



STATE OF NEW MEXICO  
LEGISLATIVE  
EDUCATION STUDY  
COMMITTEE

2021 Post-Session Review  
May 2021

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## 2021 Post-Session Review

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Amidst the spread of an ongoing global pandemic and a climate of increased political divisiveness, the Legislature worked hard to maintain its support for student-centered funding and policy. Officials wrestled with conducting a participatory legislative process during a public health emergency, turning to virtual meetings with limited in-person participation. At the same time, national political unrest necessitated extra security measures as state capitols across the country saw an increase in protests and security threats. The institution adapted; a typically paper-driven process quickly transformed to a mostly digital process to mitigate the spread of Covid-19 and to keep staff and legislators safe. Staff allowed inside the New Mexico State Capitol took part in weekly testing, and legislators engaged in lawmaking through masks and clear plastic barriers.

Despite these challenges, legislators, with input from legislative staff, education stakeholders, and the public, pushed through administrative inconveniences to approve an education budget that reflects continued focus on shared priorities. The Legislature increased education spending by 7.3 percent compared with FY21. These investments became possible after the state's economic outlook improved due to the impacts of economic stimulus and federal Covid-19 aid on state tax revenue.

Lawmakers made history by passing two education-related measures the Legislature has grappled with for decades. Following the approval of House Joint Resolution 1, voters will be asked whether distributions from the permanent school fund, the portion of the land grant permanent fund benefiting public schools, should be increased to provide additional revenue for elementary, secondary, and early childhood education programs. Additionally, Chapter 52 (House Bill 6) will eliminate the long-standing practice of taking credit for federal and local revenue in the calculation of the public school funding formula and will significantly address inequities in the state's system of funding capital outlay raised in the *Zuni* capital outlay funding lawsuit.

Moreover, the Legislature sustained investments in the educator workforce, early childhood education, at-risk students, culturally responsive programming, college and career readiness, and equitable school funding through FY22. The focus on these areas demonstrates the ongoing commitment from the Legislature to address shortcomings identified in the *Martinez* and *Yazzie* consolidated education sufficiency lawsuit. Debate around strategies to improve systemic inequities and inconsistencies within the public education system to meet the needs of the state's culturally and linguistically diverse student body were heard in virtual committee hearings and debate on the floor. Lawmakers found consensus on targeted evidence-based policy measures in these areas, with a goal to ensure all New Mexico students have access to a high-quality, free public education system.

***“While the depth of the problem is still unknown, the unprecedented community health crisis has threatened to undo the progress the state’s public education system has made toward improving statewide student outcomes.”***

The public health emergency also led to conversations and policies focused on mitigating the impacts of school closures on learning loss and the public education system. While the depth of the problem is still unknown, the unprecedented community health crisis has threatened to undo the progress the state's public education system has made toward improving statewide student outcomes. The Legislature discussed addressing

student learning loss, ensuring schools could be opened in a safe and healthy manner, and holding school district funding harmless for decreased enrollment throughout the pandemic. The Legislature also debated decisions made by the executive branch as public health measures and school reentry procedures continued to change. With schools officially able to reopen for socially distanced in-person learning in early April 2021, the hard work for New Mexico's educational community has just begun. Policy-makers will need to continue to monitor the state's use of federal stimulus aid and state resources as schools begin to address learning shortfalls caused by Covid-19.

With the state's economic outlook looking brighter than during the June 2020 special legislative session, the Legislature took the opportunity to continue investments in public education, with an eye toward funding programs to benefit at-risk students, combat pandemic-related learning loss, provide cost-of-living adjustments for public school employees, and improve the solvency of the educational retirement fund.

General fund revenue estimates from December 2020 showed projected FY22 revenue at \$315 million, or 4.5 percent, above FY21 appropriations, but mid-session revisions to the forecast increased the estimated “new money” available for appropriation to \$485.2 million, or 6.9 percent of FY21 recurring appropriations. Legislative action included both tax reform, which will reduce available revenue by an estimated \$81.5 million in FY22, and appropriations increases, while maintaining general fund reserves at an estimated 21.7 percent.

The Legislative Finance Committee (LFC) estimates recurring general fund revenue for FY22 of \$7.467 billion, still below the revenue amount forecast before the pandemic but an increase from estimates from last summer. For FY22, the General Appropriation Act of 2021 (GAA), feed bill (House Bill 1, which funds the Legislature), and Chapter 140 (Senate Bill 377, which funds legislator initiatives) include recurring general fund appropriations of \$7.45 billion, an increase of \$386.7 million, or 5.5 percent, from FY21. Of the \$386.7 million increase, public schools will receive \$234 million, or 60.5 percent, outpacing public schools' 45.5 percent share of the budget in FY21. As a result, public schools' share of the budget for FY22 rose to 46.3 percent, the highest percentage for public schools in the last 20 years. See [Appendix E: Recurring General Fund Appropriations](#).

In seven of the last 10 fiscal years, funding for public schools grew at a faster rate than other areas of government; in some years growth in public school appropriations significantly outpaced other agencies. In those few years where other agencies grew faster, differences tended to be small. This trend has had a compounding effect: Over the past decade, public schools' share of the state budget has grown at 1.5 times the rate of growth in other parts of the budget.

## General Appropriation Act of 2021

The GAA includes a total of \$3.589 billion in state revenue for public schools, with \$3.445 billion in recurring general fund appropriations and \$143.2 million in nonrecurring ap-

**Feed Bill, HB2, and SB377 Recurring General Fund Appropriations for FY22**  
(in thousands)

Agency Category	FY21 OpBud	GAA of 2021	Dollar Change	Percent Change
Legislature	\$21,223	\$21,697	\$474	2.2%
Judicial	\$321,254	\$324,203	\$2,949	0.9%
General Control	\$150,083	\$157,467	\$7,383	4.9%
Commerce and Industry	\$64,750	\$64,773	\$23	0.0%
Agriculture, Energy, and Natural Resources	\$77,477	\$78,209	\$732	0.9%
Health, Hospitals, and Human Services	\$1,899,035	\$1,971,730	\$72,695	3.8%
Public Safety	\$476,405	\$474,105	-\$2,300	-0.5%
Public Schools	\$3,211,951	\$3,388,561	\$176,611	5.5%
Higher Education	\$840,676	\$870,310	\$29,633	3.5%
Compensation: Public Schools*	\$0	\$57,439	\$57,439	
Compensation: Other*	\$71	\$41,100	\$41,029	
<b>Total</b>	<b>\$7,062,925</b>	<b>\$7,449,593</b>	<b>\$386,668</b>	<b>5.5%</b>

\*The compensation line includes \$71.2 thousand that was appropriated for compensation but was not distributed in FY21. The GAA of 2021 includes \$34 million for educational retirement. This table estimates \$22 million of that appropriation will be allocated to public schools.

Source: LFC

Although the governor used her line-item veto authority to strike several appropriations of federal funds or language included in the GAA, the governor did not veto any recurring general fund appropriations.

**Change in Recurring General Fund Appropriation**

Fiscal Year	Change for Public Schools	Change for Other Agencies	Difference
FY12 to FY13	3.8%	4.2%	-0.4%
FY13 to FY14	4.6%	4.1%	0.5%
FY14 to FY15	5.8%	3.3%	2.5%
FY15 to FY16	0.8%	0.9%	-0.2%
FY16 to FY17	-1.7%	-2.3%	0.6%
FY17 to FY18	0.2%	-0.1%	0.2%
FY18 to FY19	3.9%	4.3%	-0.4%
FY19 to FY20	16.0%	9.1%	6.9%
FY20 to FY21	0.0%	-0.6%	0.6%
FY21 to FY22	7.3%	3.8%	3.5%
FY12 to FY22	45.6%	30.3%	15.3%

Note: All numbers may not add due to rounding.

Source: LESC Files

Additional Information on FY22 appropriations can be found throughout this report.

K-5 Plus Programs: See [page 23](#).

Extended Learning Time Programs: See [page 24](#).

Teacher Pay and Benefits: See [page 11](#).

Capital Outlay Issues Related to Federal and Local Revenue: See [page 31](#).

For several years, school districts and charter schools have argued for flexibility in the implementation of salary increases for educators. As a result, the Legislature included language in the GAA to require an average salary increase of 1.5 percent. However, the governor line-item vetoed the word “average,” requiring school districts and charter schools to implement a 1.5 percent salary increase for all staff.

appropriations, mostly from the public education reform fund. Recurring general fund appropriations increase by \$233.5 million, or 7.3 percent, and are mostly targeted to the public school funding formula. See [Appendix C: Public School Support and Related Appropriations for FY22](#).

**State Equalization Guarantee**

For FY22, the Legislature appropriated \$3.345 billion to the state equalization guarantee (SEG), the pool of money distributed to schools through a needs-based formula, including \$50.1 million from the public education reform fund to support Extended Learning Time Programs and an estimated \$58.8 million in compensation appropriations for educator pay and increased retirement contributions. The recurring general fund appropriation to the SEG will increase by \$241.8 million, or 7.9 percent. The Legislature authorized an additional \$78.8 million in recurring appropriations for Extended Learning Time Programs and the K-5 Plus program to allow schools to extend learning time in FY22 to combat pandemic-related learning loss due to school closures and remote learning. The amount includes sufficient funds for all students to participate in Extended Learning Time Programs and for all students in high-poverty elementary schools to participate in a K-5 Plus program.

In addition, the Legislature replaced a \$44.7 million nonrecurring reduction to the SEG made during the June 2020 special session. Due to projected revenue shortfalls in FY21, the Legislature approved the reduction to reflect additional federal funds allocated to public schools. The budget also includes funds to provide a 1.5 percent cost-of-living adjustment for educational employees and to pay the employer share of increased cost of health insurance benefits.

**Funding Formula Credits.** The appropriation to the state equalization guarantee distribution includes an additional \$51.7 million to eliminate credits for federal and local revenue in the public school funding formula. Since the adoption of the funding formula in 1974, New Mexico has equalized operational revenue to school districts and charter schools statewide by reducing state support based on the amount of funding received from federal Impact Aid payments, federal forest reserve payments, and the local half mill property tax levy. Although these credits come from three funding sources, Impact Aid payments made to school districts with large populations of Native American students and a limited property tax base represented the majority of the revenue credited. Beginning in FY22, Chapter 52 (House Bill 6) eliminates credits within the public school funding formula, with the requirement that school districts and charter schools use these funds for programming that improve student outcomes or to improve the condition of school buildings.

The \$51.7 million included in the GAA allows for the elimination of the credits, which will increase state revenue allocated to school districts and charter schools that receive

relatively more Impact Aid, forest reserve, or half mill levy revenue, without a reduction to the SEG of school districts or charter schools that receive relatively less from these sources.

Recent court findings in the consolidated *Martinez-Yazzie* lawsuit found Native American students do not have access to culturally and linguistically relevant programs that allow students to be adequately prepared for college and career, and a court ruling in the *Zuni* capital outlay lawsuit found the state's current capital outlay system fails to account for disparities between property-wealthy and property-poor school districts. To address these court rulings, Chapter 52 requires school districts to prioritize 75 percent of Impact Aid, forest reserve, and half mill levy revenues for programs to implement the Indian Education Act, make capital outlay improvements, or provide services for at-risk students. Annual reports must be made to PED and appropriate tribal authorities. PED must monitor the impacts of these programs on student outcomes and report to the Legislature on effective programs to increase student performance.

**Enrollment Changes and Budget Impact.** To simplify school district and charter school budgeting, New Mexico's public school funding formula is generally based on prior-year enrollment data, effectively protecting a school district or charter school from a sudden and unexpected drop in student enrollment for a single year.

The Covid-19 pandemic has led to atypical enrollment reductions for many public schools. While in general, total student enrollment has been declining by about 1 percent per year due to lower birth rates and other demographic factors, declines were particularly high in FY21, at 4 percent. As a result, many school districts were concerned about budget reductions in FY22 due to a loss of student enrollment.

While LESC endorsed legislation (House Bill 175) to amend the Public School Code to allow PED to provide hold-harmless payments using the appropriation to the SEG, recommendations from the Legislative Finance Committee (LFC) focused on allowing school districts and charter schools to budget enrollment growth program units and allowing the funding formula to work as intended. House Bill 175 failed to advance from the House Appropriations and Finance Committee. Instead, the Legislature included language in the GAA directing PED to provide additional funding to any school district or charter school that saw a decline in SEG revenue using the state set-aside of federal Covid-relief funds from the elementary and secondary school emergency relief fund (ESSERF), but the governor used a line-item veto to strike the reference to federal funds. According to PED staff, staff from the U.S. Department of Education told them the state could not use funds from the ESSERF to replace state revenue.

The governor's veto message further states:

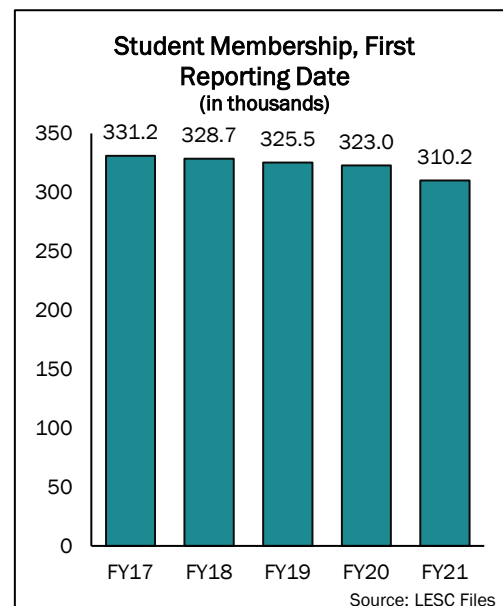
The vetoed language would restrict hold harmless funding to federal elementary and secondary school emergency relief funds, which may not be allowed by the United States Department of Education. The vetoed language would also prevent the Public Education Department

In recent years, LESC and LFC have worked together in the interim to conduct studies of the public school funding formula and jointly endorse legislation making changes to the formula. House Joint Memorial 5 requested LESC and LFC create a joint subcommittee to study current issues affecting the public school funding formula during the 2021 interim.

#### Student Membership First Reporting Date

Year	MEM	Change from Prior Year	
FY17	331,197	(1,469)	-0.4%
FY18	328,699	(2,498)	-0.8%
FY19	325,508	(3,191)	-1.0%
FY20	323,029	(2,479)	-0.8%
FY21	310,205	(12,824)	-4.0%

Source: LESC Files



While many school districts and charter schools saw enrollment declines, some schools saw spikes in enrollment. For FY21, the number of enrollment growth program units was higher than the historical average, driven in part by schools that expanded or created online programs.



from using other available funding to meet its funding requirements, thereby infringing the executive managerial function. Finally, the vetoed language impermissibly attempts to control the department's use of federal funds.

PED staff report the department has withheld \$15 million from the SEG distribution in case hold-harmless funding is needed. However, state law provides for a specific calculation of each school district's and charter school's SEG distribution and attempting to use the SEG appropriation for this purpose conflicts with statute.

With the number of program units for special education expected to decrease for FY22, PED will need to monitor state-level maintenance-of-effort requirements under the federal Individuals with Disabilities Education Act to ensure the state remains eligible for federal special education funding.

### Categorical Appropriations by Fiscal Year (in thousands)

Year	Amount
FY18	\$105,640.9
FY19	\$124,304.3
FY20	\$127,928.5
FY21	\$124,176.7
FY22	\$128,157.8

Note: FY18 and FY19 included appropriations to the instructional material fund, which was rolled into the SEG appropriation beginning in FY20. Reported totals include other state funds appropriations.

