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FISCALIMPACT REPORT
SPONSOR: Begaye $\quad$ DATE TYPED: $2 / 22 / 03$ HB 483

SHORT TITLE: Cap School District Impact Aid revenue SB
ANALYST: L. Baca

## APPROPRIATION

| Appropriation Contained |  | Estimated Additional Impact |  | Recurring <br> or Non-Rec | Fund <br> Affected |
| :--- | :--- | :--- | :--- | :---: | :---: |
| FY03 | FY04 | FY03 | FY04 |  |  |
|  |  |  | Indeterminate | Recurring | GF |

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with: HB 115, School Funding Formula HB 637, Allow School Districts to Keep Federal Money

Relates to Appropriation in the General Appropriation Act

## SOURCES OF INFORMATION

## $\underline{\text { Responses Received From }}$

State Department of Education (SDE)

## SUMMARY

## Synopsis of Bill

House Bill 483 amends the Public School finance Act ((Section 22-8-25 NMSA 1978) to cap Impact Aid revenue considered as federal revenue for purposes of the State Equalization Guarantee (SEG) distribution at the FY03 level. Any increases in Impact Aid above the amount received in FY03 by a school district shall be retained by the school district and shall not be considered to be federal revenue for SEG purposes.

## House Bill 483 - Page 2

## Significant Issues

Pursuant to the provisions of the New Mexico Public School Finance Act, New Mexico has qualified under federal Impact Aid requirements as an equalized state and has been allowed to consider eligible Impact Aid receipts in determining the amount of state aid to school districts.

The SDE reports that HB 483 will increase the funds available for operational expenditures within those districts that qualify for Impact Aid as a result of the cap on Impact Aid credits at the FY03 level. One of the effects of capping the amount considered as federal revenue for SEG purposes will be to decrease the percent of Impact Aid for which the state takes credit. Another effect will be a gradual but substantial disequalization among the state's school districts stemming from the differences in funding available for operational purposes. Also, the SDE observes, the disequalization would eventually be so disparate that New Mexico would no longer be able to take credit for eligible Impact Aid funds. At that point, using FY03 as the known amount, the state's non-P.L. 874 school districts would lose $\$ 48.8$ million, or the general fund would have to replace the lost credits. The eventual result of this bill will be substantial disequalization among the state's school districts.

The state provides the lion's share of funding of New Mexico's public schools, and the New Mexico Public School Funding Formula is used to distribute state support. The formula is an equalization formula and considers all available funds to ensure that "equality" of educational opportunity is maintained. To accomplish this, the formula takes credit for $75 \%$ of eligible federal funds including P.L. 874 Impact Aid funds, which in FY03 totaled nearly $\$ 48.8$ million. The SDE analysis points out that all P.L. 874 payment to New Mexico school districts totaled $\$ 84.5$ million in FY03. The state took credit for $57.8 \%$ of all funds and only $75 \%$ of eligible funds with school districts retaining nearly $\$ 35.6$ million (See SDE Chart 1). Of the $25 \%$ retained by school districts, $5 \%$ may be used for operational purposes and $20 \%$ must be used for capital outlay projects. (See OTHER SUBSTANTIVE ISSUES below.)

## FISCAL IMPLICATIONS

The "loss" of Impact Aid credits to the state is indeterminate because future increases, or decreases, in Impact Aid are unknown. It is anticipated the loss will be nearly $\$ 50.0$ million in the near future and, it is anticipated, will increase with each subsequent year. As the "gap" increases, the equalization of resources decreases among the state's school district, and the state's much heralded, model equalization formula will no longer be able to equalize resources among school districts.

## OTHER SUBSTANTIVE ISSUES

Until the early 1950 's, funding of public schools was considered a local responsibility and financing their activities relied almost solely on local resources. At this point, according to the Education Commission of the States (ECS), states became more actively involved in public school finance although the use of state resources remained minimal in most states.

## House Bill 483 - Page 3

State participation in funding public schools increased following the early 1970's Serrrano vs. Priest decision, which held that the quality of a child's education should not be determined by the accident of his\her birth. This California court decision led some states, like New Mexico, to take steps to avoid litigation on the quality of education issue and to ensure compliance with provisions of the state constitutions. Thus was born the New Mexico Public Schools Funding Formula that was enacted in 1975 and was the culmination of a decadelong search for the "most appropriate" mechanism to distribute state support.

Twenty years following the Serrano decision, more than 25 states had been sued with the lawsuits claiming violations of state constitutions that required uniform systems of public education.
Not all states sued were found in violation of state constitutions, but state support for public education has increased in most of the nation's 50 states as has public scrutiny to ensure minimal disequalization among school districts - at least as much as each state's constitution and public sentiment will allow.

