enacted in 2009, that school districts and charter schools provide a minimum of 180 full instructional days for schools on a regular calendar and 150 full instructional days for schools on a variable school year calendar. (CS/S 87 & 92)
- S 91      **DELAY EDUCATIONAL RETIREMENT CONTRIBUTIONS [SGND (Mar. 8) Ch. 67]**, *Sen. Smith* — amends the Educational Retirement Act to delay the prescribed increases in the employer’s contribution.

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- S 96a**      **WHISTLEBLOWER PROTECTION ACT [POCKET VETO]**, *Sen. Beffort* — ~~creates the Whistleblower Protection Act to prohibit public employer retaliation against employees in certain circumstances. (May affect public schools and the Public Education Department)~~
- \*S 97**      **SCHOOL DISTRICT BUDGET FLEXIBILITY [SGND (Mar. 8) Ch. 68]**, *Sen. Asbill* — adds a new section to the Public School Code to allow the Secretary of Public Education to waive certain requirements of law and rule to provide flexibility to school districts to meet state fiscal solvency requirements; and requires the Public Education Department to monitor the waivers and to report to the LESC and the Legislative Finance Committee on any issues or actions of a school district that appear to adversely affect student learning.
- S 111a**      **ADDITIONAL TEACHER EVALUATION STANDARDS [SGND (Mar. 10) Ch. 107]**, *Sen. Nava/Rep. Stapleton* — amends the School Personnel Act to require that teacher professional development plans include documentation of how the results of professional development received from or offered by the state, school district, or charter school are incorporated in the classroom. (For the LESC)
- S 132a**      **HISPANIC EDUCATION ACT [SGND (Mar. 10) Ch. 108]**, *Sen. B. Sanchez* — creates the Hispanic Education Act to provide for the study, development, and implementation of educational systems that affect the educational success of Hispanic students to close the achievement gap and increase graduation rates, among other purposes; establishes the Hispanic Education Liaison in the Public Education Department and prescribes its duties; requires this office, in collaboration with the Higher Education Department, to submit an annual preschool-through-postsecondary status report to the Governor and the LESC no later than November 15; prescribes contents of this report; and creates the Hispanic Education Advisory Council. [Similar to H 150a]
- S 134**      **MILITARY VETERAN LOTTERY SCHOLARSHIPS [SGND (Mar. 10) Ch. 109]**, *Sen. Payne* — amends statute governing the Legislative Lottery Scholarship to extend eligibility for the scholarship to military veterans who attend a postsecondary institution within one year, rather than 120 days, of honorable or medical discharge.
- S 152a**      **COLLEGE STUDENT LISTS TO CREDIT COMPANIES [SGND (Mar. 8) Ch. 71]**, *Sen. M. Sanchez* — adds a new section of statute to prohibit public and private postsecondary institutions from selling student lists to credit card issuers and from contracting or cooperating with credit card issuers to distribute or market credit cards; and allows civil action for penalties.
- S 165**      **DELAY SCHOOL ATHLETICS EQUITY ACT [VETOED (Mar. 10)]**, *Sen. Nava* — ~~amends the School Athletics Equity Act to delay the implementation of the act for one year.~~
- S 182**  
**CS/S 182a**      **CAPITAL OUTLAY REVERSIONS FOR SOLVENCY [SGND (Mar. 10) Ch. 105 (partial veto)]**, *Sen. Cisneros* — voids appropriations for certain capital projects; voids authorizations for the issuance of severance tax bonds; changes purposes and authorizations for severance tax bonds proceeds; and makes other provisions related to

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capital projects, including projects at certain public schools and postsecondary educational institutions.

- S 195a**      **SUNSHINE PORTAL TRANSPARENCY ACT [SGND (Mar. 5) Ch. 34]**, *Sen. Rue* — creates the Sunshine Portal Transparency Act; requires the Department of Information Technology (DoIT) to develop and maintain a single internet website, known as the “Sunshine Portal,” for free public access to the state’s financial information; prescribes financial data that must be available through the portal; including the state agency position title and salary of all state employees and the names of exempt employees; and requires DoIT to promulgate rules to carry out the provisions of the act. (May affect the Public Education Department)
- S 200**      **PUBLIC BUILDING ENERGY EFFICIENCY STANDARDS [SGND (Mar. 8)**  
**CS/S 200**    **Ch. 73]**, *Sen. Cisneros* — adds a new section to statute to provide energy efficiency standards for public buildings.
- S 207**      **PUBLIC EMPLOYEES RETURNING TO WORK [SGND (Mar. 2) Ch. 18]**,  
**CS/S 207a**    *Sen. Ulibarri* — amends the Public Employees Retirement Act for members returning to work after July 1, 2010 to increase the lay-out period from 90 days to 12 months; to suspend the retired member’s pension upon re-employment; and to change other return-to-work provisions.  
**FL/CS/S 207**
- S 254**      **CONSIDERATION OF CRIME CONVICTION FOR JOBS [SGND (Mar. 8)**  
**Ch. 76]**, *Sen. Harden* — amends the Criminal Offender Employment Act to prohibit a board, department, or agency of the state or any of its political subdivisions from inquiring about a job applicant’s criminal record until the applicant has been selected as a finalist for the position. (May affect public schools)

