

1 HOUSE BILL 3  
2 **48th LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**  
3 INTRODUCED BY  
4 **Rick Miera**  
5  
6  
7  
8  
9

10 AN ACT  
11 RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.  
12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

14 Section 1. SHORT TITLE.--This act may be cited as the "Education Appropriation Act".

15 Section 2. DEFINITIONS.--As used in the Education Appropriation Act:

16 A. "federal funds" means any payments by the United States government to state  
17 government or state agencies for specific purposes or in lieu of taxes, including grants,  
18 reimbursements and payments made in accordance with contracts or cooperative agreements, and  
19 shared revenue except those payments made in accordance with the federal Mineral Lands Leasing  
20 Act (30 USCA 181, et seq.) and the State and Local Fiscal Assistance Act of 1972 (31 USCA  
21 1221-1264), as amended;

22 B. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes  
23 federal Mineral Lands Leasing Act receipts; and

24 C. "other state funds" means:

25 (1) unencumbered nonreverting balances in state agency accounts, other than in

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
------	--------------	-------------------	-------------------------------------	---------------	-------

1 internal service funds accounts, appropriated by the Education Appropriation Act;

2 (2) all revenue available to state agencies from sources other than the general  
3 fund, internal service funds, interagency transfers and federal funds; and

4 (3) all revenue, the use of which is restricted by statute or agreement.

5 Section 3. FORMAT.--The general format of the appropriations set forth in the Education  
6 Appropriation Act with respect to symbols used, column headings and amounts stated are those used  
7 in the General Appropriation Act of 2007.

8 Section 4. APPROPRIATIONS.--The appropriation for public school support in fiscal year 2008  
9 shall be:

10 PUBLIC SCHOOL SUPPORT:

11 (1) State equalization guarantee: 2,271,092.9 750.0 2,271,842.9

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

15 Performance measures:

- |                 |   |      |
|-----------------|---|------|
| 16 (a) Outcome: | Percent of students in full-day kindergarten meeting benchmark for      |      |
| 17              | nonsense words  | 60%  |
| 18 (b) Outcome: | Annual percent of stakeholders positively rating their involvement with |      |
| 19              | public elementary, middle and high schools                              | 80%  |
| 20 (c) Outcome: | Annual percent of core academic subjects taught by highly qualified     |      |
| 21              | teachers in pre-kindergarten through twelfth grade                      | 95%  |
| 22 (d) Outcome: | Percent of school districts and charter schools participating in the    |      |
| 23              | national center for education statistics chart of accounts              | 100% |
| 24 (e) Outcome: | Percent of recent New Mexico high school graduates who take remedial    |      |
| 25              | courses in higher education at two-year and four-year schools           | 55%  |

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 (f) Outcome:					
2 Percent of elementary school students who achieve the school year 2006-					
3 2007 No Child Left Behind Act of 2001 annual measurable objective for					
4 proficiency or above on standards-based assessments in reading and					
5 language arts					49%
6 (g) Outcome:					
7 Percent of middle school students who achieve the school year 2006-2007					
8 No Child Left Behind Act of 2001 annual measurable objective for					
9 proficiency or above on standards-based assessments in reading and					
10 language arts					42%
11 (h) Outcome:					
12 Percent of elementary school students who achieve the school year 2006-					
13 2007 No Child Left Behind Act of 2001 annual measurable objective for					
14 proficiency or above on standards-based assessments in mathematics					33%
15 (i) Outcome:					
16 Percent of middle school students who achieve the school year 2006-2007					
17 No Child Left Behind Act of 2001 annual measurable objective for					
18 proficiency or above on standards-based assessments in mathematics					20%
19 (j) Outcome:					
20 Percent of American Indian language classes being taught in public					
21 schools that serve American Indian students					100%
22 (k) Explanatory:					
23 Number of school breakfasts served					89,873
24 (l) Explanatory:					
25 Number of schools making significant academic gains					35
(m) Explanatory:					
Annual cohort graduation rate for school year 2004-2005 ninth					
graders					90%

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 shall establish a preliminary unit value to establish budgets for the 2007-2008 school year; and then upon verification of the number of units statewide for fiscal year 2008 but no later than January 31, 2008, the secretary of public education may adjust the program unit value.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total
------	-----------------	-------------------------	--	------------------	-------

1           The general fund appropriation to the state equalization guarantee distribution contains  
2 sufficient funds to provide an average four and one-quarter percent salary increase for all  
3 teachers, other instructional staff and other licensed and unlicensed staff, effective the first  
4 pay period after July 1, 2007. Prior to the approval of a school district's or charter school's  
5 budget, the secretary of public education shall verify that each school district or charter  
6 school is providing an average four and one-quarter percent salary increase for all teachers and  
7 other licensed school employees and an average four and one-quarter percent salary increase for  
8 nonlicensed school employees.

