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HOUSE BILL 903

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JUDY VANDERSTAR RUSSELL

AN ACT

RELATING TO EDUCATION; AMENDING CERTAIN SECTIONS OF THE PUBLIC SCHOOL FINANCE ACT TO ALLOW CERTAIN SCHOOL DISTRICTS TO CALCULATE THE TRAINING AND EXPERIENCE INDEX USING THE OCTOBER PAYROLL OF THE YEAR IN WHICH GRADE LEVELS ARE ADDED.

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

Section 1. Section 22-8-24 NMSA 1978 (being Laws 1974, Chapter 8, Section 15, as amended by Laws 1993, Chapter 91, Section 1 and also by Laws 1993, Chapter 237, Section 3) is amended to read:

"22-8-24. INSTRUCTIONAL STAFF TRAINING AND EXPERIENCE INDEX-- DEFINITIONS-- FACTORS-- CALCULATIONS. --

A. For the purpose of calculating the instructional staff training and experience index, the following definitions and limitations shall apply:

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1 (1) "instructional staff" means the personnel  
2 assigned to the instructional program of the school district,  
3 excluding principals, substitute teachers, instructional aides,  
4 secretaries and clerks;

5 (2) the number of instructional staff to be  
6 counted in calculating the instructional staff training and  
7 experience index is the actual number of full-time equivalent  
8 instructional staff on the October payroll;

9 (3) the number of years of experience to be  
10 used in calculating the instructional staff training and  
11 experience index is that number of years of experience allowed  
12 for salary increment purposes on the salary schedule of the  
13 school district; and

14 (4) the academic degree and additional credit  
15 hours to be used in calculating the instructional staff training  
16 and experience index is the degree and additional semester  
17 credit hours allowed for salary increment purposes on the salary  
18 schedule of the school district.

19 B. The factors for each classification of academic  
20 training by years of experience are provided in the following  
21 table:

22 Years of Experience

23 Academic

24 <u>Classification</u>	0 - 2	3 - 5	6 - 8	9 - 15	Over 15
25 Bachelor's degree					

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1	or less	. 75	. 90	1. 00	1. 05	1. 05
2	Bachelor' s degree plus					
3	15 credit hours	. 80	. 95	1. 00	1. 10	1. 15
4	Master' s degree or					
5	bachelor' s degree					
6	plus 45 credit					
7	hours	. 85	1. 00	1. 05	1. 15	1. 20
8	Master' s degree plus					
9	15 credit hours	. 90	1. 05	1. 15	1. 30	1. 35
10	Post-master' s degree					
11	or master' s degree					
12	plus 45 credit					
13	hours	1. 00	1. 15	1. 30	1. 40	1. 50.

14 C. The instructional staff training and experience  
15 index for each school district shall be calculated in  
16 accordance with instructions issued by the state  
17 superintendent. The following calculations shall be computed:

18 (1) multiply the number of full-time  
19 equivalent instructional staff in each academic classification  
20 by the numerical factor in the appropriate "years of  
21 experience" column provided in the table in Subsection B of  
22 this section;

23 (2) add the products calculated in Paragraph  
24 (1) of this subsection; and

25 (3) divide the total obtained in Paragraph  
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1 (2) of this subsection by the total number of full-time  
2 equivalent instructional staff.

3 D. In the event that the result of the calculation  
4 of the training and experience index is 1.0 or less, the  
5 district's factor shall be no less than 1.0.

6 E. In the event that a new school district is  
7 created, the training and experience index for that district is  
8 1.12.

9 F. In the event that additional grade levels are  
10 authorized by the state superintendent for a school district,  
11 the training and experience index for the school district shall  
12 be calculated to include instructional staff added for the  
13 additional grade levels in the October payroll of the year in  
14 which the grade levels are added."

15 Section 2. Section 22-8-25 NMSA 1978 (being Laws 1981,  
16 Chapter 176, Section 5, as amended by Laws 1993, Chapter 226,  
17 Section 23 and also by Laws 1993, Chapter 231, Section 14) is  
18 amended to read:

19 "22-8-25. STATE EQUALIZATION GUARANTEE DISTRIBUTION--  
20 DEFINITIONS-- DETERMINATION OF AMOUNT. --

21 A. The state equalization guarantee distribution is  
22 that amount of money distributed to each school district to  
23 ensure that the school district's operating revenue, including  
24 its local and federal revenues as defined in this section, is  
25 at least equal to the school district's program cost.

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1           B. "Local revenue", as used in this section, means  
2 ninety-five percent of receipts to the school district derived  
3 from that amount produced by a school district property tax  
4 applied at the rate of fifty cents (\$.50) to each one thousand  
5 dollars (\$1,000) of net taxable value of property allocated to  
6 the school district and to the assessed value of products  
7 severed and sold in the school district as determined under the  
8 Oil and Gas Ad Valorem Production Tax Act and upon the assessed  
9 value of equipment in the school district as determined under  
10 the Oil and Gas Production Equipment Ad Valorem Tax Act.