Source: LESC Files

PED staff say it is uncertain if any school districts or charter schools will ultimately be eligible for a payment due to the increases in per-student funding and the potential for many school districts and charter schools to generate enrollment growth program units, a factor in the state's funding formula that provides additional funding if the number of students enrolled in the current year is at least 1 percent higher than the number of students enrolled in the prior year. Unlike most factors in the public school funding formula, this factor is based on current year enrollment and will not be finalized until January 2022. Previously, a number of school districts and charter schools expressed a reluctance to build their FY22 budgets based on estimated enrollment growth program units, fearing that increased enrollment may not materialize and budgets would have to be cut mid-year.

***FY22 Preliminary Unit Value.*** In April, the secretary of public education set the preliminary FY22 unit value at \$4,770.70, an increase of 5.2 percent from FY21. This amount is slightly more than the increase to the SEG appropriation, after accounting for increased funding for K-5 Plus and Extended Learning Time Programs, which are restricted by language in the GAA, and the \$15 million withheld by PED, which the department says it will use for hold-harmless payments.

According to information from PED, the department expects school districts and charter schools to generate about 635 thousand program units though the public school funding formula, or 2.6 percent less than in FY21. However, with student enrollment counts falling by 4 percent, most school districts and charter schools will see a larger reduction in program units funded based on prior-year enrollment. PED staff indicate they anticipate between 14 thousand and 16 thousand enrollment growth program units, about double the amount generated in FY21, which was already above the historic average. However, this estimate is highly uncertain. As a result, some school districts and charter schools may be more reliant on enrollment growth program units than in prior years, creating some uncertainty in school budgets until the first enrollment count reporting date in mid-October.

### Categorical Appropriations

The GAA includes a total of \$128.2 million in categorical appropriations for public schools, including \$5.3 million in student transportation appropriations from the public education reform fund to support K-5 Plus programs and Extended Learning Time Programs. Categorical programs differ from the public school funding formula because funding must be used for a specific purpose, like student transportation or Indian education.

For FY22, most categorical appropriations were flat with FY21 funding levels, but the appropriation for emergency supplemental grants to school districts increased from \$1 million to \$3 million, allowing PED to provide support for schools that may experi-

ence shortfalls in FY22 or other emergency situations. Transportation appropriations increased by 1.7 percent due to the 1.5 percent cost-of-living adjustment for school employees and increased support for transportation for K-5 Plus programs and Extended Learning Time Programs. In addition, the Legislature made temporary changes to the transportation funding formula to stabilize transportation budgets in light of pandemic-related ridership declines. Chapter 130 (House Bill 331) provides transportation distributions to school district and state-chartered charter school will be based on pre-pandemic data in FY22. Because of this change, school district and charter school distributions are likely to be similar to FY21 levels in FY22.

## **PED Special Programs**

The Legislature appropriated \$19.9 million in recurring general fund revenue for special programs operated by PED, a decrease of \$7 million, or 26 percent from FY21. However, part of this funding was shifted from general fund revenue to public education reform fund balance. The Legislature prioritized special programs that provide services to at-risk students and align with programs emphasized by the court's findings in the consolidated *Martinez-Yazzie* lawsuit. Funding allocated for the community schools fund was shifted to the public education reform fund and increased from \$3.3 million to \$5 million, while funding for the career technical education fund and the science, technology, engineering, arts, and math initiative was partially shifted to the public education reform fund.

In addition, the Legislature consolidated several small appropriations that provide grant funding to school districts and charter schools for student nutrition and wellness programs. The \$2.3 million appropriation is flat with FY21 levels for the combined programs, but the consolidation allows PED more flexibility to match program funding to school district and charter school need.

## **PED Operating Budget**

The Legislature authorized a total operating budget of \$49.2 million for the Public Education Department, flat with PED's FY21 operating budget. In September 2020, PED requested a reduction of \$716.1 thousand, in line with executive budget instructions to reduce general fund appropriation requests by 5 percent. The department proposed reducing contractual services by the \$716.1 thousand required and holding funding for personnel flat with FY21. With the improved revenue scenario making the requested cut unnecessary, the Legislature added the \$716.1 thousand cut from contractual services to the personal services and employee benefits category. This will allow the department to improve staffing in areas identified as critical, notably in the areas of licensure investigations and IT support.

## **Nonrecurring Appropriation**

The GAA includes \$143.7 million in nonrecurring appropriations for PED and public school programs in FY21, FY22, and FY23. This includes \$120.2 million in appropriations from the public education reform fund, set up by the Legislature to fund evidence-based public education initiatives related to teaching, school leadership, extended learning opportunities, programs for at-risk students, and accountability. Appendix H: Public Education Reform Fund Appropriations includes a breakdown of revenue into the fund and how funding has been allocated by the Legislature.

Additional Information on FY22 appropriations can be found throughout this report.

Indigenous, multilingual, multicultural and special education: See [page 19](#).

Professional Development: See [page 13](#).

Early Literacy: See [page 18](#).

The Legislature appropriated \$1.3 million in general fund revenue to PED for legal fees related to the consolidated *Martinez-Yazzie* lawsuit. Proceedings are ongoing and the state recently submitted responses to a plaintiff discovery request following an order from the judge last year. In addition, the plaintiffs have asked the court to order the state to provide additional funding for technology designed to improve students abilities to participate in remote instruction.

Additional Information on FY22 appropriations can be found throughout this report.

Family Income Index: See [page 21](#).

Community Schools: See [page 25](#).

Additional Instructional Time Pilot: See [page 24](#).

Black Education Act: See [page 20](#).

Broadband: See [page 32](#).

Tribal Education: See [page 19](#).

Funding to support extended learning opportunities was split between support for Extended Learning Time Programs offered through the public school funding formula and to pilot a program that allows high-poverty and low-performing elementary schools to apply for additional funding if they add 140 instructional hours to their school calendars. Each participating student would be funded at the same level as the K-5 Plus program. A total of \$20 million is allocated to the pilot, with \$10 million authorized for FY22 and \$10 million authorized for FY23.

The \$30 million appropriated to support interventions in low-income schools will be used to implement the Family Income Index Act (Chapter 18, Senate Bill 17). The program allocates additional funding to schools with a high proportion of their students from households with incomes below 130 percent of the federal poverty level (\$34,450 a year for a family of four), with interventions focused on evidence-based reading instruction, evidence-based math instruction, and other researched-based programs to support at-risk students. The program is authorized for two years, with \$15 million allocated for FY22 and \$15 million allocated for FY23.

In addition, the Legislature appropriated \$20.9 million in general fund revenue to the state support reserve fund and authorized PED to use those dollars if the U.S. Department of Education requires the state to pay back school districts with credited federal Impact Aid payments in FY20. Previously, a federal administrative law judge ruled the state needed to pay, but staff with the U.S. Department of Education have asked the federal secretary of education to reverse the decision of the administrative law judge on technical grounds.

### Additional Appropriations

In addition to appropriations included in the GAA, the Legislature authorized member initiatives as part of Chapter 140 (Senate Bill 377), commonly called the “junior” bill. Members included \$1.6 million in appropriations for programs administered by PED, including both statewide initiatives and programs for identified school districts. For a list of appropriations, see [Appendix C: Public School Support and Related Appropriations for FY22 on lines 141 through 159](#).

Chapter 140 also includes appropriations to support tribal education and broadband access. The connect New Mexico fund will receive \$25 million to support the Connect New Mexico Act (Chapter 120, House Bill 10) for broadband infrastructure in public schools. PED will receive \$9 million to distribute to tribal education departments and tribal libraries to support community-based education programs, including afterschool and summer programs. According to Section 22-8-23.13 NMSA 1978 money in the public education reform fund is reserved for “public education initiatives.” Allocating funds outside of the public school system might violate the requirements of the statute. Additionally, the purposes included in the statute — high-quality teaching and leadership, extended learning opportunities, interventions for at-risk students, effective and efficient school administration, or promoting public education accountability — does not appear to cover technology infrastructure.

## Federal Stimulus Opportunities and Issues

Since the onset of the Covid-19 pandemic, the federal government has made substantial funds available to public schools to respond to the needs of students during the

pandemic. In March 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which provided more than \$108.6 million to public schools in New Mexico for use through the first quarter of FY22. The December 2020 Coronavirus Response and Relief Supplemental (CRSSA) Act provides an additional \$437.9 million

for use through the first quarter of FY23, and the February 2021 American Rescue Plan Act provides an additional \$979.1 million for use through the first quarter of FY24. Together, these three laws will provide more than \$1.5 billion in federal funds to schools in New Mexico, effectively doubling federal funds for educational programs in New Mexico public schools over the three-and-one-half year spending period.

Under the federal laws, 90 percent of the funding appropriated to the elementary and secondary school emergency relief fund must flow to school districts and state-chartered charter schools through the federal Title I funding formula, which is based on the number of low-income students in each school district. Locally chartered charter schools may receive funding through their authorizing school district. PED may reserve up to 10 percent of CARES Act and CRSSA Act funds for state-level priorities. See [Appendix I: Federal Stimulus Funds Allocations to School Districts and State-Chartered Charter Schools](#).

***Earmarked Funds From the American Rescue Plan.*** While the federal government placed few restrictions on school district and charter school use of CARES Act and CRSSA Act funds, provisions of the American Rescue Plan Act require local school districts and state-chartered charter school to use 20 percent of the \$881.2 million, or about \$176 million, to address learning loss. The federal law states this can be done through

- Summer learning programs,
- Summer enrichment programs,
- Extended school day programs,
- Comprehensive afterschool programs, or
- Extended school year programs.

In addition, the federal law requires PED to withhold a total of 7 percent of the total state allocation, or \$68.5 million, for these programs. Of the total state allocation, 1 percent is required for summer enrichment programs, 1 percent is required for afterschool programs, and 5 percent may be spent in any of the five areas. With the \$176 million in required spending on locally directed programs, this brings a total of \$244.5 million in federal funds to combat student learning loss through September of 2023, effectively providing New Mexico schools with an additional \$75 million per year. This is on top of the nearly \$300 million in state funding to provide extended learning opportunities in FY22.

***State and Local Budget Requirements.*** As part of the Covid-19 stimulus bills, Congress included provisions to restrict eligibility for these grants based on state and local budgets. Provisions of the CARES Act require states to maintain spending on elementary, secondary, and higher education in FY20 and FY21 at a level no less than average state spending in FY17, FY18, and FY19. The CRSSA Act requires states to maintain the percentage spent on public schools in FY22 at no less than the average percentage in FY17, FY18, and FY19. Finally, the American Rescue Plan Act extends the percentage spending

### Elementary and Secondary School Emergency Relief Fund

	CARES Act	CRRSA Act	American Rescue Plan Act	Total
School District and Charter School Allocations	\$97,717,307	\$392,344,774	\$881,150,630	\$1,371,212,711
PED Set-Aside	\$10,857,479	\$45,593,864	\$97,905,626	\$154,356,969
Total	\$108,574,786	\$437,938,638	\$979,056,256	\$1,525,569,680

In addition to the elementary and secondary emergency relief fund, New Mexico will receive funding from the governor's emergency education relief fund, which can be used for early childhood education, elementary and secondary education, and higher education. This includes \$22.3 million from the CARES Act and \$27.1 million from the CRSSA Act, of which \$17.3 million is for assistance to non-public schools. The ARP Act includes an additional \$19.6 million for assistance to non-public schools.

Source: National Conference of State Legislatures

requirement from the CRSSA Act through FY23. These requirements are called “maintenance of effort.”

In addition, the American Rescue Plan Act limits reductions in per-pupil allocations to the highest poverty school districts and state-chartered charter schools and requires local school districts with more than 1,000 students to ensure that per-pupil funding is not disproportionately reduced in high poverty schools. The law labels these provisions as “maintenance of equity.”

New Mexico has consistently prioritized funding for public education in recent years, making it likely the state will meet the maintenance-of-effort requirement included in the CARES Act and the CRRSA Act. However, the requirements included in the American Rescue Plan Act go further into controlling state allocations to individual school districts and charter schools, a process typically governed by New Mexico’s public school funding formula. PED and legislative staff will need to monitor these requirements during the interim to allow the Legislature to understand any potential shortfalls that could jeopardize the receipt of federal funds or lead to a state liability similar to those caused by failure to meet special education maintenance of effort requirements under the Individuals with Disabilities Education Act in FY11 through FY14.

Although Covid-19 continues to threaten the public education system, the Legislature has continued its focus on supporting a diverse, well-prepared, and professionally supported educator workforce through policy adjustments and sustained investments reflected in the FY22 budget. Prior to the pandemic, New Mexicans and state leaders were in the process of examining public school staffing challenges and implementing changes needed to meet students' needs. Effects of the public health emergency on the educator workforce are currently unknown; education professionals continue to adapt to fluctuations in expectations. The *Martinez* and *Yazzie* consolidated education sufficiency lawsuit and ongoing research emphasize the important role teacher quality has on student outcomes.

House Memorial 18, passed by the House of Representatives, requires the Public Education Department (PED) and the Higher Education Department (HED) to convene and co-chair a Teacher Workforce Task Force to develop a comprehensive teacher workforce strategic plan. To establish the plan, the task force is required to study the current and future needs of students, faculty capacity of educator preparation programs, teacher licensure, culturally and linguistically relevant professional development, and other elements that affect the educator workforce.

## Educator Compensation and Benefits

Research has shown competitive teacher compensation is positively associated with student outcomes and has a more significant impact on lower-achieving students and those from low-income families. Public schools with the financial resources to offer competitive pay and benefit packages can recruit and retain a high-quality teacher workforce.

### Educator Pay

Within the *Martinez-Yazzie* lawsuit findings and conclusions, the court highlighted testimony from across the state that stressed the need to retain, recruit, and support educators. A popular strategy to address the staffing shortfalls of New Mexico's classrooms has been to increase compensation for teachers, and the Legislature has focused on educator pay since the early 2000s. Although average pay for New Mexico teachers grew twice as fast in FY20 than any other state, New Mexico's average teacher salary is still lower than other states in the region. The General Appropriation Act of 2021 (GAA) includes a \$35.1 million appropriation to the state equalization guarantee (SEG) and \$604 thousand to transportation funding for distribution to school districts and charter schools to provide a 1.5 percent salary increase for public school personnel. The Legislature originally included language for these appropriations that gave school districts and charter schools the flexibility to allocate pay increases across staff as long as they could demonstrate the average salary increase totaled 1.5 percent. The governor vetoed the average language, effectively requiring all employees receive a 1.5 percent increase. In the past, superintendents have explained flexibility allows public school administrators to target increases based on local priorities, such as recruiting for hard-to-fill positions. This increase is aligned with the increase approved for other state government employees, including those at public higher education institutions.

**History of Teacher Pay Appropriations**  
(in millions)

	FY18	FY19	FY20	FY21	FY22
Appropriations to SEG for pay increases		\$31.3	\$77.8		\$35.1
Pay Increase		2.5%	6%		1.5%
Appropriations to increase teacher minimum salaries based on licensure level		\$17.61	\$38.21		

Note: No pay increases were funded in FY18 and FY21.

Source: LESC

### Insurance Benefits

The Legislature appropriated \$13.8 million in recurring general fund revenue to the SEG to cover increases in the employer portion of insurance premiums, sufficient for a 7 per-

Between FY18 and FY21, risk insurance premiums for public schools increased by an average of 9 percent. Risk premiums are impacted by costly claims and the New Mexico public school system has had to pay high claims for instances of ethical misconduct against students committed by school personnel. Chapter 94 (House Bill 128) increases reporting requirements, improves hiring practices, and requires training to reduce educator misconduct in public schools.