## POSSIBLE QUESTIONS

1. Would enacting this bill lead to inequality among the state's public schools?
2. What might P.L. 874 school districts do with the additional funds if this bill were enacted?
3. What would happen to the non-P.L. 874 districts?
4. Would adopting this bill eventually create legal or constitutional issues for the state?

## LRB/njw

## Chart 1

2001-2002 IMPACT AID PAYMENTS
TOTAL IMPACTAID PAYMENIS RECEIVED BY
SCHOOL DISTRICTS $=\$ 84,464,083$


The total not considered in the calculation of the State Equalization
Guarantee (SEG) is $\$ 35,619,140$ which consists of the $5 \%$ Operational,
20\% Capital Outlay, Indian Ed Set Aside, Special Ed Set Aside, and
Section 8007 Construction. This is $42.2 \%$ of total Impact Aid payments.
State Department of Education / School Budget \& Finance Anlaysis Unit

TABLE 1
NEW MEXICO DEPARTMENT OF EDUCATION

IMPACT AID DISPARITY FOR 2002-2003 (Excludes Revenue from T\&E Index)


TABLE 1
NEW MEXICO DEPARTMENT OF EDUCATION
IMPACT AID DISPARITY FOR 2002-2003 (Excludes Revenue from T\&E Index)
Based on Actual Revenue for 2000-2001 and 45\% Impact Aid Credit/75\% Other Credits

| A | B | C | D | E |
| :---: | :---: | :---: | :---: | :---: |
| SCHOOL DISTRICT | REVENUE PER MEM ${ }^{1}$ | SCHOOL DISTRICT MEM | CUMULATIVE MEM | REV PER MEM AT 95/5 PERCENTILE |
| JAL | \$3,542.69 | 484.67 |  |  |
| SOCORRO** | \$3,537.38 | 2,148.82 |  |  |
| SANTA FE* | \$3,536.21 | 13,218.01 |  |  |
| TULAROSA | \$3,535.38 | 1,132.01 |  |  |
| ARTESIA | \$3,531.26 | 3,715.02 |  |  |
| BERNALILLO | \$3,521.65 | 3,394.52 |  |  |
| BLOOMFIELD | \$3,513.85 | 3,198.34 |  |  |
| ROSWELL** | \$3,511.25 | 9,788.34 |  |  |
| DEXTER | \$3,501.93 | 1,117.85 |  |  |
| TUCUMCARI | \$3,500.02 | 1,306.33 |  |  |
| RIO RANCHO | \$3,499.34 | 9,669.67 |  |  |
| MAGDALENA | \$3,496.29 | 368.50 |  |  |
| CHAMA | \$3,490.51 | 572.33 |  |  |
| LOVINGTON | \$3,486.88 | 2,754.51 |  |  |
| LOS LUNAS | \$3,486.07 | 8,207.16 |  |  |
| CLOUDCROFT | \$3,480.34 | 534.33 |  |  |
| LAS CRUCES | \$3,474.43 | 21,314.67 |  |  |
| FARMINGTON | \$3,464.30 | 9,952.83 |  |  |
| QUESTA** | \$3,459.04 | 592.01 |  |  |
| ALAMOGORDO | \$3,458.03 | 7,355.50 |  |  |
| MORIARTY | \$3,453.76 | 4,541.99 |  |  |
| CLOVIS | \$3,450.31 | 8,056.15 |  |  |
| RESERVE | \$3,446.81 | 242.68 |  |  |
| GADSDEN | \$3,435.51 | 12,378.84 |  |  |
| TRUTH OR CONS. | \$3,430.16 | 1,689.00 |  |  |
| PORTALES | \$3,416.21 | 2,715.84 |  |  |
| BELEN | \$3,415.48 | 4,763.32 |  |  |
| DEMING | \$3,406.66 | 5,216.67 |  |  |
| POJOAQUE | \$3,397.42 | 1,938.01 |  |  |
| HOBBS | \$3,390.90 | 7,505.67 |  |  |
| VAUGHN | \$3,388.34 | 93.50 |  |  |
| EUNICE | \$3,363.38 | 649.50 |  |  |
| FLOYD | \$3,343.21 | 243.33 |  |  |
| QUEMADO | \$3,330.66 | 213.50 |  |  |
| LAKE ARTHUR | \$3,231.02 | 215.35 |  |  |
| HAGERMAN | \$3,226.09 | 525.17 |  |  |
| CUBA | \$3,136.73 | 792.33 |  |  |
| CENTRAL | \$3,023.57 | 7,272.35 |  |  |
| ZUNI | \$2,983.60 | 1,786.51 | 16,227.34 | \$2,984 |
| GALLUP | \$2,853.38 | 13,723.84 | 14,440.83 |  |
| DULCE | \$2,739.92 | 716.99 | 716.99 |  |
| TOTAL: |  | 312,134.25 |  | \$823.98 |
|  | 5\% OF MEM | 15,606.71 | PARITY ${ }^{2}$ | 27.62\% |