**SENATE JOINT MEMORIALS**

- SJM 12**      **STUDY VARIOUS SCHOOL CALENDARS**, *Sen. Kernan* — requests that the Office of Education Accountability (OEA) study various school calendars used or allowed in New Mexico and their effects on student learning and achievement, teachers, school operations, and school district budgetary needs; and that the OEA report its findings and recommendations to the LESC by October 31, 2010. (For the LESC)
- SJM 25a**    **STUDY AUTISM & SCHOOL SERVICES**, *Sen. Harden* — requests that the Public Education Department (PED) study autism spectrum disorders and determine how to provide best practice services to all children with autism in public schools; that PED develop a written plan of work; and that PED report findings, including the written plan, to the LESC by September 30, 2010.

**SENATE MEMORIALS**

- SM 1**      **NM SPEECH-LANGUAGE & HEARING ASSOCIATION DAY**, *Sen. Papen* — proclaims January 22, 2010 as “New Mexico Speech-Language and Hearing Association Day” at the Senate.

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- SM 9**            **USE POLLINATOR-FRIENDLY PLANTS IN LANDSCAPING**, *Sen. Feldman* — requests that state and county agencies, municipalities, public schools, colleges, and universities use pollinator-friendly plants in landscaping projects to create pollinator habitats. [Similar to HM 4]
- SM 20a**        **“NEW MEXICO MESA DAY,”** *Sen. Cravens* — declares February 10, 2010 as “New Mexico MESA Day” at the Senate. [Similar to HM 12]
- SM 24**            **“TECHNICAL LEADERSHIP PROGRAM DAY,”** *Sen. Asbill* — recognizes the career and technical student organizations of New Mexico for their service to the state and declares February 8, 2010 as Technical Leadership Program Day in the Senate.
- SM 28**            **ADOLESCENT BIRTH RATE REDUCTION TASK FORCE**, *Sen. Lopez* — requests that the Department of Health convene a work group, including representatives from the Public Education Department, to develop a comprehensive strategy for reducing adolescent births and to address the issue of unintended pregnancy and related issues.
- SM 34**            **LOCAL GOVERNMENT YOUTH COUNCILS**, *Sen. Ortiz y Pino* — resolves that the Senate encourage the creation of youth councils at the incorporated municipality, pueblo, and reservation levels and youth commissions at the county level; and encourages school districts, universities, and community colleges to work with these youth councils and commissions to realize the success of future service learning and community and civic engagement programs.
- SM 35**            **“NM FAMILY & PARENT INVOLVEMENT DAY,”** *Sen. B. Sanchez* — celebrates New Mexico families and declares Thursday, February 11, 2010 as New Mexico Family and Parent Involvement Day in the Senate.
- SM 37**            **“4-H & FFA DAY,”** *Sen. Papen* — declares February 9, 2010 as “4-H and FFA Day” at the Senate. [Similar to HM 25]
- SM 38**            **REPORT ON TEACHER REWARD MECHANISMS**, *Sen. Ryan* — requests that the Public Education Department (PED) collaborate with teachers, principals, other school administrators, and the teachers’ unions in the design of a merit selection system for teachers and principals who improve student achievement; and that PED report its progress to the LESC before the next legislative session.
- SM 49**            **“CENSUS IN SCHOOLS WEEK,”** *Sen. M. Sanchez* — designates the week of February 8, 2010 as “Census in Schools Week” at the Senate. [Similar to HM 48]

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**HOUSE BILLS**

**\*H 1**        **FEED BILL [SGND (Mar. 9) Ch. 1]**, *Rep. W.K. Martinez* — appropriates funds from legislative cash balances to pay the expenses of the special session.