The Covid-19 public health emergency brought attention to paid sick leave access in the workplace and extra leave for circumstances related to a pandemic. Competing proposals were considered that created minimum thresholds for paid sick leave policies. A sample of school district paid sick leave policies in New Mexico showed most policies provide more generous leave than what was considered. Although public employees were taken out of the Healthy Workplaces Act (Chapter 131, House Bill 20), the GAA requires school districts and charter schools to offer in-person employees the same paid sick leave or expanded family and medical leave required of private employers under the federal Families First Coronavirus Response Act. Under these provisions, employees are eligible for two weeks of paid sick leave or up to 10 additional weeks of paid expanded family and medical leave for qualified reasons related to Covid-19. The GAA stipulates PED shall not approve an operating budget of any school district or charter school that does not offer these benefits. Federal funding can be used for this purpose.

cent increase to health insurance premiums. The appropriation does not include an increase for property and liability insurance premiums. Although the Public Schools Insurance Authority (NMPSIA) and PED requested funding to cover a 9.3 percent increase in healthcare premiums, NMPSIA recently announced FY22 health premium increases of only 5.7 percent.

### Changes to the Educator Retirement System

Following an actuarial analysis of the pension plan offered by the Educational Retirement Board (ERB), ERB's board of trustees requested the Legislature increase employer contributions to the fund by 4 percentage points to ensure the system remains solvent. Chapter 44 (Senate Bill 42) will increase employer contributions by 1 percentage point a year in FY22 and FY23. By the end of FY23, ERB-covered employers will be required to contribute 16.15 percent of their salary to the fund, instead of the current rate of 14.15 percent. The GAA includes a \$34 million appropriation to the Department of Finance and Administration (DFA) for school districts, charter schools, higher education institutions, and other ERB-covered employers to cover the cost of this provision, with an estimated \$21.7 million allocated to school districts and charter schools. Typically, funding for pension plan contributions, both employer and employee, is included in the SEG appropriation and distribution to school districts and charter schools through the funding formula, with the additional funds increasing the amount distributed per funding unit. For FY23 and subsequent fiscal years, the public school share of the \$34 million appropriation will need to be "rolled" into the SEG appropriation for distribution to school districts and charter schools. If distributed outside the funding formula for FY22, this change could lead to a redistribution of funds in FY23. LESC staff met with DFA analysts and they were unsure, as of late April 2021, how funds will be distributed in FY22 to school districts and charter schools.

In addition, Chapter 44 extends the return-to-work program for ERB members from January 2022 to January 2024. Program provisions allow ERB-covered employees to return to employment after retirement

without suspending their retirement if they sit out for one year and pay nonrefundable contributions to the educational retirement fund when they are reemployed. To combat ongoing classroom vacancies, school districts and charter schools may use this pool of qualified educators to help with staffing, but ERB has found continuing service – and earning additional service credits – may yield a higher benefit for members in the long term than retiring and then returning to work.

## Teacher Preparation

Court findings in the consolidated *Martinez-Yazzie* education sufficiency lawsuit noted the state must provide sufficient resources, including properly trained teachers, to meet the needs of at-risk students. The Legislature continues to support teacher preparation for diverse candidates and evidence-based strategies for high-quality preparation, including state-funded teacher residencies and grow-your-own programs that help school employees attain teacher credentials.

### Teacher Preparation Financial Aid

The Legislature continues to work on eliminating financial barriers for individuals to enter into teaching, with an emphasis on diversifying the educator workforce and fill-

ing high-need teacher positions. The Teacher Preparation Affordability Act, a scholarship program for teacher candidates created during the 2019 legislative session, provides need-based scholarships prioritized for English learner and minority students pursuing an education degree, as well as students intending to work in high-need teaching positions. The GAA of 2021 includes an appropriation of \$5 million from the teacher preparation affordability fund to the Higher Education Department (HED) to be distributed to colleges with educator preparation programs for scholarships. Additionally, the GAA includes a \$20 million transfer from the general fund into the teacher preparation affordability fund to support awards in future years. Individual awards can total up to \$6,000 per year for up to five years. At this funding level, this investment can support up to 833 students per year, including new scholarship recipients and students who received awards in previous years.

HED received a \$2 million appropriation from the teacher loan repayment fund for FY22 teacher loan repayment program awards. The program provides student loan repayment grants targeted to teachers licensed in bilingual, early childhood, science, technology, engineering, mathematics, career technical, or special education programs. HED is authorized to pay off up to \$6,000 per year of student loans for eligible New Mexico teachers. With the current investment, HED could support over 300 teachers per year through this program. Additionally, the GAA includes a \$5 million transfer from the general fund to the teacher loan repayment fund for future awards.

### Grow-Your-Own Teacher Scholarship

The grow-your-own teachers scholarship provides eligible educational assistants pursuing a teaching degree a scholarship of up to \$6,000 per year for a maximum of five years and grants them professional leave to pursue this coursework. The GAA includes \$500 thousand to HED from the public education reform fund for awards in FY22. Chapter 11 (House Bill 22) expands eligibility for potential grow-your-own teacher scholarship recipients, allowing public school employees who have worked directly with students for two years to qualify for a scholarship. The law also expands eligibility to those who have been authorized to work in the United States, instead of requiring participants to be U.S. citizens. Further, the law adjusts the professional leave component of the program to minimize disruption with the school day and allows employers to require the scholarship recipient to make up work hours missed. The law amended Section 22-10A-17.1 NMSA 1978 to provide similar professional leave to educational assistants pursuing a teacher degree who are not grow-your-own scholarship recipients. The impact of the professional leave allowed in the law must be closely monitored to ensure changes do not negatively impact staffing, particularly during the student teaching period required during teacher preparation.

### Other Professional Supports

Lack of support in the teaching profession contributes to turnover, and research shows underpreparation of teaching candidates affects teaching quality. Research has demonstrated the value of teacher professionalism, with top-performing countries providing teachers ongoing opportunities for professional development and peer collaboration.

PED received a \$1 million appropriation from the public education reform fund to continue the state-funded teacher residency pilot program, an evidence-based strategy for high-quality teacher preparation. Started in FY20, programs require a teacher resident to teach alongside an expert teacher for a full academic year, undertake rigorous licensure coursework, and receive financial support to teach, among other elements.

#### Teacher Loan Repayment Program FY15 - FY21

Teacher Loan Repayment Year	# of Applicants	# Awarded
2014-2015	67	10
2015-2016	153	10
2016-2017	171	9
2017-2018	107	12
2018-2019	128	8
2019-2020	199	184
2020-2021	300	<i>In Process</i>

Source: HED

The GAA includes an \$84.5 thousand general fund appropriation to HED’s Policy Development and Institutional Finance Oversight program for English-learner teacher preparation.

Eastern New Mexico University (ENMU) will receive a general fund appropriation of \$108 thousand for teacher education preparation programs and \$91 thousand for the Greyhound Promise scholarship program. This scholarship program is available to ENMU teacher education program students and those who commit to teaching in New Mexico for four years.



PED received a \$500 thousand appropriation for FY22 to provide national board certification financial assistance to teachers who meet specific program requirements established in FY21. The GAA includes a nonrecurring general fund transfer of \$5 million to the national board certification fund to support scholarships in future years. National board certification has shown to have a positive impact on student outcomes.

Ten regional education cooperatives across the state will receive general fund appropriations that total \$1.03 million. These entities generally provide professional development, technical assistance, and other supports to school districts.

## Professional Development

Professional development opportunities and access vary across the state. In New Mexico, professional development programs are provided through state and federal funds and grant programs. The Legislature continues to appropriate funding to PED to support professional development in different content areas. For FY22, the Legislature appropriated \$11 million for PED-administered professional development programs for different professionals, over half of the \$19.9 million in total special appropriations to PED. PED received a recurring \$1.7 million general fund appropriation for early literacy and reading support. PED indicated this funding will continue to support training additional teachers in structured literacy. The GAA also includes a recurring \$2.5 million appropriation to PED for professional development for principals. In the department's budget request, PED said the funding will support 150 school leaders through RISE, previously named Principals Pursuing Excellence, to implement strategies around data-driven instruction, school culture of learning, observation, and feedback. PED intends to use a \$2.9 million appropriation for teacher professional devel-

opment to support early career and alternative licensure teachers to improve classroom instruction. The GAA includes language that allows a school district or charter school to submit an application for an allocation from PED's teacher professional development appropriation to support mentorship and professional development. The language stipulates PED must prioritize awards to school districts or charter schools that meet the requirements of Section 22-10A-9 NMSA 1978, the beginning teacher mentorship statute. PED will receive a recurring \$1 million general fund appropriation to help low-income students pay for Advanced Placement (AP) test fees and support teacher professional development in exam preparation pedagogy. The department will also receive \$3 million for the STEAM –science, technology, engineering, arts, and math – initiative that will support implementation of mathematics, science, and computer science through professional development and technical assistance.

## Mentorship

New Mexico is one of 29 states that require mentorship programs for beginning teachers. Research has shown first-year teachers assigned a mentor are more likely to return the following year. Continuing an investment from FY21, the Legislature appropriated \$11 million through the SEG for beginning mentorship programs. For the second year in a row, the GAA included requirements for PED to evaluate how school districts, charter schools, and individual schools are using new teacher mentorship funding in the public school funding formula. The governor vetoed language that required PED to report findings and recommendations from this work to LESC and LFC. For FY21, PED reported vast differences in school district's and charter school's mentorship plans and suggested mentorship regulations may be revisited during FY22 to determine how to evaluate the effectiveness of mentorship programs. School districts and charter schools were required to submit mentorship plans, but PED did not require entities to report how many teachers were served by these programs in FY21.

## Licensure and Professional Responsibility

### Licensure Changes

Current law establishes a broad licensure framework for classroom teachers and allows PED to develop more specific requirements based on subject matter and program type through the administrative rulemaking process. The absence of licensure changes

to address some of the findings in the *Martinez-Yazzie* lawsuit led a few lawmakers to propose specific changes in the Public School Code. For example, Chapter 102 (House Bill 188) requires PED to create a license endorsement in secondary computer science by December 31, 2021. Research shows computer science instruction is a strategy to ensure students are college and career ready, a responsibility of the public school system identified by the court. Chapter 140 (Senate Bill 377) includes a general fund appropriation of \$75 thousand to PED to develop a secondary computer science teacher license endorsement.

The court found in the *Martinez-Yazzie* lawsuit too many New Mexico classrooms are taught by inexperienced teachers. At the beginning of the 2020-2021 school year, the majority of newly admitted teacher preparation program students were in alternative license programs, which require very little preparation prior to being the teacher of record in a classroom. Chapter 129 (House Bill 266) adds an additional 15-week student teaching requirement for candidates participating in an alternative license program for special education. PED has until July 1, 2022, to implement this new licensure requirement.

### Addressing Ethical Misconduct in Schools

Chapter 94 (House Bill 128) increases the responsibility of school personnel to report instances of ethical misconduct involving students, including instances of sexual misconduct, by school volunteers, employees, or contractors. The bill also requires more cross-reporting among employers to identify past patterns of ethical misconduct with children in professional settings to prevent the national trend of “passing the trash.” This phenomena results in individuals suspected of misconduct moving from school to school without being detected. The legislation also requires more investigations of reported ethical misconduct and trainings on new professional responsibilities and prevention.

### Leader and Educator Quality

A growing body of research confirms the quality of principals and teachers has an effect on student outcomes and the *Martinez-Yazzie* lawsuit found effective leaders and instructors matter. Progress toward creating a way to measure the current effectiveness of leaders and teachers in New Mexico classrooms over the past several years has been stunted by implementation delays of the new evaluation system. PED plans for the new teacher evaluation system to be in place for the 2021-2022 school year and is in the process of forming a principal evaluation task force. For FY22, the Legislature appropriated \$1 million to PED from the public education reform fund to support the educator evaluation system.

House Memorial 57, passed during the 2019 legislative session, directs PED to convene a task force to identify issues of concern regarding the investigation, reporting, and documentation of ethical misconduct within the public school system. The Public School Insurance Authority reports \$80 million in insurance pay-outs associated with claims on improper touching since 1987 and notes an average of 9.5 claims per year from New Mexico public schools covered under NMPSIA. NMPSIA and PED recently released a request for proposal to start developing the trainings required in House Bill 128.

Chapter 94 (House Bill 128) updates and expands the “ethical misconduct” definition in the Public School Code. According to this definition, “ethical misconduct” is when school district personnel, school employees, contractors, or volunteers engage in discriminatory practice based on protected classes, sexual misconduct or a sexual offense, fondling a child or student, or any behavior that is reasonably apparent to result in inappropriate sexual contact with a child or student.

# Early Childhood

The Legislature during the 2021 legislative session demonstrated its continuing commitment to early childhood education as a mechanism to narrow the achievement gap between students from low-income backgrounds and their more affluent peers. For the fiscal year that starts July 1, the Legislature focused on maintaining investments

and creating additional funding streams for the state's earliest learners. Since 2019, New Mexico's early childhood education and care system has changed dramatically with the formation of the Early Childhood Education and Care Department (ECECD). New Mexico has one of just four cabinet-level state early childhood departments in the country.

**FY21 and FY22 Early Childhood Program Funding**  
(in millions)

	FY21	FY22	Funding Increase	Percent Change
<b>Early Childhood Education and Care Department</b>				
Child Care Assistance	\$158.4	\$154.4	\$(4.0)	-2.5%
Home Visiting	\$34.4	\$46.9	\$2.5	36.3%
Early Childhood Professional Development	\$6.7	\$9.5	\$2.8	41.8%
Family, Infant and Toddlers Program (FIT)	\$60.2	\$60.8	\$0.6	1.0%
Prekindergarten	\$1.2	\$56.7	\$5.5	10.7%
<b>Public Education Department</b>				
Prekindergarten	\$48.8	\$49.8	\$1.0	2.0%
K-5 Plus	\$79.9	\$119.9	\$40.0	50.1%
Early Literacy Initiative	\$9.7	\$9.7	\$-	0.0%
<b>Total</b>	<b>\$449.3</b>	<b>\$507.7</b>	<b>\$58.4</b>	<b>13.0%</b>

Note: Columns do not add up to total due to rounding.

Source: LFC

## Early Childhood Program Funding

Research shows a child's earliest learning experiences have a lifelong impact on future emotional, social, and academic learning. Consequently, the Legislature continues to invest in early childhood education. As New Mexico has grown its investment in early childhood education from \$136.5 million in FY12 to \$507.8 million in FY22, conversations have focused on the need for an earmarked

source of funding for early childhood education. During the 2020 legislative session, the early childhood endowment fund – a long-term, revenue-producing asset for early childhood education was created. This year, during the 2021 regular legislative session, the Legislature passed a proposed constitutional amendment to increase the annual distribution from the land grant permanent fund to provide additional funding for early childhood education. The GAA of 2021 increases general fund appropriations for early childhood programs by 11.5 percent over FY21 spending. The increase includes appropriations for childcare assistance; the parent support program provided through home visits; early childhood professional development; prekindergarten, including early prekindergarten and mixed-age pilot programs; the K-5 Plus extended school year program; and the Family, Infant, Toddlers (FIT) disability intervention program. Across all funding sources, appropriations for these programs totaled \$507.8 million for FY22.

### Early Childhood Education and Care Fund

LFC reports funding provided in FY20 and FY21 allowed the state to serve more than 80 percent of 4-year-olds, a share generally considered to be universal access, in early childhood education and care programs defined as prekindergarten, Head Start, and highly ranked childcare programs.

The first distribution from the early childhood education and care fund in FY22 totaled \$20 million. The distribution will support prekindergarten programs, home-visiting programs, and professional development for early childhood educators. The Legislature transferred \$20 million from the general fund to the early childhood education and care fund in the GAA of 2021. However, the governor vetoed this transfer stating the Legislature does not have the authority to direct the administration of federal funds.