11           C. "Federal revenue", as used in this section,  
12 means ninety-five percent of receipts to the school district,  
13 excluding amounts [~~which~~] that, if taken into account in the  
14 computation of the state equalization guarantee distribution,  
15 result, under federal law or regulations, in a reduction in or  
16 elimination of federal school funding otherwise receivable by  
17 the school district, derived from the following:

18                   (1) the school district's share of forest  
19 reserve funds distributed in accordance with Section 22-8-33  
20 NMSA 1978; and

21                   (2) grants from the federal government as  
22 assistance to those areas affected by federal activity  
23 authorized in accordance with Sections 236 through 240 of Title  
24 20 of the United States Code (commonly known as "PL 874 funds")  
25 or an amount equal to the revenue the district was entitled to

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1 receive if no application was made for such funds but deducting  
2 from those grants the additional amounts to which school  
3 districts would be entitled because of the provisions of  
4 Subparagraph (D) of Paragraph (2) of Subsection (d) of Section  
5 238 of Title 20 of the United States Code.

6 D. To determine the amount of the state  
7 equalization guarantee distribution, the state superintendent  
8 shall:

9 (1) calculate the number of program units to  
10 which each school district is entitled using the membership of  
11 the fortieth day of the school year, except for school  
12 districts with a MEM of 200 or less where the number of program  
13 units shall be calculated on the fortieth day membership of  
14 either the prior year or the current year, whichever is  
15 greater, for all programs except special education, which shall  
16 be calculated by using the membership on December 1 of the  
17 school year; or

18 (2) calculate the number of program units to  
19 which a school district operating under an approved year-round  
20 school calendar is entitled using the membership on an  
21 appropriate date established by the state board;

22 (3) using the results of the calculations in  
23 Paragraph (1) or (2) of this subsection and the instructional  
24 staff training and experience index from the October report of  
25 the prior school year establish a total program cost of the

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1 school district provided that, in the event additional grade  
2 levels are authorized by the state superintendent for a school  
3 district, that portion of the training and experience index  
4 reflecting instructional staff for the additional grade levels  
5 shall be calculated from the October payroll of the current  
6 year;

7 (4) calculate the local and federal revenues  
8 as defined in this section;

9 (5) deduct the sum of the calculations made  
10 in Paragraph (4) of this subsection from the program cost  
11 established in Paragraph (3) of this subsection; and

12 (6) deduct the total amount of guaranteed  
13 energy savings contract payments that the state superintendent  
14 determines will be made to the school district from the public  
15 school energy efficiency fund during the fiscal year for which  
16 the state equalization guarantee distribution is being  
17 computed.

18 E. The amount of the state equalization guarantee  
19 distribution to which a school district is entitled is the  
20 balance remaining after the deductions made in Paragraphs (5)  
21 and (6) of Subsection D of this section.

22 F. The state equalization guarantee distribution  
23 shall be distributed prior to June 30 of each fiscal year. The  
24 calculation shall be based on the local and federal revenues  
25 specified in this section received from June 1 of the previous

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1 fiscal year through May 31 of the fiscal year for which the  
2 state equalization guarantee distribution is being computed.  
3 In the event that a district has received more state  
4 equalization guarantee funds than its entitlement, a refund  
5 shall be made by the district to the state general fund.

6 G. Notwithstanding the methods of calculating the  
7 state equalization guarantee distribution in this section and  
8 Laws 1974, Chapter 8, Section 22, if a school district received  
9 funds under Section 2391 of Title 42 U.S.C.A. and if the  
10 federal government takes into consideration grants authorized  
11 by Sections 236 through 240 of Title 20 of the United States  
12 Code and all other revenues available to the school district in  
13 determining the level of federal support for the school  
14 district for the sixty-fourth and succeeding fiscal years, the  
15 state equalization guarantee distribution for school districts  
16 receiving funds under this subsection shall be computed as  
17 follows:

18	fiscal year program cost		prior fiscal year
19	excluding special education		state equalization
20	for the year for which the	x	guarantee distribution
21	state equalization guarantee		excluding special
22	<u>distribution is being computed</u>		education
23	prior fiscal year program cost		
24	excluding special education		

25 plus special education funding in accordance with Paragraphs (1)

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1 or (2) and (3) of Subsection D of this section and Section 22-8-21  
2 NMSA 1978 plus an amount that would be produced by applying a rate  
3 of eight dollars forty-two and one-half cents (\$8.425) to each one  
4 thousand dollars (\$1,000) of net taxable value of property as  
5 defined in the Property Tax Code for property taxation purposes in  
6 the school district and to each one thousand dollars (\$1,000) of  
7 the assessed value of products severed and sold in the school  
8 district as determined under the Oil and Gas Ad Valorem Production  
9 Tax Act and upon the assessed value of equipment in the school  
10 district as determined under the Oil and Gas Production Equipment  
11 Ad Valorem Tax Act and then reduced by the total amount of  
12 guaranteed energy savings contract payments, if any, that the  
13 state superintendent determines will be made to the school  
14 district from the public school energy efficiency fund during the  
15 fiscal year for which the state equalization guarantee  
16 distribution is being computed, equals the fiscal year state  
17 equalization guarantee distribution for the year for which the  
18 state equalization guarantee distribution is being computed.

19 If at any time grants from the federal government as  
20 assistance to those areas affected by federal activity authorized  
21 in accordance with Sections 236 through 240 of Title 20 of the  
22 United States Code (commonly known as "PL 874 funds") are reduced  
23 or are no longer available, the state equalization guarantee  
24 distribution shall be computed by the formula contained in this  
25 subsection plus an increase by fifty percent of the amount the

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1 prior year's PL 874 funds exceed PL 874 funds for the year for  
2 which the state equalization guarantee distribution is being  
3 computed. "

4 Section 3. EFFECTIVE DATE. --The effective date of the  
5 provisions of this act is July 1, 1997.

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