Notes:
${ }^{1}$ For Impact Aid districts, "revenue per mem" does not include the Indian Lands Add-On, Special Ed AddOn, the $5 \%$ administration for Operational, or the revenue earmarked for capital outlay. These items, totalling over $\$ 30,00,000$, are not considered in calculating state aid.
${ }^{2}$ Federal Law requires that the disparity be no greater than $25 \%$.

TABLE 2
EFFECT ON 2000-2001 UNIT VALUE IF NO IMPACT AID CREDIT IS TAKEN (75\% CREDIT FOR HALF-MIL PROPERTY TAX \& FOREST F Assuming that State Equalization Guarantee Remains Constant (i.e. no additional state dollars)

| REVISED PROGRAM COSTAND STATE EQUALZATION GUARANIEE (SEG) |  |  |  |  |  | ADDIIONAL IMPACTAID CURRENTLY NO |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | EFFECTON OPERATIONAL FUND IF NO IMPACTAID CREDITIS TAKEN |  |  |  |  |  |  |  |  |
|  | A | B | $\mathrm{C}=\mathrm{B}-\mathrm{A}$ | D | $E=C+D$ | F | G | H |  |
| DISTRICT | $\begin{array}{r} \text { ORIGINAL 2000-2001 } \\ \text { PROG. COST AT } \\ \$ 2,871.01 \\ \text { (75\% CREDTFOR AL) } \\ \hline \end{array}$ | NEW 2001-2002 PROG. COST AT \$2,791.80 | $\begin{array}{r} \text { PROGRAM COST } \\ \text { DIFFERENCH } \\ \hline \end{array}$ | $\begin{gathered} \text { ADDL SEG AS A RESULT } \\ \text { OF NOT CONSIDERING² } \\ 75 \% \text { OF IMPACT AID } \\ \hline \end{gathered}$ | NET ETECT TO DIST OPERATIONAL FUND ${ }^{3}$ | $\begin{array}{r} \text { OPERATIONAL } \\ \text { IMPACT AID } \\ 5 \% \\ \hline \end{array}$ | CAPITAL OUTLAY $20 \%$ | $\begin{array}{r} \text { SPECIALED } \\ \text { ADD-ON } \\ \hline \end{array}$ | INDI |
| ALAMOGORDO | \$32,349,909 | \$31,457,411 | $(\$ 892,498)$ | \$1,849,605 | \$957,107 | \$123,307 | \$493,228 | \$99,162 |  |
| ALBUQUERQUE | \$453,849,102 | \$441,152,869 | (\$12,696,233) | \$303,206 | (\$12,393,026) | \$20,214 | \$80,855 | \$229,264 |  |
| ANIMAS | \$2,467,291 | \$2,399,222 | $(\$ 68,070)$ | \$0 | (\$68,070) | \$0 | \$0 | \$0 |  |
| ARTESIA | \$18,546,495 | \$18,034,817 | (\$511,677) | \$0 | (\$511,677) | \$0 | \$0 | \$0 |  |
| AZIEC | \$16,247,956 | \$15,799,692 | $(\$ 448,263)$ | \$0 | (\$448,263) | \$0 | \$0 | \$0 |  |
| BELEN | \$24,467,439 | \$23,792,409 | (\$675,030) | \$0 | (\$675,030) | \$0 | \$0 |  |  |
| BERNAULO | \$22,113,054 | \$21,269,600 | $(\$ 843,454)$ | \$3,332,812 | \$2,489,358 | \$222,187 | \$888,750 | \$250,442 |  |
| BLOOMFIELD | \$16,251,471 | \$15,569,732 | $(\$ 681,739)$ | \$368,517 | (\$313,222) | \$24,568 | \$98,271 | \$67,653 |  |
| CAPIAN | \$3,527,277 | \$3,429,963 | $(\$ 97,314)$ | \$0 | (\$97,314) | \$0 | \$0 |  |  |
| CARLSBAD | \$35,118,306 | \$34,149,431 | $(\$ 968,876)$ | \$0 | (\$968,876) | \$0 | \$0 |  |  |
| CARRIZOZO | \$1,844,661 | \$1,793,769 | (\$50,892) | \$0 | (\$50,892) | \$0 | \$0 |  |  |
| CENTRAL | \$39,309,603 | \$37,875,026 | (\$1,434,577) | \$12,381,591 | \$10,947,014 | \$825,439 | \$3,301,758 | \$461,554 | \$ |
| CHAMA VALEY | \$4,283,314 | \$4,165,142 | (\$118,172) | \$0 | (\$118,172) | \$0 | \$0 |  |  |
| CIMARRON | \$4,437,295 | \$4,314,875 | (\$122,420) | \$0 | (\$122,420) | \$0 | \$0 |  |  |
| CLAYTON | \$4,754,691 | \$4,623,514 | $(\$ 131,177)$ | \$0 | (\$131,177) | \$0 | \$0 |  |  |
| CLOUDCROFT | \$3,345,241 | \$3,252,949 | (\$92,292) | \$2,346 | (\$89,946) | \$156 | \$626 | \$0 |  |