## Additional Permanent Fund Distribution for Early Childhood Education

In prior legislative sessions, lawmakers introduced bills to increase annual distributions from the land grant permanent fund (LGPF) for early childhood education and care service, but proposals were met with concerns about reducing the principal of the investment fund, thereby reducing its earning potential, and the legality of tapping the fund for early childhood education and care services not administered by public schools, which are not among the beneficiaries of the fund established in state and federal law. During the 2021 legislative session, the Legislature passed House Joint Resolution 1 (HJR1), a proposed constitutional amendment that would increase annual distributions from the LGPF if approved by voters. The proposed constitutional amendment will appear on the ballot at the next general election or at any special election prior to that day that may be called for that purpose.

If approved by voters, HJR1 would amend Article XII, Section 7, of the New Mexico Constitution to increase annual permanent school fund distributions from the LGPF by an additional 1.25 percent. HJR1 requires 60 percent of the additional amount be designated for early childhood education and 40 percent of the additional amount be allocated to public schools. The additional 1.25 percent distribution of the average of year-end market values of the LGPF for the immediate preceding five calendar years is currently estimated to generate an additional \$245.7 million distribution in FY23 if approved at that time by voters and Congress. Under HJR1's specified percentages, this would provide an additional \$126.9 million for early childhood education and \$84.6 million for public schools to enhance instruction for students at-risk of failure, extend the school year, and compensate public school teachers.

Despite this potential influx of new money for early childhood education, it may not be enough to meet ECECD's specified need. ECECD estimates an additional \$500 million is needed to fully fund early childhood education in New Mexico. The department noted this additional amount would provide universal access to prekindergarten, home-visiting programs, and FIT, along with increasing pay parity in the early childhood workforce. Although the proposed increased LGPF distribution for early childhood education will not go directly to ECECD, the department has not provided details on how it would advocate the money be spent should voters and Congress approve the constitutional amendment.

### Prekindergarten

State-funded prekindergarten for 3- and 4-year-old children is administered by ECECD in cooperation with the Public Education Department (PED). Overall, prekindergarten funding increased by 12.9 percent for FY22; appropriations for prekindergarten services administered by PED increased by 2.2 percent and appropriations for prekindergarten services administered by ECECD increased by 10.7 percent. In total, the Legislature appropriated about \$100 million in prekindergarten funding, enough funding for 7,129 public school prekindergarten students and 6,469 community-based prekindergarten students.

In addition to appropriations for prekindergarten and other early childhood education programs, the Legislature made significant investments in K-5 Plus, a program providing 25 additional instructional days for elementary school students. See "**Student Supports**" section.

Not including the \$30 million in federal Coronavirus Aid, Relief, and Economic Security Act funds received in 2020, the Early Childhood Education and Care Department will receive \$406.3 million in federal Coronavirus Response and Relief Supplemental Appropriations Act and the American Rescue Plan Act funds over the next year. Although detailed federal guidance on how the money must be spent has yet to be released, the state must spend all funds by the end of the federal FY24 on September 30, 2024.

Chapter 140 (Senate Bill 377) appropriates \$50 thousand for the Southwest Region Council of Governments Community Partnership for Children to provide continued services to early childhood education centers, home-based care, home visiting, and the family, infant, toddler program.

## Early Literacy

The percent of all third graders achieving proficiency on New Mexico's standards-based assessment remains below 30 percent, according to the most recent academic achievement data. In addition, on New Mexico's standards-based assessment in FY19, third graders from economically disadvantaged backgrounds performed 24 percentage points below their more affluent peers in achieving reading proficiency. Exacerbating this already existing reading proficiency gap, LFC reports spring 2020 school closures in response to Covid-19 are projected to have cost New Mexico students four months to more than a year of learning. The vast majority of students remained in remote learning through fall 2020 and early spring 2021; although remote instruction improved this fall, it remains an inadequate substitute for in-person education. The scale of the achievement gap was a focal point in the Martine-Yazzie education sufficiency lawsuit and remains a focus of the Legislature.

The GAA includes an appropriation of \$796.9 thousand to New Mexico State University to provide funding for the Anna, Age Eight Institute, working to prevent adverse childhood experience (ACEs) in New Mexico, for the data-driven prevention of childhood trauma and maltreatment.

ACEs are defined as 10 potentially traumatic experiences that fall into the categories of abuse, neglect, and other household challenges that occur before a child reaches their 18<sup>th</sup> birthday.

### Early Literacy Assessments

Although it did not pass, House Bill 221 would have required the use of an observational tool to assess the early literacy skills of kindergarten through second-grade students. This observational tool would have required the inclusion of developmental milestones, essential skills, social-emotional skills, and academic standards. ECECD advocated that observation-based tools provide the opportunity to assess children in settings that are familiar and non-threatening and allow children of different abilities, languages, and backgrounds to demonstrate their learning. Prekindergarten and kindergarten teachers are already provided with an observational tool to support student learning. It is unclear if House Bill 221 sought to replace Istation – a standardized literacy assessment with longitudinal data currently available to all elementary school teachers – or add an additional literacy assessment. If observational assessments for literacy are discussed in the future, policymakers should consider mandating both a standardized and observational assessment. This will provide teachers, school leaders, and legislators with quantitative and qualitative data to assess student progress and target supports appropriately.

### Early Literacy Funding

The GAA of 2021 includes \$9.66 million in general fund appropriations to support early literacy. Of this total, \$8 million of the state equalization guarantee distribution (SEG) will be for school districts and charter schools to provide evidence-based structured literacy interventions – a systemic approach to reading and writing instruction – to improve reading and writing achievement for kindergarten through second grade students. The \$8 million of the SEG is not a new appropriation but is a continuation of a FY21 appropriation. The additional \$1.67 million in nonrecurring general fund revenue is for a statewide early literacy initiative to improve literacy outcomes for all students through structured instruction and professional learning for educators.

PED staff indicate, for FY22, the \$1.67 million nonrecurring appropriation will be used to support a literacy initiative that focuses on structured literacy. The funds will train 2,500 kindergarten educators on a structured literacy and provide additional supports to dual-language educators and content area teachers.

The Legislature's continuing efforts to address the issues raised in the consolidated *Martinez-Yazzie* ruling and provide targeted students supports to address challenges exposed by the Covid-19 pandemic served as a prominent backdrop to much of the proposed legislation related to education. The Legislature heard bills with equity as an overarching theme that sought to enhance curricula, increase funding for Native American education, expand opportunities for at-risk students, provide students culturally and linguistically appropriate programming and services, and strengthen PED's oversight role. Additionally, the Legislature introduced measures addressing student supports, including ways to address learning loss caused by school closures and remote learning, a focus on the potential holistic benefits of community schools, and individualized supports for military-connected students.

## At-Risk Students

During the 2021 legislative session, several bills sought to enhance programming and opportunities for at-risk student groups, including Native American and Hispanic students and students with disabilities. For example, Chapter 51 (House Bill 43), creates the Black Education Act. Other bills seeking to add statewide structures to improve special education included strengthening oversight and creating an advocacy mechanism for parents of special education students, but only House Bill 222, the Special Education Ombud Act, was enacted into law (Chapter 53). The Legislature also approved a new pilot program, allocating an additional source of funding for services to at-risk students in FY22.

## Native American Education

Although the Indian Education Act, enacted in 2003, and the resulting Indian education fund were intended to improve outcomes for Native American students by ensuring access to equitable and culturally relevant instructional materials and learning environments, the state has made little progress in realizing these intended results. Native American students have historically experienced the largest achievement gap next to students with disabilities.

Recognizing the importance of the tribal remedy framework and of improving outcomes for Native American students, the Legislature appropriated more than \$20 million to support Native American students. This includes \$5.3 million to the Indian education fund, level with that of FY21 but more than twice as much as the annual appropriation from FY15 through FY19, and \$5.1 million to PED for bilingual, multicultural, indigenous, special education initiatives, any portion of which the department could use to support Native American students. Given the elimination of the Impact Aid credit in the public school funding formula, which will mean additional funds for public schools serving large numbers of Native American students, PED may want to reconsider how it uses its Indian education funding. In FY21, PED used \$2.6 million of its \$5.3 million Indian education fund appropriation to make grants to school districts and charter

House Memorial 24 requests PED, with the assistance of outside experts, to study and develop a new at-risk index in the public school funding formula that is calculated at the school level and takes into account demographic data for subgroups associated with the ruling in the *Martinez-Yazzie* lawsuit.

House Bill 131, seeking to establish an assistant secretary of Hispanic education at both PED and the Higher Education Department, only passed the House.

In FY19, the most recent year of statewide standardized testing, 25 percent of Native American students were proficient in reading compared with 34 percent of all students, and 12 percent were proficient in math compared with 20 percent of all students.

House Memorial 26 requests PED develop a comprehensive education plan jointly with the *Martinez-Yazzie* plaintiffs no later than September 30, 2021, to address the systemic education inequities and deficiencies identified by the court in the consolidated *Martinez-Yazzie* lawsuit. HM26 requests PED provide the Legislature an annual report on implementation of the comprehensive education plan and constitutional compliance to provide at-risk students with a uniform and sufficient education.

schools to support Native American students. Many of the school districts and charter schools that receive these grants will be receiving significantly more formula funding from the state beginning in FY22, which will allow PED to redirect much of the funds allocated to school districts and charter schools to other initiatives to support Native American students.

In addition, Chapter 140 (Senate Bill 377) includes the following nonrecurring appropriations for FY21 through FY23:

- \$4.5 million from the public school reform fund for tribal education departments in each of New Mexico's 23 tribes, nations, and pueblos to develop and implement education blueprints and governance structures, engage in collaboration with school districts, and plan and deliver community-based education programs and social support services for Native American students;
- \$4.5 million from the public school reform fund for tribal libraries in each of New Mexico's 23 tribes, nations, and pueblos to develop and staff culturally and linguistically relevant after-school student services and community-based summer programs; and
- \$1.6 million of general fund revenue to PED for tribally based Native American language programs to plan and develop programs; recruit, train and certify language teachers; coordinate curriculum and materials development; and develop culturally and linguistically appropriate student, teacher and program assessments and evaluations.

These appropriations closely reflect many of the priorities contained within the tribal remedy framework. Developed in response to the findings in the consolidated *Martinez-Yazzie* lawsuit, the tribal remedy framework offers a series of proposals representing tribal priorities on how the state should address the shortcomings identified in the court's ruling, including enhancing support for tribal departments of education and ensuring their collaboration with school districts, establishing a pipeline for Native American teachers, funding the development of culturally and linguistically relevant early childhood curricula, and supporting tribal libraries' outside-of-school-time community-based programs. However, many of the spending proposals within the framework do not address public education and may not align with the statutory intent of the public education reform fund.

The GAA includes a nonrecurring appropriation of \$400 thousand from the public education reform fund to PED, and Chapter 140 (Senate Bill 377) includes a \$150 thousand nonrecurring general fund appropriation to PED to support implementation of the Black Education Act.

Chapter 37 (House Bill 29) and Chapter 19 (Senate Bill 80 ) add a new section to the Public School Code to prevent school districts and charter schools from imposing discipline, discrimination, or disparate treatment against a student based on race, religion, or culture or due to a student's use of protective hairstyle or cultural headdresses, effective July 1, 2021.

## African American Students

Educational outcomes for African American students, comprising 2 percent of public school students statewide, historically have lagged behind those of students from other racial and ethnic groups in proficiency rates, high school graduation rates, and postsecondary enrollment and degree-attainment rates. Chapter 51 (House Bill 43), the Black Education Act, creates a new section of the Public School Code creating a Black Education Advisory Council and a Black education liaison position to advise the department on policy and programs related to the education of African American students and serve as a resource for schools to improve educational outcomes and experiences for African American students, beginning in the 2021-2022 school year. In addition to preparing

an annual Black education status report, the chief responsibilities of the council and liaison are to

- Prepare papers on current research on methods and practices to improve educational outcomes and experiences for African American students;
- Develop and promote curricula that demonstrate cultural awareness and racial sensitivity; and

- Collaborate with the Higher Education Department and postsecondary institutions to improve Black education and teacher preparation programs by recruiting and retaining African American educators.

The Black Education Act requires school discipline policies to define and prohibit racialized aggression involving a student or staff member and mandates every school district and charter school have a hotline for reporting racially charged incidents or racialized aggression. The act also amends the School Personnel Act, creating a new section that requires all school personnel to take annual online anti-racism, racial awareness, and sensitivity training on creating and fostering an equitable and culturally responsive learning environment for minority students.

## Students with Disabilities

Persistent gaps exist in academic outcomes between students with disabilities and their peers throughout the state. In FY19, the most recent year of statewide standardized testing, 12 percent of students with disabilities scored proficient in reading and 8 percent in math, compared with 34 percent and 20 percent, respectively, of general education students.

To provide additional oversight for special education programs in the state, Chapter 53 (House Bill 222), the Special Education Ombud Act, establishes the Office of the State Special Education Ombud within the Developmental Disabilities Planning Council (DDPC), creating the first state-level ombudsman in New Mexico dedicated solely to the needs and concerns of special education children or students. The bill authorizes DDPC to appoint the state special education ombudsman to head the office and supervise staff. The office is charged with identifying, investigating, and resolving concerns pertaining to special education and assisting students and parents in protecting the educational rights of students. Chapter 140 (Senate Bill 377) included a \$250 thousand nonrecurring general fund appropriation to DDPC for the statewide special education ombudsman in FY22.

The act requires the Office of the State Special Education Ombud to collaborate with PED to address concerns and to identify further appropriate actions to be taken in response to reported concerns, including a corrective action plan or any other administrative action PED is authorized to take to ensure students receive the education they are entitled to pursuant to the federal Individuals with Disabilities Education Act and the state constitution. The act requires the office to prepare an annual report that includes actions it has taken, student and parental concerns, resolutions, and effectiveness of the resolution processes, and recommendations for improving the quality of special education services and protecting students' educational rights. It also requires every public school providing special education services to post a notice about the Office of the State Special Education Ombud with a description of the office's services and contact information in the school and on its website, if applicable, in addition to distributing information about the office at the beginning of every school year and prior to the first individualized education program meetings each school year.

## Family Income Index Act

Funding for services to at-risk students has been a high priority for the Legislature in recent years, but several stakeholders have raised concerns the current system does little to ensure funds make it to the students who generate the dollars. Generally, states rely on proxies for family income to allocate funding, and New Mexico's funding for-

House Bill 287 would have required PED to convene a Social Services in Public Schools Task Force to assess students' access to culturally appropriate social services to address student social, emotional, physical, and behavioral health. The governor vetoed HB287, indicating PED did not need a statutory requirement or additional funding to accomplish the work and vowed to direct the department to establish an ad hoc task force that will report its findings and recommendations by December 31, 2021.

In 2020, 16.6 percent, or 57,417 of New Mexico's public school students were identified as having learning disabilities, higher than the national rate of 13.8 percent.

Chapter 140 (Senate Bill 377) appropriates \$150 thousand for the Best Buddies program to foster friendships between students with and students without intellectual and developmental disabilities.

Senate Bill 289 would have created a new Special Education Division and assistant secretary for special education within PED and created a statewide autism spectrum registry. SB289 passed the Senate but did not receive a vote on the House floor.



Some stakeholders and previous legislative staff recommendations have suggested using eligibility rates for free or reduced-fee lunches when allocating funding for at-risk services, but data at the national level and from PED suggest available data significantly overstate the percentage of the population eligible based on income guidelines. While PED reports 73 percent of students are “economically disadvantaged,” family income index data shows only 51 percent of students are living in households below 185 percent of the federal poverty level, the threshold set by the federal government.