**H 2a**        **GENERAL APPROPRIATION ACT OF 2010 [SGND (Mar. 24) Ch. 6 (partial veto)]**, *Rep. Saavedra* — makes appropriations and authorizes expenditures by state agencies in FY 11, including almost \$2.4 billion in recurring funds from the General Fund for Public School Support and related appropriations, providing nearly \$2.3 billion to the State Equalization Guarantee (SEG); appropriates nearly \$119 million to categorical public school support, including more than \$98.3 million for transportation, almost \$15.2 million for the Instructional Material Fund, \$1.0 million for dual credit instructional materials, and \$2.0 million for the Indian Education Fund; appropriates nearly \$31.6 million in recurring appropriations, including \$975,000 for regional education cooperatives that meet certain criteria, \$5.5 million each for New Mexico PreK and K-3 Plus, and \$712,000 for IDEAL-NM; ~~sands, or reduces, these appropriations by 0.544 percent; among other provisions, appropriates \$6.0 million in nonrecurring funds in emergency support to school districts experiencing shortfalls and \$4.0 million in nonrecurring emergency supplemental support to small rural school districts that meet certain criteria; appropriates \$1.5 million from the federal Temporary Assistance for Needy Families to New Mexico PreK and \$1.0 million from the Public Pre-kindergarten Fund to New Mexico PreK; distributes \$15.0 million from the public safety and other government services allocation from the federal American Recovery and Reinvestment Act of 2009 to school districts and charter schools through the SEG; and grants the Governor the authority, with approval of the State Board of Finance, to: after review and an opportunity to comment by the LFC, reduce General Fund allotments to agencies, funds, programs, and other recipients funded in Section 4 of the act; transfer up to \$83.0 million from the Tax Stabilization Reserve to the General Fund; and, if the transfer from the Tax Stabilization Reserve does not allow the state to meet appropriations, transfer up to \$49.0 million from the separate account of the Appropriation Contingency Fund for the purpose of implementing and maintaining educational reforms (the “Education Lockbox”), provided that these dollars shall be used to supplant General Fund appropriations to the SEG.~~

**H 3**        **CIGARETTE TAX INCREASE & TRIBAL STAMP [SGND (Mar. 24) Ch. 5**  
**CS/H 3a**    **(partial veto)]**, *Rep. Chasey* — ~~temporarily~~ increases the cigarette tax by 75 cents per pack, effective July 1, 2010; among other ~~temporary~~ provisions effective July 1, 2010: changes the distribution rates of the receipts from the cigarette tax; ~~adds a distribution of 5.11 percent to the Public Education Department and a distribution of 7.11 percent to the Children, Youth and Families Department, both for early childhood programs; and provides for a tribal tax credit and tax credit stamp for tribes that impose a tribal cigarette tax; and, effective July 1, 2014, restores the current language regarding the temporary provisions noted above.~~

**H 5a**        **SEVERANCE TAX BOND PROJECTS [SGND (Mar. 19) Ch. 4 (partial veto)]**, *Rep. Trujillo* — authorizes the issuance of severance tax bonds and expenditures from certain funds and balances, including projects at selected school districts.

**SENATE BILLS**

- \*S 1  
\*CS/S 1a      **2010 CAPITAL PROJECTS GO BOND ACT [SGND (Mar. 19) Ch. 3]**, *Sen. Cisneros* — creates the 2010 Capital Projects General Obligation Bond Act to authorize the issuance and sale of capital projects general obligation bonds for several purposes, including library acquisitions and capital improvements at public libraries, public school libraries, academic libraries, and tribal libraries; also public school capital improvements, school books, instructional materials, and bus acquisitions; and requires that the bond questions be submitted to the voters in the 2010 general election.
- \*S 2a      **TEMPORARY TAX AMNESTY PROGRAM [SGND (Mar. 19) Ch. 2]**, *Sen. P. Griego* — adds a temporary provision to statute to authorize the Secretary of Taxation and Revenue to declare an amnesty period of no more than 180 days in FY 10 and FY 11; and appropriates \$500,000 from the General Fund to the Taxation and Revenue Department for FY 10 through FY 12 to conduct the tax amnesty program. (May affect public schools)
- S 10  
CS/S 10  
et al.      **INCREASE LOW-INCOME COMPREHENSIVE TAX REBATE [SGND (Mar. 24) Ch. 7 (partial veto)]**, *Sen. Cisneros* — amends statute ~~to increase the low-income comprehensive tax rebate, to include a local option food tax of 2.0 percent and to allow county and municipal governments to eliminate the food tax,~~ to increase the gross receipts tax by 0.125 percent, to include as state taxable income certain amounts paid as state or local taxes and deducted from federal income tax, and to increase the number of out-of-state businesses that are subject to the compensating tax. (May affect public schools) (CS/S 10, 12 & 13)