| CLOVIS | \$39,623,989 | \$38,530,807 | (\$1,093,182) | \$658,972 | (\$434,211) | \$43,931 | \$175,726 | \$203,682 |  |
| COBRE | \$11,864,078 | \$11,536,762 | $(\$ 327,317)$ | \$0 | (\$327,317) | \$0 | \$0 |  |  |
| CORONA | \$723,055 | \$703,107 | $(\$ 19,948)$ | \$0 | (\$19,948) | \$0 | \$0 |  |  |
| CUBA | \$5,034,020 | \$4,895,137 | $(\$ 138,883)$ | \$1,145,440 | \$1,006,557 | \$76,363 | \$305,451 | \$86,559 |  |
| DEMING | \$24,743,946 | \$24,061,288 | (\$682,658) | \$0 | (\$682,658) | \$0 | \$0 |  |  |
| DES MOINES | \$1,316,947 | \$1,280,614 | $(\$ 36,333)$ | \$0 | (\$36,333) | \$0 | \$0 |  |  |
| DEXIER | \$6,418,545 | \$6,241,464 | (\$177,081) | \$0 | (\$177,081) | \$0 | \$0 |  |  |
| DORA | \$1,814,639 | \$1,764,575 | $(\$ 50,064)$ | \$0 | (\$50,064) | \$0 | \$0 |  |  |
| DULCE | \$4,066,622 | \$3,954,428 | $(\$ 112,194)$ | \$1,636,268 | \$1,524,074 | \$109,085 | \$436,338 | \$49,960 |  |
| EUDA | \$992,749 | \$965,360 | $(\$ 27,389)$ | \$0 | (\$27,389) | \$0 | \$0 |  |  |
| ESPANOLA | \$28,773,518 | \$27,979,688 | (\$793,830) | \$58,661 | (\$735,169) | \$3,911 | \$15,643 | \$21,213 |  |
| ESTANCIA | \$5,607,838 | \$5,453,124 | (\$154,714) | \$0 | (\$154,714) | \$0 | \$0 |  |  |
| EUNICE | \$3,574,350 | \$3,475,738 | (\$98,612) | \$0 | (\$98,612) | \$0 | \$0 |  |  |
| FARMINGTON | \$48,846,378 | \$47,440,416 | (\$1,405,963) | \$116,374 | (\$1,289,588) | \$7,758 | \$31,033 | \$135,730 |  |
| FLOYD | \$1,825,434 | \$1,775,072 | (\$50,362) | \$0 | (\$50,362) | \$0 | \$0 |  |  |
| FT. SUMNER | \$2,676,473 | \$2,602,632 | (\$73,841) | \$0 | (\$73,841) | \$0 | \$0 |  |  |
| GADSDEN | \$65,722,127 | \$63,908,926 | (\$1,813,201) | \$0 | (\$1,813,201) | \$0 | \$0 |  |  |
| GAШUP | \$68,452,604 | \$66,252,901 | $(\$ 2,199,704)$ | \$17,655,761 | \$15,456,057 | \$1,177,051 | \$4,708,203 | \$1,016,581 | \$ |
| GRADY | \$854,987 | \$831,399 | $(\$ 23,588)$ | \$0 | (\$23,588) | \$0 | \$0 |  |  |
| GRANIS | \$19,309,454 | \$18,776,728 | (\$532,727) | \$1,087,647 | \$554,921 | \$72,510 | \$290,039 | \$145,585 |  |
| HAGERMAN | \$3,376,560 | \$3,283,405 | $(\$ 93,156)$ | \$0 | (\$93,156) | \$0 | \$0 |  |  |
| HATCH | \$8,510,483 | \$8,275,688 | (\$234,795) | \$0 | (\$234,795) | \$0 | \$0 |  |  |
| HOBBS | \$33,815,227 | \$32,882,302 | $(\$ 932,925)$ | \$0 | (\$932,925) | \$0 | \$0 |  |  |
| HONDO | \$1,107,394 | \$1,076,843 | $(\$ 30,552)$ | \$0 | (\$30,552) | \$0 | \$0 |  |  |
| HOUSE | \$1,401,113 | \$1,362,458 | $(\$ 38,655)$ | \$0 | (\$38,655) | \$0 | \$0 |  |  |
| J AL | \$2,832,874 | \$2,754,718 | $(\$ 78,156)$ | \$0 | (\$78,156) | \$0 | \$0 |  |  |
| J EMEZMOUNTAIN | \$2,824,264 | \$2,746,346 | $(\$ 77,918)$ | \$20,597 | (\$57,321) | \$1,373 | \$5,493 | \$2,070 |  |
| J EMEZVAШEY | \$4,200,756 | \$4,084,861 | (\$115,894) | \$1,496,766 | \$1,380,872 | \$99,784 | \$399,138 | \$1,263 |  |
| LAKE ARTHUR | \$1,731,371 | \$1,683,605 | $(\$ 47,767)$ | \$0 | $(\$ 47,767)$ | \$0 | \$0 |  |  |
| LAS CRUCES | \$116,972,467 | \$113,628,636 | (\$3,343,831) | \$18,356 | (\$3,325,476) | \$1,224 | \$4,895 | \$28,110 |  |
| LASVEGAS CITY | \$13,342,499 | \$12,974,394 | $(\$ 368,105)$ | \$0 | (\$368,105) | \$0 | \$0 |  |  |
| LASVEGASWEST | \$12,543,912 | \$12,139,495 | (\$404,417) | \$1,724 | (\$402,694) | \$115 | \$460 | \$0 |  |