Provisions of the Family Income Index Act require school districts and charter schools to report to PED on how the interventions funded by the family income index have improved student outcomes and PED is required to evaluate programs and report its finding to LFC and LESC.

mula uses eligibility under Title I of the federal Elementary and Secondary Education Act to stand in for the percentage of low-income students. But this makes it impossible to calculate the number of at-risk students at each public school, making it difficult to fund services for students enrolled in charter schools and to ensure local school districts are allocating at-risk funds in an equitable manner.

Chapter 18 (Senate Bill 17) authorizes a new pilot program to use data from the Taxation and Revenue Department, the Human Services Department, and census data to develop a “family income index” for each public school, based on actual family income data, where possible. PED will then rank schools from those with the most students in household below 130 percent of the federal poverty level to those with the fewest students in those households. School districts and state-chartered charter schools with at least one school in the top half of the ranked list will be eligible for additional funding to provide services designed to close the achievement.

Generally, schools would need to spend one-third of the additional funding to provide structured literacy interventions shown to improve student outcomes in reading and writing; one-third for evidence-based mathematics instruction or intervention, including programming to support the college and career readiness of at-risk students, dual and concurrent enrollment programs, and career technical education programs; and one-third for other authorized uses of at-risk index funding. However, a school district that receives an award of less than \$40 thousand will be able to use the funding on any intervention authorized by the law.

The General Appropriation Act of 2021 (GAA) includes a \$30 million appropriation to implement the Family Income Index Act, with \$15 million authorized for FY22 and \$15 million authorized for FY23. Awards will be based on the school’s proportion of low-income students in eligible schools, with a minimum award of \$20 thousand. Although not explicitly stated in the law, testimony from PED revealed the department intends to operate the program as a two-year pilot project and evaluate how each public school used its allocation and the impact on student outcomes.

## Additional Instructional Time

A Legislative Finance Committee (LFC) report estimates a learning loss of between four and 12 months for students due to spring 2020 school closures. National research shows remote learning is on average less effective than in-person learning, and students who come from low-income backgrounds struggle even more with online learning. With the vast majority of students in New Mexico remaining in remote learning settings through the spring 2021 semester, the LFC report predicts New Mexico’s existing achievement gap will widen.

The Legislature passed a potential new funding source for programs extending learning time, House Joint Resolution 1 (HJR1). If voters approve HJR1, which establishes an additional 1.25 percent distribution of the portion of the land grant permanent fund for the common schools, 40 percent, or an additional distribution of 0.5 percent, must be allocated to public schools to enhance instruction for students at-risk of failure, extend the school year, or compensate teachers. The Legislature could consider allocating the additional revenue to programs that extend learning time for students.

Providing evidence-based programs could help mitigate this learning loss. Programs that extend learning time have been a pillar of the Legislature’s education reform efforts since the court’s ruling in the *Martinez-Yazzie* education sufficiency lawsuit. The plaintiffs in the lawsuit noted the importance of programs that extend learning time, stating “evidence demonstrates money spent on classroom instruction programs such as K-3 Plus, extended school year, and quality teachers can all improve the performance of at-risk students and overcome the gap caused by their back-

grounds.” In response, the Legislature created two new funding formula components during the 2019 legislative session, K-5 Plus and Extended Learning Time Programs, to provide funding to school districts and charter schools to increase instructional time. However, program implementation has remained slow.

Recognizing the importance of extending learning time to help with Covid-19 related learning loss, the Legislature prioritized K-5 Plus and Extended Learning Time Programs funding. The combination of appropriations for K-5 Plus and Extended Learning Time Programs is sufficient to provide universal extended instructional time for all students in public school districts and charter schools statewide during the 2021-2022 school year.

### K-5 Plus

For FY22, appropriations for K-5 Plus programs total \$119 million, or enough funding for 84 thousand elementary school students, about 58 percent of all elementary school students, to participate. Prior to the pandemic, school districts and charter schools projected 49.9 thousand students would participate in K-5 Plus during the 2020-2021 school year; however, schools only provided programs for 16.1 thousand students. In addition, despite initial concerns about the limited availability of recurring general fund, Revenue was stronger than expected, and the Legislature was able to fully fund K-5 Plus implementation at all high-poverty elementary schools with general fund revenue. This will likely lead to more funding stability moving forward for schools participating in K-5 Plus.

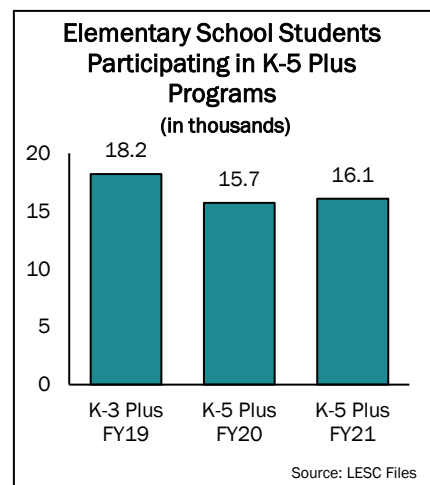
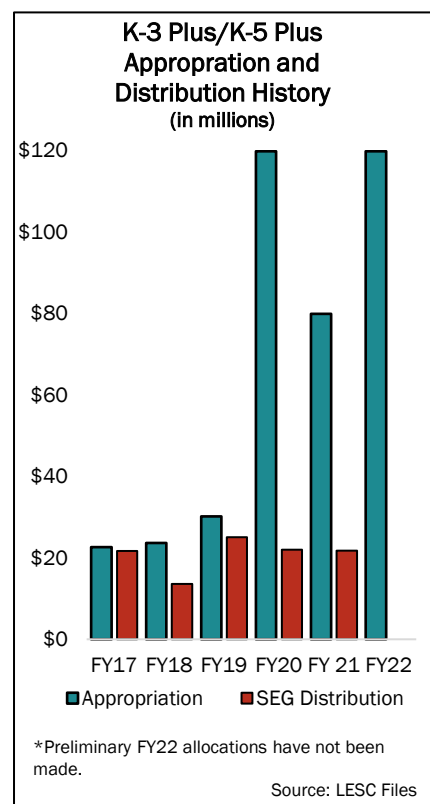
In light of past concerns about inflexibility in the K-5 Plus program, the 2021 Legislature discussed two strategies to increase program implementation, flexibility and equivalent hours. Chapter 134 (Senate Bill 40) creates greater program flexibility for K-5 Plus. However, House Bill 184, which would have allowed school districts and charter schools to implement additional hours rather than days to generate K-5 Plus funding, failed to pass.

**Greater K-5 Plus Flexibility.** Several of the statutory requirements of the original K-5 Plus program proved challenging for schools, including the requirement to ensure students stay with their K-5 Plus cohort during the regular school year, the ability to recruit teachers and students to participate in the program, and challenges adjusting the school calendar. During the 2021 regular session, the Legislature sought to address many of these concerns.

Chapter 134, developed with input from school district and charter school representatives amends the K-5 Plus Act to provide that a school providing a five-day instructional week will provide at least 25 additional instructional days or at least 205 total instructional days, whichever requires addition of the fewest instruction days, to be eligible to generate K-5 Plus units. Schools providing a four-day instructional week will be required to provide the lesser of 20 additional instructional days or 175 total instructional days. Under the amended K-5 Plus Act, public schools and charter schools may add additional days at any time during their school year. All K-5 Plus programs must be implemented schoolwide for all students attending a school. As a result of K-5 Plus programs being implemented schoolwide, students will generally stay with the same classroom teacher; however, schools may transfer students if it is in the best interest of the child.

These program changes should eliminate some of the barriers to large scale implementation. However, a number of school districts would still rather add equivalent instructional hours rather than days.

Requiring all school districts and charter schools to add additional learning time to their calendars could provide time for students to catch up on their lost learning. Original language in LESC-endorsed Senate Bill 40 required all students to participate in K-5 Plus or Extended Learning Time Programs during the 2021-2022 school year. However, an amendment in the House Education Committee struck the mandate.



The GAA decrees PED shall prioritize special appropriation awards to school districts or charter schools that implement K-5 Plus or Extended Learning Time Programs for all eligible students.

The transportation distribution totals \$4.4 million and includes \$899.2 thousand from the general fund and \$3.5 million from the public education reform fund for transportation of students to K-5 Plus programs.

The GAA allows a school district or charter school providing a K-5 Plus program to use the 80-day student count of the 2020-2021 school year or the 40-day count of the 2021-2022 school year, whichever is greater, to generate K-5 Plus program units.

Chapter 140 (Senate Bill 377) appropriates \$90.6 thousand to provide academically integrated out-of-school and summer programs statewide. The chapter also appropriates \$125 thousand to expand summer programs for low-income students with social emotional learning and year-round family involvement in Bernalillo County.

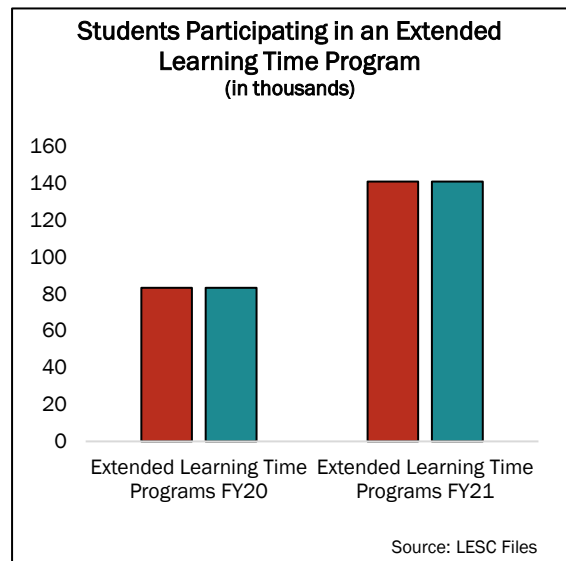
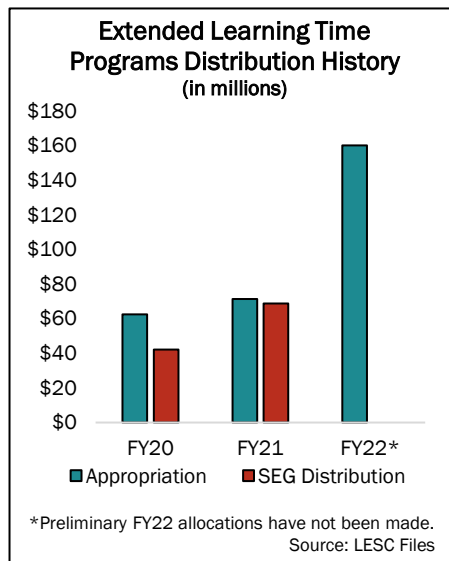
**Equivalent Instructional Hours Pilot Program.** Some school districts noted the requirement to add the 25 instructional days to be eligible for the K-5 Plus program was burdensome and advocated for instructional hours to be allowed in lieu of days. House Bill 184, which passed in the House but failed in the Senate, sought to address this concern by allowing school districts and charter schools to generate K-5 Plus program funding by adding equivalent hours once a minimum number of total instructional days was met. Among concerns about amending the funding formula for an unproven approach, HB184 was amended to create a two-year “elementary instructional time pilot project” allowing elementary schools to add 140 instructional hours to a school calendar. The pilot project would have measured both the effect of additional instructional time on academic performance and the efficacy of giving elementary schools the flexibility to add extended learning time as instructional hours instead of instructional days.

Although HB184 failed, the GAA appropriates \$20 million of nonrecurring funds from the public education reform fund for a two-year pilot program mirroring HB184. This pilot will provide funds for additional instructional time in high-poverty and low-performing elementary schools. The pilot will make grants available to provide an additional 140 instructional hours to all elementary school students in an elementary school. The programs will be funded at the same unit value of K-5 Plus programs. The \$20 million appropriation provides \$10 million for pilot funding in FY22 and \$10 million for pilot funding in FY23. In light of federal requirements that mandate school districts and charter schools use a portion of federal stimulus funds to address learning loss, the Legislature included language that would have required PED to prioritize grants to school districts and charter schools that agreed to cover 25 percent of the program cost; however, the governor vetoed the requirement, which may result in fewer funded pilot programs.

**Extended Learning Time Programs**

For FY22, the Legislature appropriated \$160.2 million, enough funding for 305 thousand students, or 95 percent of all students in the state, to participate in Extended Learning Time Programs. Prior to the pandemic, school districts and charter schools projected 190.4 thousand students would participate in Extended Learning Time Programs; however, schools only provided programs for 141 thousand students.

The GAA states if the general fund and other state fund appropriations for Extended Learning Time Programs are insufficient to meet program need, PED may use up to \$10 million in unspent K-5 Plus funding to support additional students. The additional \$10



million would provide Extended Learning Time Programs funding for an additional 19 thousand students, effectively providing enough funding for all students to participate in Extended Learning Time Programs.

To address implementation concerns raised by public school districts and charter school leaders, Chapter 134 (Senate Bill 40) provides additional flexibility for Extended Learning Time Programs. Schools providing a five-day instructional week will be required to add at least 10 additional instructional days or 190 total instructional days, whichever requires the addition of the fewest instructional days, to be eligible to generate Extended Learning Time Programs units. Schools providing a four-day instructional week will be required to add at least eight additional instructional days or 160 total instructional days, whichever requires the addition of the fewest instructional days, to be eligible to generate Extended Learning Time Programs units.

## Community Schools

The Community Schools Act, enacted in 2013, provides a framework for schools to organize community resources and address the needs of the whole child by planning and implementing a community school initiative to provide students a wide range of supports, including physical, emotional, and behavioral health. Recognizing the potential benefits of community schools, the Legislature has significantly increased funding for this initiative in recent years. The GAA includes a \$5 million appropriation to PED in FY21 and FY22 from the public education reform fund for the community schools program, representing a 52 percent increase over FY21 and 150 percent more than the FY20 appropriation of \$2 million.

During the 2021 legislative session, the Legislature included a \$20 million transfer — \$10 million in nonrecurring general fund revenue and \$10 million from the public education reform fund, to the community schools fund. The transfer was contingent on enactment of a bill making the fund subject to legislative appropriation. This would have allowed the Legislature to manage the rate of growth of community schools. However, the governor vetoed SB341, in the process nullifying these proposed transfers.

As the Legislature considers appropriate funding for community schools in future years, it will face a challenge in ensuring adequate funding to allow the program to grow at a measured pace and for the sustainability of implementation grants and a manageable number of new planning grants. The \$5 million appropriation from the GAA will fund all 26 current implementation grants for another year, leaving PED with another \$1.1 million to award new planning grants in FY22. A critical factor for the Legislature to consider is the increased cost of sustaining community schools grants through their three-year implementation phase, which is three times the amount of an initial planning grant. The Legislature will likely need to appropriate between \$4 million and \$5 million annually to grow the community schools program at a manageable pace without PED needing to supplement its growth with federal school improvement funds.

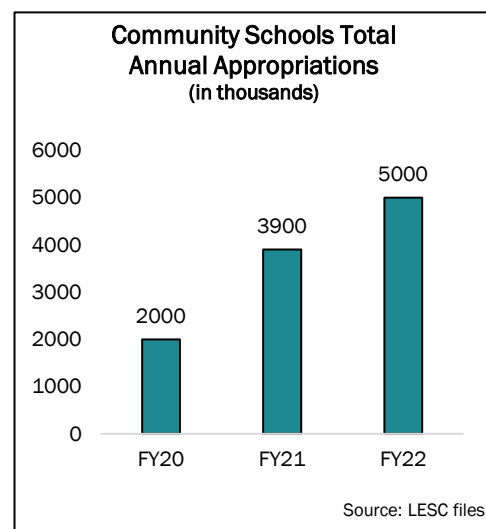
## Supporting Military-Connected Students

In response to concerns that military-connected students are more vulnerable to academic, social, and emotional challenges because of their mobility – three times that

The transportation distribution totals \$4.7 million and includes \$2.41 million from the general fund and \$2.3 million from the public education reform fund for transportation of students to Extended Learning Time Programs.