9           The general fund appropriation to the state equalization guarantee distribution contains  
10 sufficient funds to implement the fifty-thousand-dollar (\$50,000) minimum salary for level three-  
11 A teachers. The secretary of public education shall verify that school districts and charter  
12 schools have implemented the salary increases for teachers prior to implementing the minimum  
13 salaries for level three-A teachers.

14           The secretary of public education, in collaboration with the office of educational  
15 accountability, shall ensure all level three-A teachers receiving salary increases under the  
16 three-tiered minimum salary have been evaluated under the tiered licensure evaluation system and  
17 have the professional competencies of level three-A teachers. The secretary of public education  
18 shall withhold from public school district distribution funding for minimum salaries for any  
19 teacher that has not been evaluated.

20           The general fund appropriation to the state equalization guarantee distribution contains six  
21 million five hundred sixty-two thousand dollars (\$6,562,000) for elementary physical education  
22 contingent on the enactment of enabling legislation of the first session of the forty-eighth  
23 legislature.

24           The general fund appropriation to the state equalization guarantee distribution contains  
25 sixteen million five hundred eighteen thousand one hundred dollars (\$16,518,100) for expanding

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
------	--------------	-------------------	-------------------------------------	---------------	-------

1 kindergarten plus to all title 1 schools in school improvement or restructuring and to expand the  
2 program into the first grade for the same schools, contingent on the enactment of legislation of  
3 the first session of the forty-eighth legislature.

4 The general fund appropriation for the state equalization guarantee distribution contains  
5 sufficient funding to provide a three-fourths percent increase in the employer contribution to  
6 the educational retirement fund.

7 For the 2007-2008 school year, the state equalization guarantee distribution contains  
8 sufficient funding for school districts implementing a formula-based program for the first time.  
9 Those districts shall use current year membership in the calculation of program units for the new  
10 formula-based program.

11 The general fund appropriation in the state equalization guarantee distribution reflects the  
12 deduction of federal revenues pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA  
13 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701 et  
14 seq., formerly known as "P.L. 874 funds".

15 The general fund appropriation to the public school fund shall be reduced by the amounts  
16 transferred to the public school fund from the current school fund and from the federal Mineral  
17 Lands Leasing Act (30 USCA 181, et seq.) receipts otherwise unappropriated.

18 (2) Transportation distributions:

19 Appropriations: 107,953.0 107,953.0

20 The general fund appropriation to the transportation distribution includes sufficient funds  
21 for an average four and one-quarter percent salary increase for transportation employees,  
22 effective July 1, 2007.

23 The general fund appropriation for the transportation distribution includes sufficient  
24 funding to provide a three-quarter percent increase in the employer contribution to the  
25 educational retirement fund.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 (3) Supplemental distributions:					
2 (a) Out-of-state tuition	370.0				370.0
3 (b) Emergency supplemental	7,000.0				7,000.0
4 Subtotal	7,370.0				7,370.0
5 Any unexpended or unencumbered balance in the supplemental distributions to the public					
6 education department remaining at the end of fiscal year 2008 from appropriations made from the					
7 general fund shall revert to the general fund.					
8 INSTRUCTIONAL MATERIAL FUND:	37,224.9				37,224.9
9 The appropriation to the instructional material fund is made from the federal Mineral Lands					
10 Leasing Act (30 USCA 181, et seq.) receipts.					
11 EDUCATIONAL TECHNOLOGY FUND:	6,000.0				6,000.0
12 SCHOOLS IN NEED OF IMPROVEMENT FUND:	4,000.0				4,000.0
13 FEDERAL FLOW THROUGH:				484,319.1	484,319.1
14 TOTAL PUBLIC SCHOOL SUPPORT:	2,433,640.8	750.0		484,319.1	2,918,709.9
15 PUBLIC EDUCATION DEPARTMENT:					
16 (1) Administration:					
17 (a) Personal services					
18 and employee benefits	12,274.0	605.2		6,960.8	19,840.0
19 (b) Contractual services	305.0	110.0		10,487.8	10,902.8
20 (c) Other	1,186.7	368.2		2,681.5	4,236.4
21 Subtotal	13,765.7	1,083.4		20,130.1	34,979.2
22 Authorized FTE: 311.8. Permanent 205.2; Term 102.2; Temporary 4.6					
23 (2) Apprenticeship assistance:	650.0				650.0
24 PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:					
25 (a) Accelerated educational					