TABLE 2
EFFECT ON 2000-2001 UNIT VALUE IF NO IMPACT AID CREDIT IS TAKEN (75\% CREDIT FOR HALF-MIL PROPERTY TAX \& FOI Assuming that State Equalization Guarantee Remains Constant (i.e. no additional state dollars)


TABLE 3
IMPACT AID PAYMENTS BY DISTRICT
JUNE 1, 2001 THROUGH MAY 31, 2002


| MAXWEL | \$146.05 | \$7.30 | \$29.21 | \$0.00 | \$0.00 | \$0.00 | \$3¢ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| PECOS | \$14,489.73 | \$606.43 | \$2,425.71 | \$0.00 | \$2,361.17 | \$0.00 | \$5,39: |
| PENASCO | \$26,280.44 | \$975.42 | \$3,901.68 | \$4,856.28 | \$1,915.75 | \$0.00 | \$11,64! |
| POJ OAQUE | \$1,703,313.15 | \$66,111.17 | \$264,444.69 | \$313,938.83 | \$67,150.86 | \$0.00 | \$711,64! |
| PORTALES | \$13,652.17 | \$412.61 | \$1,650.43 | \$0.00 | \$5,400.00 | \$0.00 | \$7,46: |
| RATON | \$2,118.78 | \$105.94 | \$423.76 | \$0.00 | \$0.00 | \$0.00 | \$52! |
| RUIDOSO | \$736,822.68 | \$25,004.45 | \$100,017.79 | \$125,022.18 | \$111,711.55 | \$0.00 | \$361,75 |
| SANTA FE | \$352.06 | \$8.48 | \$33.93 | \$0.00 | \$182.43 | \$0.00 | \$224 |
| taos | \$142,567.08 | \$3,962.16 | \$15,848.64 | \$18,688.48 | \$44,635.41 | \$0.00 | \$83,132 |
| TUAROSA | \$458,524.97 | \$17,537.47 | \$70,149.89 | \$81,511.12 | \$26,264.42 | \$0.00 | \$195,46" |
| ZUNI | \$7,206,929.95 | \$270,636.88 | \$1,082,547.53 | \$1,353,150.46 | \$345,693.82 | \$95,348.00 | \$3,147,376 |
| IOTALS | \$84,464,082.30 | \$3,256,329.52 | \$13,025,318.08 | \$15,187,777.53 | \$3,335,655.37 | \$814,059.00 | \$35,619,139 |

## NOTES:

The special education weighting factor was decreased for FY2001 from previous FY2001 payments; therefore, there are several negative adjustments to the : Because of a FY2000 increase in special education for Gallup, the operational payments were adjusted downward.