The GAA appropriates more than \$2.3 million in general fund revenue to PED in FY22 to provide grants to school districts and charter schools to support student nutrition and wellness programs. Historically, the Legislature has made separate appropriations to support breakfast for elementary students and to cover school lunch copayments. The \$2.3 million for FY22 is appropriated in a single pot to allow PED flexibility to right-size support for these expenses.

Chapter 140 (Senate Bill 377) appropriates \$100 thousand in general fund revenue to PED in FY22 to increase the number of school nurses, which likely only provides sufficient funding for 1 FTE to 1.5 FTE.



The GAA appropriates \$1 million to PED from the public school capital outlay fund for FY21 and FY22 for safety and statewide deployment of mobile panic buttons at public schools.

Chapter 140 (Senate Bill 377) appropriates \$50 thousand to PED in general fund revenue for FY21 and FY22 for the planning and design of a health center for the West Las Vegas School District.

Chapter 28 (Senate Bill 51) creates an enrollment preference for children whose parents are employees at a charter school. The provision goes into effect beginning in the 2021-2022 school year.

In New Mexico, 16 percent of public school students are identified as English learners, higher than the national rate of 10 percent.

Bilingual multicultural programs exist in more than 450 schools in 62 of the state's 89 school districts, providing instruction in nine languages, including American Sign Language, Spanish and seven indigenous languages — Dineh, Jicarilla Apache, Keres, Tewa, Tiwa, Towa, and Zuni.

of nonmilitary families according to the U.S. Department of Defense – the Legislature created two new support structures for military-connected students. Chapter 75 (Senate Bill 271) adds a new section to the Public School Code providing for the development of the Purple Star Public Schools Program to provide a mechanism for schools to ease the transition of students of active duty military families into new schools by providing academic, social, and emotional support to students and families. Purple star programs designate a school staff member to act as a contact for students from military-connected families and establish academic, social, and emotional supports available for military families. In addition, Chapter 76 (Senate Bill 272) amends Section 22-1-4 NMSA 1978 to require public schools and charter schools to allow military families to enroll school-age children prior to their physical presence in the state. 2020 enrollment data showed 3,360 military-connected students attending New Mexico schools, with approximately 76 percent of those military-connected students attending public schools.

## Bilingual and Multicultural Education

The court ruling in the consolidated *Martinez-Yazzie* education sufficiency lawsuit noted PED's failure to fully implement the Bilingual Multicultural Education Act and to provide students culturally and linguistically responsive instruction. Culturally and linguistically responsive education approaches have become a way to better serve minority students by acknowledging and addressing inequities built into various aspects of education, such as curriculum design, classroom discipline, and student-teacher relationships, seen as contributing factors in the long-standing achievement gap between racial or ethnic minority students and their non-minority peers. Bilingual and multicultural education programs represent a strategy to implement culturally and linguistically responsive instruction and could help the state meet the cultural and linguistic needs of English learners and narrow the achievement gap.

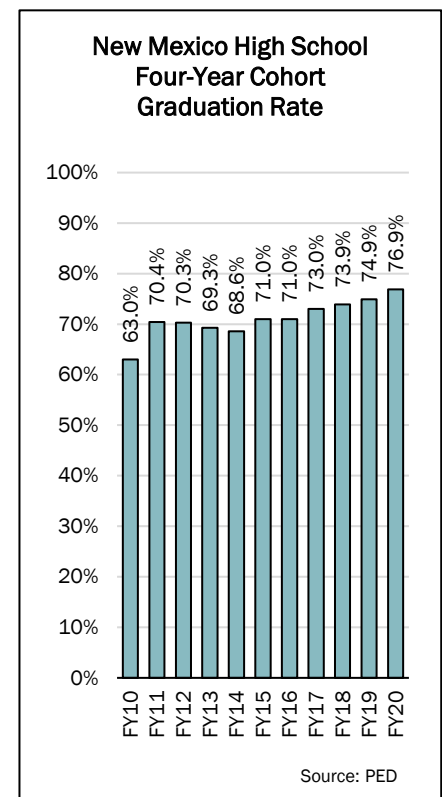
Chapter 12 (House Bill 52) establishes a statutory framework for stakeholders to recommend how the state can meet the needs of bilingual students and English learners. The law codifies the state's existing ad hoc bilingual advisory committee in statute, similar to the status accorded to the advisory councils for Indian and Hispanic education. The Bilingual Multicultural Education Advisory Council is to advise PED on the effective implementation of the Bilingual Multicultural Education Act and support of bilingual learners in the areas of curriculum, instruction, assessment, teacher preparation, licensure and evaluation, professional development, and student and family services. Members of the advisory council, appointed by PED, are to include educators, parents, and representation from tribal communities.

Although New Mexico has made substantial investments to improve college and career readiness and increase high school graduation rates, too many students continue to drop out or graduate from high school without the knowledge or requisite skills to be successful in either postsecondary education or today's workplace. During the 2021 legislative session, the Legislature continued to contemplate if the state's education system adequately prepares students to be college and career ready at the end of a high school education in New Mexico, but failed to pass new ideas and instead continued to fund popular efforts.

With at least 60 percent of jobs now requiring education beyond high school, today's world demands students and workers have more than basic skills and competencies in academic subjects to succeed. Academic proficiency in reading and math is necessary, but no longer enough. Higher-order abilities, such as critical thinking and the application of knowledge to solve real-work problems, are crucial skills needed in today's economy and education system. In a key finding of the *Martinez* and *Yazzie* consolidated lawsuit, the court found New Mexico is not meeting an obligation to provide every student with the opportunity to be college and career ready, citing low graduation rates and high college remediation numbers.

Legislation considered during the 2021 legislative session reflected this conversation, with lawmakers considering if students are provided courses and experiences that result in true college and career readiness. The Legislature also explored a broader set of pathways for all students, including career technical education (CTE), learning in science, technology, engineering, arts, and mathematics (STEAM), and how to best understand if the high school system is well designed to prepare students for work and postsecondary education.

Legislation passed during the 2021 legislative session – including ongoing appropriations to a CTE pilot project, STEAM initiatives, and Advanced Placement test fees – reflect this focus. Other introduced measures included an overhaul of graduation requirements, allowing the Legislative Education Study Committee (LESC) to study postsecondary topics, and several programs targeted at addressing high school dropout and graduation rates.



## High School Graduation Requirements

The Legislature considered but ultimately rejected six bills during the 2021 legislative session that would have changed statewide high school graduation requirements, reflecting consideration among lawmakers about whether or not current graduation requirements are best suited to prepare students for education and work after high school.

Although there have been numerous piecemeal changes to New Mexico's high school graduation requirements, the state last made a system wide change to graduation requirements during the 2007 legislative session. These requirements became effective for

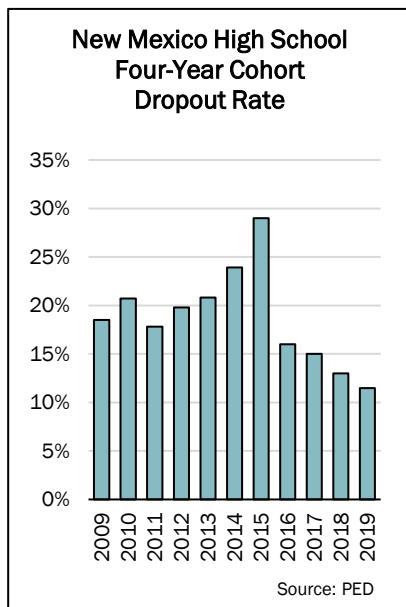
New Mexico statute requires students to earn a “New Mexico diploma of excellence,” made up of 24 total units. Although some requirements exist at the school district level, general requirements include

- Four units (eight semesters) in English;
- Four units in mathematics, including algebra 2, or its equivalent, although students may opt out of this with a parental note;
- Three units in science, including two courses with a lab component;
- Three and a half units in social science including U.S. history, world history, government or economics, and New Mexico history;
- One unit in physical education;
- One unit in a career cluster course, workplace readiness, or a language other than English; and
- Seven and one half elective units.

Current statute also requires CTE courses, student service learning, and financial literacy to be offered as electives. Health education is also required before graduation but may be offered in middle or high school, as decided by local school districts.

students beginning high school in the 2009-2010 school year, meaning it has been over a decade since the Legislature last comprehensively updated high school graduation requirements. In the decade that has followed, the job market and educational expectations of students to succeed in today’s workplace have shifted substantially.

Measures considered in the 2021 legislative session included a complete overhaul of graduation requirements (House Bill 83), as well as standalone amendments that would have added courses on financial literacy (House Bills 163 and 302 and Senate Bill 170) or ethnic studies (House Bill 227 and Senate Bill 210) to existing graduation requirements. None of these proposed changes to the state’s graduation requirements passed both chambers during the 2021 legislative session. Although graduation requirements will remain unchanged at this time, LESC is expected to spend the 2021 interim critically assessing whether current high school graduation standards align with the skills New Mexico’s colleges and careers expect of graduates.



### Dropout Prevention and Support

Senate Bill 330 proposed an appropriation of \$200 thousand to the Public Education Department (PED) for programming to address dropout prevention. While this measure did not pass both chambers, there was considerable debate about how to better support high school students and address dropout and high school graduation rates.

The four-year cohort of 2019 had a dropout rate of 11.5 percent, marking the lowest percentage of high school dropouts in over a decade and following a trend of a steadily decreasing dropout rate statewide. The state’s dropout rate peaked at a high of 29 percent in 2015. Despite this improvement, New Mexico lags behind national averages and should continue its efforts to decrease the dropout rate and reengage students at risk of dropping out before completing their high school education.

## Connecting High School and Postsecondary Education

Among the proposals the Legislature considered related to the interaction of secondary and postsecondary education systems, House Bill 25, sponsored by LESC, would have allowed the committee to study postsecondary topics. Despite passing both chambers unanimously, this measure was vetoed by the governor, who cited the potential of bureaucratic duplication as rationale for the veto. LESC currently is barred from studying postsecondary issues, except for teacher preparation programs at colleges and universities.

Many college and career readiness strategies currently used, including dual-credit courses and CTE, attempt to prepare students for work and education after high school by bridging the secondary and postsecondary education systems. While the Legislature contemplated how to better ensure the high school system can be effective in setting students up for success in any postsecondary path they may choose, the session produced few changes.

## Career Technical Education

With most jobs today requiring education beyond high school, career technical education (CTE) is an effective strategy that can offer students a path to employment that does not necessarily require the completion of a four-year postsecondary degree. In recent years, CTE has been a priority in New Mexico. In 2019, a seven-year CTE pilot program to provide funding to develop CTE programs, known as the Next Gen CTE program, was created. A focus on CTE remains consistent with many lawmakers interested in providing pathways to students who may not pursue a traditional four-year degree following high school.

The General Appropriation Act of 2021 (GAA) provides a \$3 million recurring general fund appropriation to the CTE fund for use in FY22. The fund received \$4.5 million for use in FY21. The FY22 appropriation is for PED to support high-quality CTE programs pursuant to the CTE pilot project legislation.

To be effective, CTE programs must be academically rigorous and include pathways to postsecondary training. CTE offerings in isolation or without a clear connection to the job market often fail. The National Center for College and Career (ConnectED) has identified four crucial elements:

- Rigorous academics,
- Real-world technical skills,
- Work-based learning, and
- Personalized student supports.

Chapter 140 (Senate Bill 377) includes \$263 thousand for career technical education programs in Rio Rancho Public Schools.

## Science, Technology, Engineering, Arts, and Math

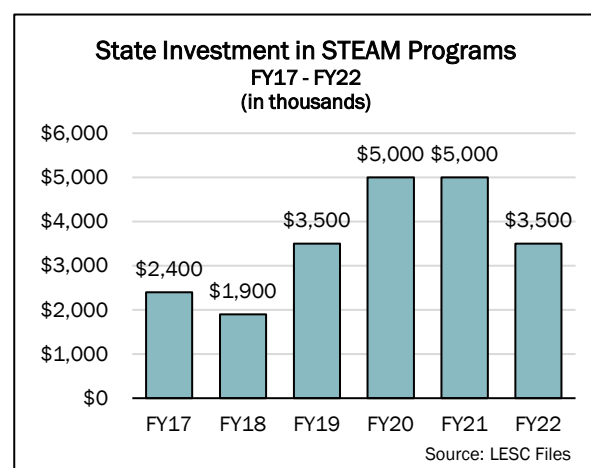
The Economic Development Department (EDD) reports cybersecurity, aerospace and defense, intelligent manufacturing, sustainable and green energy and other STEAM-focused job sectors are a key part of New Mexico's economic development goals. Nationally, jobs in STEAM occupations are expected to grow 8 percent between 2019 and 2029, twice as fast as the total for all occupations nationwide.

Despite the potential for job growth, New Mexico students are generally underprepared for postsecondary education in such subjects. During the 2021 legislative session, the Council of University Presidents (CUP) reported fewer than 10 percent of all students entering the University of New Mexico (UNM) are prepared for calculus, a crucial introductory course for students pursuing STEAM degrees.

Although funding for STEAM programs has increased in recent years, appropriations for FY22 are lower than those for FY21. For FY22, the Legislature appropriated a total of \$3.5 million to PED for STEAM initiatives. Of this, \$3 million is a recurring general fund appropriation; an additional \$500 thousand is from the public education reform fund. Appropriations for FY21 included \$5 million for STEAM programs.

Historically, PED has allocated much of STEAM funding to contracts with regional education cooperatives (RECs) for related professional development. However, PED has been unable to spend large portions of some professional development funds in recent years. For FY20, PED reverted 39 percent of the STEAM initiative appropriation, a likely explanation for the reduced request. The reduction in FY22 funding is consistent with PED's operating budget request, in which the department requested \$3 million in STEAM funding.

Of the two bills related to computer science at the high school level introduced, the successful Chapter 102 (House Bill 188) requires PED to create a license endorsement in secondary computer science by December 31, 2021. Chapter 102 also requires PED to



Chapter 140 (Senate Bill 377) includes \$50 thousand for Desert Trail, Sunrise, and Yucca Heights elementary schools and after-school science programs in the Gadsden Independent School District.



Chapter 140 (Senate Bill 377) includes a \$75 thousand appropriation to PED to develop a secondary computer science teacher license endorsement.

consult with computer science education experts in developing endorsement requirements. However, House Bill 126, which would have required every school to offer computer science courses, did not receive a hearing.

## Additional College and Career Readiness Appropriations

In addition to providing ongoing funds for the CTE pilot and STEAM education, the Legislature in the GAA included a recurring general fund appropriation to PED for FY22 of \$1 million for Advanced Placement test assistance, a decrease from the FY21 appropriation of \$1.5 million.

The GAA also includes a total of \$615 thousand for PED's Graduation, Reality, and Dual-Role Skills (GRADS) program: a \$415 thousand recurring general fund appropriation and a \$200 thousand transfer from the federal block grant for the Temporary Assistance for Needy Families program. GRADS is a statewide program to help pregnant and parenting teens graduate from high school, pursue higher education or employment, and develop employability and healthy parenting skills.

Chapter 140 (Senate Bill 377) includes \$100 thousand from the general fund to PED to contract with an organization to address long-term economic development throughout the state through increased college and career readiness programs. Chapter 140 also appropriates \$50 thousand from the general fund to PED to contract with a nonprofit youth development program dedicated to helping at-risk youth graduate from high school and make successful transitions to postsecondary education or meaningful employment.

