

1 HOUSE BILL 3
2 **49th LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**
3 INTRODUCED BY
4 **Rick Miera**
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10 AN ACT
11 RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.
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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
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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 2010.

8 Section 4. APPROPRIATIONS.--
9 PUBLIC SCHOOL SUPPORT:

10 Except as otherwise provided, unexpended balances of appropriations made in this subsection
11 shall not revert at the end of fiscal year 2011.

12 (1) State equalization guarantee: 2,332,465.3 850.0 2,333,315.3

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

16 The rate of distribution of the state equalization guarantee distribution shall be based on
17 a program unit value determined by the secretary of public education. The secretary shall
18 establish a preliminary unit value to establish budgets for the 2010-2011 school year and, upon
19 verification of the number of units statewide for fiscal year 2011 but no later than January 31,
20 2011, the secretary may adjust the program unit value.

21 The secretary of public education, in collaboration with the office of education
22 accountability of the department of finance and administration, shall ensure that all teachers
23 have been evaluated under the tiered licensure evaluation system and have the professional
24 competencies of the appropriate level. The secretary shall withhold from the public school
25 distribution funding for the minimum salary of any teacher who has not been evaluated.

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1 The secretary of public education, in collaboration with the office of education
2 accountability of the department of finance and administration, shall ensure that all principals
3 and assistant school principals have been evaluated under the highly objective uniform statewide
4 standard of evaluation and have the professional competencies to serve as a principal or
5 assistant principal. The secretary shall withhold from the public school distribution funding
6 for the minimum salary of any principal or assistant principal who has not been evaluated.

7 The general fund appropriation to the state equalization guarantee distribution contains
8 sufficient funding to provide a three-fourths percent increase in the employer contribution to
9 the educational retirement fund.

10 For the 2010-2011 school year, the state equalization guarantee distribution contains
11 sufficient funding for school districts and charter schools to implement a formula-based program
12 for the first time. Those districts and charter schools shall use current year membership in the
13 calculation of program units for the new formula-based program.

14 The general fund appropriation to the state equalization guarantee distribution reflects the
15 deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA
16 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701, et
17 seq., and formerly known as "PL 874 funds".

18 The general fund appropriation to the public school fund shall be reduced by the amounts
19 transferred to the public school fund from the current school fund and from the federal Mineral
20 Lands Leasing Act receipts otherwise unappropriated.

21 Any unexpended balances in the authorized distributions remaining at the end of fiscal year
22 2011 from appropriations made from the general fund shall revert to the general fund.

23 (2) Transportation distributions:
24 Appropriations: 98,545.4 98,545.4

25 The general fund appropriation for the transportation distribution includes sufficient

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1 funding to provide a three-fourths percent increase in the employer contribution to the					
2 educational retirement fund.					
3 (3) Supplemental distributions:					
4 (a) Out-of-state tuition	346.0				346.0
5 (b) Emergency supplemental	2,000.0				2,000.0
6 Subtotal	2,346.0				2,346.0
7 Any unexpended or unencumbered balance in the supplemental distributions to the public					
8 education department remaining at the end of fiscal year 2011 from appropriations made from the					
9 general fund shall revert to the general fund.					
10 INSTRUCTIONAL MATERIAL FUND:	15,175.4				15,175.4
11 The appropriation to the instructional material fund is made from the federal Mineral Lands					
12 Leasing Act (30 USCA 181, et seq.) receipts.					
13 DUAL CREDIT INSTRUCTIONAL MATERIALS:	1,000.0				1,000.0
14 SCHOOLS IN NEED OF IMPROVEMENT FUND:	2,000.0				2,000.0
15 INDIAN EDUCATION FUND:	2,250.0				2,250.0
16 The general fund appropriation to the public education department for the Indian Education					
17 Act includes five hundred thousand dollars (\$500,000) for providing teaching support for teach					
18 for America in schools with a high proportion of Native American students.					
19 The general fund appropriation to the public education department for the Indian Education					
20 Act includes five hundred thousand dollars (\$500,000) to provide a rural literacy initiative to					
21 support after-school and summer literacy block programs for students in kindergarten through					
22 eighth grade in schools with a high proportion of Native American students, contingent on receipt					
23 of five hundred thousand dollars (\$500,000) in matching funds from other than state sources.					
24 FEDERAL FLOW THROUGH:				512,282.0	512,282.0
25 TOTAL PUBLIC SCHOOL SUPPORT:	2,453,782.1	850.0		512,282.0	2,966,914.1

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 PUBLIC EDUCATION DEPARTMENT:					
2 (1) Administration:					
3 (a) Personal services					
4 and employee benefits	12,536.0	826.9	83.4	7,514.0	20,960.3
5 (b) Contractual services	1,564.0	316.2		17,085.1	18,965.3
6 (c) Other	1,100.0	399.2	7.2	4,356.9	5,863.3
7 Subtotal	15,200.0	1,542.3	90.6	28,956.0	45,788.9

8 Authorized FTE: 208.20 Permanent; 102.00 Term; 4.60 Temporary

9 PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:

10 (a) Breakfast for					
11 elementary students	2,500.0				2,500.0
12 (b) Kindergarten-three					
13 plus	6,500.0				6,500.0
14 (c) Pre-kindergarten	6,200.0		1,500.0		7,700.0
15 (d) School improvement					
16 framework	929.8				929.8
17 (e) Emergency support	10,000.0				10,000.0
18 Subtotal	26,129.8		1,500.0		27,629.8

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

22 The appropriations to the public education department for the pre-kindergarten program shall
23 be used only for direct instruction, transportation and approved administrative costs.

24 The general fund appropriation for emergency support shall be for school districts
25 experiencing shortfalls. All requirements for distribution of emergency support shall be in

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1 accordance with Section 22-8-30 NMSA 1978.					
2 Any unexpended or unencumbered balance in the authorized distributions remaining at the end					
3 of fiscal year 2011 from appropriations made from the general fund shall revert to the general					
4 fund.					
5 REGIONAL EDUCATION COOPERATIVES:					
6 (1) Northwest 2 (Gallina)	124.7			1,593.0	1,717.7
7 (2) Northeast 4 (Las Vegas)	124.7			2,415.4	2,540.1
8 (3) Lea county 7 (Hobbs)	124.7			3,900.0	4,024.7
9 (4) Pecos valley 8 (Artesia)	124.7	1,321.5		1,371.8	2,818.0
10 (5) Southwest 10 (Truth or	124.7	300.0		4,500.0	4,924.7
11 Consequences)					
12 (6) Central 5 (Albuquerque)	124.7	2,000.0		2,000.0	4,124.7
13 (7) High plains 3 (Raton)	124.6	3,357.5		2,854.8	6,336.9
14 (8) Clovis 6 (Portales)	124.6	335.7		1,700.0	2,160.3
15 (9) Ruidoso 9 (Ruidoso)	124.6	4,000.0		4,800.0	8,924.6
16 Subtotal	1,122.0	11,314.7		25,135.0	37,571.7
17 OTHER SPECIAL APPROPRIATIONS					
18 ENERGY, MINERALS AND NATURAL	100.0				100.0
19 RESOURCES DEPARTMENT					
20 For the New Mexico outdoor classroom program.					
21 NEW MEXICO INSTITUTE OF	50.0				50.0
22 MINING AND TECHNOLOGY					
23 For the high school student summer science program.					
24 NEW MEXICO INSTITUTION OF	150.0				150.0
25 MINING AND TECHNOLOGY					

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1 For the mathematics, engineering and science achievement program.

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

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