.165128.1

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 retirement board					
2 contribution	14,506.8				14,506.8
3 (b) Beginning teacher					
4 mentorship	2,000.0				2,000.0
5 (c) Indian Education Act	2,500.0				2,500.0
6 (d) Family and Youth Resource					
7 Act	1,500.0				1,500.0
8 (e) Pre-kindergarten program	6,000.0				6,000.0
9 (f) Graduation reality and					
10 dual-role skills program	1,000.0				1,000.0
11 (g) Advanced placement	2,000.0				2,000.0
12 (h) New Mexico teacher					
13 performance incentive					
14 program	5,000.0				5,000.0
15 (i) Summer reading, math and					
16 science institutes	3,000.0				3,000.0
17 (j) School improvement	3,000.0				3,000.0
18 framework					
19 Subtotal	40,506.8				40,506.8

20 The general fund appropriation to the public education department includes fourteen million  
21 five hundred six thousand eight hundred dollars (\$14,506,800) to provide a three-quarter percent  
22 increase in the employer contribution to the educational retirement fund to be transferred in  
23 fiscal year 2008 to the educational retirement board to provide in advance for the fiscal year  
24 2009 cost of the employer share of contribution increases for public education employees.

25 The general fund appropriation to the public education department for the Family and Youth

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
------	--------------	-------------------	-------------------------------------	---------------	-------

Resource Act shall fund family and youth services pursuant to the Family and Youth Resource Act.

The general fund appropriation to the public education department for the Indian Education Act includes one million dollars (\$1,000,000) to provide a rural literacy initiative to support new 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 five hundred thousand dollars (\$500,000) in matching funds from sources other than the state.

The general fund appropriation to the public education department for pre-kindergarten includes one million dollars (\$1,000,000) for transfer to the children, youth and families department for the same purpose. The public education department and the children, youth and families department shall report jointly and quarterly to the legislative education study committee and the legislative finance committee regarding implementation of the pre-kindergarten program. The four quarterly reports will address student progress by department, infrastructure expenditures, teacher and provider qualifications and adequacy of instructional materials.

Any unexpended or unencumbered balance in the authorized distributions remaining at the end of fiscal year 2008 from appropriations made from the general fund shall revert to the general fund.

REGIONAL EDUCATION COOPERATIVES:

(1) Northwest 2 (Gallina)				1,593.0	1,593.0
(2) Northeast 4 (Las Vegas)				2,415.4	2,415.4
(3) Lea county 7 (Hobbs)				3,900.0	3,900.0
(4) Pecos valley 8 (Artesia)		1,321.5		1,371.8	2,693.3
(5) Southwest 10 (Truth or Consequences)		300.0		4,500.0	4,800.0
(6) Central 5 (Albuquerque)		2,000.0		2,000.0	4,000.0
(7) High plains 3 (Raton)		3,357.5		2,854.8	6,212.3

.165128.1



	Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1	(8) Clovis 6 (Clovis)		335.7		1,700.0	2,035.7
2	(9) Ruidoso 9 (Ruidoso)		4,000.0		4,800.0	8,800.0
3	Subtotal		11,314.7		25,135.0	36,449.7

4 Section 5. SEVERABILITY.--If any part or application of this act is held invalid, the  
5 remainder or its application to other situations or persons shall not be affected.

6 Section 6. EMERGENCY.--It is necessary for the public peace, health and safety that this  
7 act take effect immediately.