On December 29, 2020, less than a month before the beginning of the 2021 legislative session, the 11th Judicial District Court issued a long awaited ruling in the *Zuni* capital outlay lawsuit. The court found both the Public School Capital Outlay Act and the Public School Capital Improvements Act have exacerbated “gross disparities” between property-wealthy and property-poor school districts and ruled the two acts unconstitutional because they fail to provide uniform facilities sufficient for students’ education. The eight-page ruling was sparse on details and left policymakers without a clear understanding of why the systems were found unconstitutional. Despite its lack of clear instructions to address the plaintiffs’ needs, the ruling led to many legislative conversations about the equity of capital funding and the types of facilities the Public School Capital Outlay Council (PSCOC) should fund. At the same time, the ongoing Covid-19 pandemic inspired discussions about other capital needs in school districts, including expanding programs for broadband internet access to include remote learning technology and ensuring school ventilation systems are maintained.

## Capital Outlay Equity

The passage of Chapter 52 (House Bill 6) marks the end of a decades-long debate asking whether school districts with large populations of Native American students should receive the full amount of their state equalization guarantee (SEG) distribution, an amount of funding allocated to school districts and charter schools through an equalized formula. The enactment of Chapter 52 means the state will no longer deduct from the SEG distribution certain “credits” for locally generated income, most of which came through federal Impact Aid payments to schools for federally connected students. Among these school districts are Zuni Public Schools and Gallup McKinley County Schools, plaintiffs in the *Zuni* capital outlay lawsuit.

The policy levers in Chapter 52 specifically address the plaintiff’s arguments in the *Zuni* lawsuit by increasing revenue to Impact Aid school districts, considering all revenues equally in the capital outlay state and local match calculation, and explicitly allowing revenue from local property taxes to be used for teacher housing.

***New Revenue to Impact Aid Districts.*** Chapter 52 will distribute approximately \$82 million in additional SEG funds annually to school districts beginning in FY22, with 83 percent of the revenues benefiting 25 school districts and five state-chartered charter schools that receive Impact Aid funding. Among the allowable uses for the revenue is the construction of facilities to meet school districts’ local needs, which may include teacher housing units, culturally relevant classrooms and school facilities, athletic fields, or any number of spaces that are ineligible for funding from PSCOC. Throughout the 20 years of litigation in the *Zuni* lawsuit, the plaintiff school districts offered the removal of the Impact Aid credit in the funding formula as a solution to the districts’ long-standing capital needs. However, an April 9 reply to the state’s motion to reconsider by the plaintiff school districts argues the return of Impact Aid revenues will not solve their capital needs, and that the state should begin considering the disparity between all capital outlay expenditures equally, including revenues from Public School

Following the 11th Judicial District Court ruling, the Attorney General’s office filed a motion asking the court to reconsider its decision. In the motion, the state noted the judge’s ruling did not appear to consider actions taken in the 2019 and 2020 legislative sessions designed to promote greater equity, including \$53 million in appropriations for outside-of-adequacy spaces.

While the court considers the state’s motion, the Attorney General negotiated with the plaintiffs to obtain an uncontested stay of the court’s judgment, allowing the Public School Capital Outlay Council and the Public School Facilities Authority to continue awarding funds and administering construction projects pursuant to the Public School Capital Outlay Act and Public School Capital Improvements Act.

Capital Improvements Act, Public School Buildings Act, general obligation bonds, educational technology bonds, and direct legislative appropriations.

**Considering All Capital Expenditures Equally.** To maintain equity among all revenues used for capital expenditures, Chapter 52 also requires PSCOC to adopt rules to begin considering any “unrestricted revenue used for capital expenditures” in the Public School Capital Outlay Act state and local match calculation. While it remains unclear what rules the council will begin to consider, unrestricted revenue may include SEG funds, wind farm revenues, and other payments in lieu of taxes that have historically not played a role in determining a school district’s share of any PSCOC-funded project. Chapter 52 specifically notes revenues from the Public School Capital Improvements Act and the Public School Buildings Act shall not be considered unrestricted, nor shall any expenditures made for teacher housing. Chapter 52 requires PSCOC’s rules to be developed no later than the beginning of FY25, following careful consultation with school districts, particularly those with limited bonding capacity like the *Zuni* plaintiffs, the Public Education Department (PED), the Public School Capital Outlay Oversight Task Force (PSCOOTF), LESC, and the Legislative Finance Committee (LFC).

As introduced, House Bill 6 did not include any provisions to account for increased capital spending in the state and local match calculation for districts that would receive a large amount of new revenue. A similar bill endorsed by LESC, Senate Bill 41, proposed to immediately begin accounting for unrestricted revenue used for capital expenditures. However, the language created confusion among the plaintiff school districts and PED about which revenues should be included. By way of compromise, the sponsors of HB6 and SB41 agreed to allow PSCOC to determine which unrestricted revenues to include in the calculation and to phase-in the new revenue over a five-year period beginning in FY25.

**Revenue Bonds for Teacher Housing.** Among its other provisions, Chapter 52 explicitly allows revenue from the Public School Capital Improvements Act, the Public School Buildings Act, the Education Technology Equipment Act, and general obligation bonds to be used to construct and improve teacher housing units. During the discussions surrounding House Bill 6 and Senate Bill 41, Gallup McKinley County Schools noted PED would not allow the school district to use its Public School Improvements Act funding to purchase teacher housing units.

PED originally relied on an outdated 1981 Attorney General opinion to reach this conclusion; during the 2021 legislative session, PED general counsel revisited the request and determined the definition of “public school building” in the Public School Code, which contains the Public School Capital Improvements Act, includes teacher housing. Nonetheless, Chapter 52 explicitly allows school district revenue bonds from a number of sources to be used to construct teacher housing.

**School Districts with Greatest Number of Teacher Housing Units**

Rank	District	Units
1	Gallup	245
2	Zuni	125
3	Central	110
4	Dulce	58
5	Moriarty	39
6	Artesia	19
7	Animas	16
8	Jemez Mtn.	13
9	Cuba	11
10	Lovington	10

Source: PSFA

**Broadband Expansion**

Policymakers understand the need to create long-term solutions to New Mexico’s systemic broadband issues, but as many stakeholders recognized during the 2021 regular legislative session, doing so will require a massive collaborative undertaking by the Department of Information Technology, other state agencies, and private Internet service providers. Prior to the Covid-19 pandemic, DoIT, PED, and the Public School Facilities Authority (PSFA) estimated approximately one in five homes in New Mexico did not have access to a broadband Internet connection. All three agencies worked quickly under the collaborative banner of “the New Mexico Homework Gap Team” to create short-term connectivity solutions during the pandemic, like distributing WiFi hotspots to families and setting up “parking lot WiFi” in community hub locations. However, these solutions were subject to the confines of state law and state agencies with limited capacity. During the 2021 regular legislative session, lawmakers expanded the state’s capacity to offer short term connectivity solutions while building the foundation for a long-term broadband expansion effort targeting the state’s most underserved rural communities.

**Short-Term Connectivity Responses**

To improve home connectivity in the short-term through the remainder of the pandemic, Chapter 49 (Senate Bill 144), which became effective immediately on signature

by the governor, expands the statutory education technology deficiencies correction program to authorize additional types of educational technology to be funded by PSCOC. The law now allows PSCOC to use the annual \$10 million set aside from the public school capital outlay fund to make awards for school districts to purchase home connectivity devices and services for teachers and students deemed necessary to facilitate remote learning. Chapter 49 will require PSCOC will need to adopt regulations to guide awards for home connectivity devices.

Chapter 49 also requires PSCOC to develop guidelines for a statewide education technology infrastructure network and allows the council to award funds for projects that create regional or statewide educational network hubs. In an LESC hearing in July 2020, state broadband development from PSFA, PED, and the Santa Fe Indian School noted regional broadband cooperation has shown to reduce the costs of building and operating broadband networks in rural areas of the state. Only two regional broadband consortia currently exist in New Mexico, the west-central and north-central broadband consortia. If PSCOC makes additional awards establishing regional and statewide broadband network hubs, the state could see expanded broadband access, increased connectivity speeds, and a reduction in the cost of broadband in rural areas of the state.

In addition, schools will be able to benefit from a recent expansion of the federal E-Rate program designed to provide further flexibility to improve home connectivity. The federal American Rescue Plan Act includes a \$7.1 billion appropriation to a newly created emergency connectivity fund to support off-campus broadband Internet access for remote learning and addressing the homework gap. The funds would be allowed to support Wi-Fi hotspots, modems, routers, end user devices, and the extension of school and library networks beyond the physical school boundaries. Awards from the emergency connectivity fund will cover 100 percent of the cost of projects, meaning there is no need for schools to apply for state funds through PSCOC or provide local matching funds.

### Long-Term Broadband Development

Chapter 120 (House Bill 10) enacts the Connect New Mexico Act, codifying policies consistent with recommendations found within a DoIT strategic plan published in 2020. Among the new policies is the creation of the Connect New Mexico Council, a massive collaborative effort composed of members from DoIT, PSFA, the Department of Transportation, the Economic Development Department, the Cultural Affairs Department, the New Mexico Mortgage Finance Authority, the Higher Education Department, members of the public appointed by House of Representatives and Senate leadership and the governor, and representation from the Navajo Nation, Apache tribal governments, and Indian pueblos. The Connect New Mexico Council will coordinate the state’s broadband development efforts with DoIT’s office of broadband.

**School District Monthly Internet Cost Per MBPS**

	2015 (Before Consortia)	2020 (After Consortia)	Percent Change
<b>West-Central Consortium</b>			
Socorro	\$21.41	\$3.12	-85%
Magdalena	\$170.30	\$3.12	-98%
Quemado	\$143.80	\$3.12	-98%
Reserve	\$153.00	\$3.12	-98%
<b>North-Central Consortium</b>			
Jemez Valley	\$20.22	\$2.16	-89%
Penasco	\$288.38	\$10.20	-96%
Pojoaque	\$62.50	\$3.46	-94%
Jemez Mountains	\$241.67	\$30.14	-88%
Dulce	NA	\$1.30	
Chama Valley	\$124.20	\$1.30	-99%
Mesa Vista	\$53.06	\$3.12	-94%

Source: PSFA

The transition to a statewide educational network is costly and administratively complicated. If PSFA plans to manage a large-scale statewide education network, the agency will need significant additional resources and staffing. For example, according to testimony heard by LESC in September 2020, the Utah Education and Telehealth Network (UETN), a statewide education network administered by the University of Utah, has an annual program budget of \$53 million, an amount funded primarily through appropriations from the Utah State Legislature. UETN also leverages federal E-Rate funds and other available grant funding. Staff at UETN conduct statewide needs assessments and engineer and maintain the network, but the state does not own the fiber, instead leasing the infrastructure from private Internet service providers.

Chapter 120 also includes provisions designed to improve connectivity for unserved and underserved areas of the state. These include requirements to publish a “broadband knowledge and digital equity analysis” plan and annual data collection on progress toward digital equity.

The “junior” appropriation bill, Chapter 140 (Senate Bill 377), makes a series of appropriations to enact the provisions of the Connect New Mexico Act. The law appropriates \$70 million from the general fund to the connect New Mexico fund to plan, design, engineer, construct, purchase, and equip broadband infrastructure, though only \$7 million will be available until DoIT submits an expenditure plan to LFC. Pertinent to public schools, Chapter 140 also appropriates \$25 million from the public education reform fund to plan, design, engineer, construct, purchase, and equip broadband infrastructure statewide, of which only \$2.5 million is available until an expenditure plan is submitted to LFC.

Funds appropriated in Chapter 140 will be distributed primarily in the form of grants from the connect New Mexico fund, another policy enacted by Chapter 120 and recommended by DoIT’s 2020 broadband strategic plan. Under the new law, school districts and charter schools will be eligible to apply to the Connect New Mexico Council for grants to improve broadband connectivity. The Connect New Mexico Council will establish rules to prioritize limited grant funding by considering the extent to which projects will connect unserved locations, leverage regional collaboration, stimulate economic development, and leverage local funds or federal Covid-19 relief funds. The funds to support broadband development through the Connect New Mexico Act are an alternative path for school districts to build connectivity projects, supporting the \$10 million annual set aside for broadband development through PSCOC.

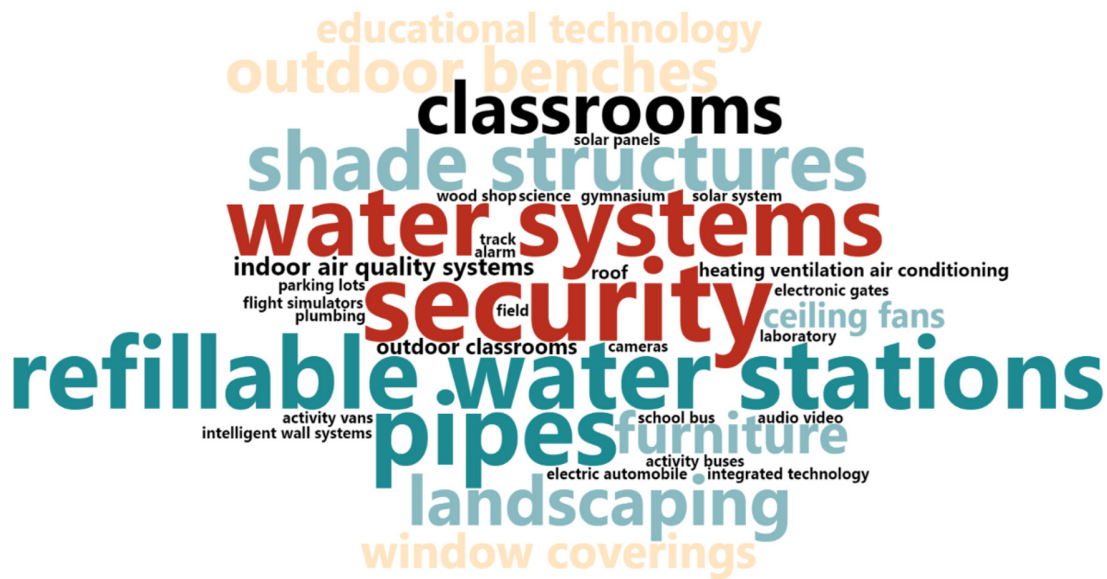
## Other Capital Outlay Highlights

***Funding Demolitions of Abandoned Schools.*** Chapter 27 (Senate Bill 43) authorizes PSCOC to make awards to school districts to fund the entire cost of school demolition projects, rather than requiring local matching funds. School districts that approach PSCOC for awards generally do not request demolition of old buildings, often because the projects are subject to the state and local match and districts prefer to reserve their funds for local priorities. Meanwhile, school districts must keep abandoned buildings insured, exacerbating operational costs associated with abandoned buildings. Chapter 27 will likely increase demolition requests from school districts, though it might also result in more funding allocated to classrooms rather than insurance costs.

***Technical Changes to Public School Capital Improvements Act State Match.*** Senate Bill 131, making technical changes in the Public School Capital Improvements Act, was endorsed by LESC and passed unanimously in the House and the Senate but was vetoed by the governor. The bill proposed to amend language on the state match calculation to correctly refer to prior-year final funded program units. The bill would have also removed from the Public School Capital Improvements Act state match calculation any units generated for discretionary public school programs, defined as Extended Learning Time Programs, K-5 Plus programs, elementary physical education programs, fine arts programs, and bilingual multicultural education programs.

The bill would have resulted in a \$5 million decrease to the total state match, but those funds would remain in the public school capital outlay fund to make awards for school construction projects. In her veto message, the governor explained elementary physical education, fine arts, and bilingual and multicultural education programs are core elements of New Mexico public education and should, therefore, be eligible for funding from the Public School Capital Improvements Act state match. The veto will result in an increased cost of the Public School Capital Improvements Act state match over time; as more schools opt in to discretionary programs over time, the state match will increase and fewer funds will be available for standards- and systems-based awards.

## Purposes of Capital Outlay Appropriations in Chapter 138



Source: LESC Files

**Direct Appropriations and Reauthorizations.** Chapter 138 (House Bill 285) makes a number of direct appropriations to public schools. See **Appendix L, Direct Capital Outlay Appropriations to Public Schools**. The bill appropriates \$13.3 million to public school districts and locally chartered charter schools for school improvement projects, and an additional \$4 million to state-chartered charter schools for improvement projects. The bill also appropriates \$3.5 million to PED for school bus replacements, \$200 thousand to purchase technology, equipment, and furniture to support autistic students statewide, and \$180 thousand to PED for school bus cameras.

Capital outlay appropriations in Chapter 138 are made primarily to schools in the Albuquerque Public School district (APS) and will serve a number of miscellaneous purposes. Of the \$13.3 million appropriated to public school districts, \$9.2 million, or 70 percent, will go to APS schools, primarily for school security systems, pipes and water systems, and refillable water stations. A number of schools also will receive funds to construct outdoor benches, shade structures, and landscaping. Some schools will receive funding for improvements related to Covid-19, including upgrades to indoor air quality systems, heating, ventilation, and air conditioning (HVAC) systems, and outdoor classrooms.

Chapter 138 also contains a disqualifying capital outlay appropriation of \$850 thousand to the Public School Facilities Authority for outside-of-adequacy spaces in the Grants-Cibola County school district. The appropriation language specifies the Public School Capital Outlay Council shall not require a local match or apply legislative offsets to the appropriation. Legislative offsets, applied to every other direct capital outlay appropriation made to public schools this year, are an important element of the system created to allocate state resources equitably and prevent school districts from being double-funded by the Legislature and PSCOC.

Along with a \$3.5 million appropriation to PED for school bus replacement, Chapter 138 includes an additional \$3.5 million appropriation contingent on the approval of the trustee in the Volkswagen clean diesel lawsuit to purchase energy efficient school buses and to build infrastructure and charging stations for alternative energy or electric school buses.

As part of the *Zuni* lawsuit, a special master was appointed to review the state's system of capital outlay funding and noted direct legislative appropriations disqualify funding among school districts unless PSCOC reduces the amount of a future funded project by the amount contained in the direct appropriation.

Fifteen capital outlay appropriations totaling nearly \$2 million were made to locally chartered and state-chartered charter schools that lease privately owned buildings. While the capital funds will provide a public benefit to the students and teachers who attend these schools, Article IX, Section 14, of the New Mexico Constitution prevents schools from making any donation to private persons, associations, and corporations.

For schools to expend state funds to make improvements to privately owned buildings, the public charter schools will need to retain sole ownership of the improvements to maintain compliance with the New Mexico Constitution, which may prove difficult to execute for awarded improvements like HVAC systems or other systems that may be inextricably tied to the private buildings.

The governor vetoed a clause in Chapter 139 that would have extended the timeframe of a library resources appropriation to Milagro Middle School in Santa Fe through FY23.

In addition to new appropriations, Chapter 139 (House Bill 296) changes the scope of three school capital outlay appropriations made in previous years. See **Attachment M, Capital Outlay Reauthorizations for Public Schools**. The law changes a security award at 21st Century Academy in Albuquerque to an award for heating, ventilation, and air conditioning system replacement, narrows the scope of an unspent award at Southwest Aeronautics, Mathematics, and Science Academy Charter School in Albuquerque, and authorizes a bicycle recycling program at School On Wheels in Albuquerque.

# Appendix A: Public Education Bills by Bill Number

## Legislation Related to Public Education Introduced in the First Session of the 54th Legislature of the State of New Mexico

(Organized by Bill Number)

Bill Number	Short Title	LESC Endorsed	House Vote	Senate Vote	Final Location	Chapter
<b>House Bills</b>						
<a href="#">HB4</a>	NM CIVIL RIGHTS ACT		(38-29)	(26-15)	Chaptered	Ch. 119
<a href="#">HB6</a>	STATE EQUALIZATION GUARANTEE DISTRIBUTIONS		(67-1)	(40-1)	Chaptered	Ch. 52
<a href="#">HB20</a>	HEALTHY WORKPLACES ACT		(36-33)	(25-16)	Chaptered	Ch. 131
<a href="#">HB22</a>	GROW YOUR OWN TEACHERS ACT SCHOLARSHIPS		(69-0)	(38-0)	Chaptered	Ch. 11
<a href="#">HB24</a>	SCHOOL DISTRICT FULL-TIME NURSES	X			HEC	
<a href="#">HB25</a>	LESC STUDY OF PUBLIC & POST-SECONDARY ED.	X	(66-0)	(38-0)	Vetoed	
<a href="#">HB29</a>	NO SCHOOL DISCRIMINATION FOR HAIR		(66-0)	(38-0)	Chaptered	Ch. 37
<a href="#">HB32</a>	FULL-TIME NURSE IN EVERY SCHOOL				HEC	
<a href="#">HB37</a>	PAID SICK LEAVE ACT				HLVMC	
<a href="#">HB38</a>	PAID FAMILY & MEDICAL LEAVE ACT				HAFC	
<a href="#">HB43</a>	BLACK EDUCATION ACT		(67-0)	(32-0)	Chaptered	Ch. 51
<a href="#">HB52</a>	BILINGUAL MULTICULTURAL ED ADVISORY COUNCIL	X	(68-0)	(38-0)	Chaptered	Ch. 12
<a href="#">HB83</a>	CHANGE GRADUATION REQUIREMENTS		(66-1)		SEC	
<a href="#">HB84</a>	NATIVE LANGUAGE EDUCATION PROGRAM UNIT				HAFC	
<a href="#">HB85</a>	YAZZIE LAWSUIT RESPONSE FUNDING				HAFC	
<a href="#">HB86</a>	NATIVE AMERICAN LIBRARY, INTERNET & EDUCATION				HAFC	
<a href="#">HB93</a>	LIMIT OUT-OF-SCHOOL SUSPENSIONS		(54-12)		SJC	
<a href="#">HB100</a>	COLLEGE & CAREER READINESS SYSTEMS				HAFC	
<a href="#">HB116</a>	ADDITIONS TO 3-TIERED TEACHER LICENSES				HAFC	
<a href="#">HB120</a>	MILITARY SPOUSE EXPEDITED LICENSURE		(66-0)	(41-0)	Chaptered	Ch. 120
<a href="#">HB126</a>	COMPUTER SCIENCE COURSE IN EACH HIGH SCHOOL				HEC	
<a href="#">HB128</a>	SCHOOL PERSONNEL BACKGROUND & TRAINING	X	(62-5)	(37-0)	Chaptered	Ch. 94
<a href="#">HB130</a>	SCHOOL GIFTED EDUCATION REQUIREMENTS				HAFC	
<a href="#">HB131</a>	ASST. SECRETARY OF HISPANIC EDUCATION	X	(44-19)		Senate	
<a href="#">HB135</a>	SCHOOL OPPORTUNITY & EQUITY INDEX				HAFC	
<a href="#">HB138</a>	INCREASE FNE ARTS EDUCATION PROGRAM UNIT	X	(61-7)		SFC	
<a href="#">HB141</a>	ED INFRASTRUCTURE TECHNOLOGY DEFINITION	X	(66-1)		Senate	
<a href="#">HB142</a>	SCHOOL TASK FORCE ON SEXUAL MISCONDUCT		(58-7)		SJC	
<a href="#">HB163</a>	SCHOOL FINANCIAL MANAGEMENT CLASSES		(65-0)		Senate	
<a href="#">HB170</a>	NM-GROWN PRODUCE IN CHILD CARE CENTERS				HAFC	
<a href="#">HB171</a>	PROGRAM UNITS FOR CERTAIN SCHOOL PERSONNEL	X	(68-0)		SFC	
<a href="#">HB175</a>	SCHOOL FUNDING & LOSSES FROM PANDEMIC	X			HAFC	
<a href="#">HB182</a>	EVALUATE ON-CAMPUS LEARNING				HHHC	
<a href="#">HB184</a>	K-5 PLUS FUNDING & USES		(65-0)		SFC	
<a href="#">HB188</a>	SECONDARY COMPUTER SCIENCE TEACHER LICENSE		(65-0)	(36-0)	Chaptered	Ch. 102
<a href="#">HB213</a>	SCHOOL DISTRICT SPECIAL ED SERVICES FUND				HEC	
<a href="#">HB219</a>	BILITERACY DEVELOPMENT FRAMEWORK TASK FORCE				Senate	
<a href="#">HB221</a>	K-2ND GRADE ASSESSMENT CHANGES		(42-21)		SFC	
<a href="#">HB222</a>	SPECIAL EDUCATION OMBUD ACT		(68-0)	(36-0)	Chaptered	Ch. 53
<a href="#">HB227</a>	ETHNIC STUDIES DEFINITION		(42-25)		SFC	
<a href="#">HB232</a>	PUBLIC SCHOOL VENTILATION IMPROVEMENT ACT		(44-22)		SFC	
<a href="#">HB233</a>	INTERNET ACCESS FOR TEACHERS				HEC	



## Appendix A: Education Bills by Bill Number

Bill Number	Short Title	LESC Endorsed	House Vote	Senate Vote	Final Location	Chapter
44	<a href="#">HB237</a>				HHHC	
45	<a href="#">HB242</a>				HHHC	
46	<a href="#">HB247</a>				HAFC	
47	<a href="#">HB257</a>				HEC	
48	<a href="#">HB266</a>		(50-15)	(41-0)	Chaptered	Ch. 129
49	<a href="#">HB268</a>		(38-27)		SJC	
50	<a href="#">HB280</a>				HEC	
51	<a href="#">HB282</a>				HAFC	
52	<a href="#">HB287</a>		(65-0)	(38-1)	Vetoed	
53	<a href="#">HB292</a>				HEC	
54	<a href="#">HB302</a>				HEC	
55	<a href="#">HB320</a>				HEC	
56	<a href="#">HB326</a>				House	
57	<a href="#">HB331</a>		(66-0)	(36-2)	Chaptered	Ch. 130
58	<b>Senate Bills</b>					
59	<a href="#">SB17</a>		(52-18)	(35-6)	Chaptered	Ch. 18
60	<a href="#">SB29</a>			(24-12)	House	
61	<a href="#">SB30</a>				SFC	
62	<a href="#">SB31</a>				SFC	
63	<a href="#">SB35</a>		(40-25)	(26-15)	Chaptered	Ch. 102
64	<a href="#">SB40</a>	X	(56-13)	(31-9)	Chaptered	Ch. 134
65	<a href="#">SB41</a>			(40-0)	HEC	
66	<a href="#">SB42</a>	X	(49-9)	(36-6)	Chaptered	Ch. 44
67	<a href="#">SB43</a>		(69-0)	(34-5)	Chaptered	Ch. 27
68	<a href="#">SB51</a>	X	(57-3)	(35-4)	Chaptered	Ch. 28
69	<a href="#">SB54</a>			(40-1)	House Intro	
70	<a href="#">SB63</a>				SFC	
71	<a href="#">SB80</a>		(64-1)	(37-0)	Chaptered	Ch. 19
72	<a href="#">SB107</a>				SEC	
73	<a href="#">SB110</a>				SEC	
74	<a href="#">SB115</a>				SJC	
75	<a href="#">SB131</a>		(64-0)	(39-0)	Vetoed	
76	<a href="#">SB144</a>		(60-0)	(32-8)	Chaptered	Ch. 49
77	<a href="#">SB148</a>	X		(27-14)	HEC	
78	<a href="#">SB151</a>				SFC	
79	<a href="#">SB157</a>				SFC	
80	<a href="#">SB159</a>				SFC	
81	<a href="#">SB170</a>				SEC	
82	<a href="#">SB171</a>				SEC	
83	<a href="#">SB175</a>				STBTC	
84	<a href="#">SB188</a>				SFC	
85	<a href="#">SB198</a>			(36-0)	STBTC	
86	<a href="#">SB206</a>				SFC	
87	<a href="#">SB210</a>	X		(24-14)	House	Ch. 59
88	<a href="#">SB225</a>				SFC	
89	<a href="#">SB228</a>				SFC	

## Appendix A: Education Bills by Bill Number

Bill Number	Short Title	LESC Endorsed	House Vote	Senate Vote	Final Location	Chapter	
90	<a href="#">SB233</a>	STUDENT BILL OF RIGHTS			SEC		
91	<a href="#">SB237</a>	CHARTER SCHOOL DUTIES			SJC		
92	<a href="#">SB248</a>	ANONYMOUS REPORTING IN SCHOOLS			SJC		
93	<a href="#">SB249</a>	NO IMPACT AID AS FEDERAL REVENUE			SEC		
94	<a href="#">SB263</a>	ADULT DIPLOMAS PROGRAM			SFC		
95	<a href="#">SB271</a>	PURPLE STAR PUBLIC SCHOOL PROGRAM		(68-0)	(36-0)	Chaptered	Ch. 75
96	<a href="#">SB272</a>	MILITARY FAMILY EARLY SCHOOL ENROLLMENT		(70-0)	(37-0)	Chaptered	Ch. 76
97	<a href="#">SB289</a>	SPECIAL ED DIVISION OF ED DEPT.			HHHC		
98	<a href="#">SB302</a>	EDUCATIONAL EMPLOYEE PTSD			SJC		
99	<a href="#">SB303</a>	CHANGE ED RETIREMENT BOARD MEMBERSHIP			HAFC		
100	<a href="#">SB307</a>	DAILY SCHOOL BUS DRIVER SALARIES			SFC		
101	<a href="#">SB318</a>	CHARTER SCHOOL CHANGES			SFC		
102	<a href="#">SB319</a>	SCHOOL USE OF RESTRAINT			SJC		
103	<a href="#">SB326</a>	LIMIT USE OF PESTICIDES AT SCHOOLS			SEC		
104	<a href="#">SB330</a>	DROPOUT PREVENTION PROGRAM			SFC		
105	<a href="#">SB335</a>	ENMU ROBOTICS PROGRAM			SEC		
106	<a href="#">SB337</a>	WORKPLACE PREPARATION SCHOOL PROGRAMS			SEC		
107	<a href="#">SB341</a>	LEG. APPROP FOR COMM SCHOOLS FUND		(68-0)	(41-0)	Vetoed	
108	<a href="#">SB346</a>	SPECIAL ED OMBUD ACT			SEC		
109	<a href="#">SB353</a>	EYE TESTS FOR SCHOOL KIDS			SEC		
110	<a href="#">SB384</a>	CLOSURE OF CERTAIN SCHOOLS			SEC		
111	<a href="#">SB390</a>	EDUCATIONAL RETIREES RETURNING TO WORK			SEC		
112	<a href="#">SB392</a>	TRANSFER ABOVE TREND MONEY FROM GENERAL FUND			STBTC		
113	<a href="#">SB401</a>	CAREER TECHNICAL EDUCATION UNDER PED			SEC		
114	<a href="#">SB406</a>	LIMIT PUBLIC SCHOOL MANAGEMENT CONTRACTS			HEC		
115	<b>Joint Resolutions</b>						115
116	<a href="#">HJR1</a>	PERMANENT FUND FOR EARLY CHILDHOOD, CA		(44-23)	(26-12)	Passed	
117	<a href="#">HJR7</a>	SCHOOL FUNDING FOR HOME OR PRIVATE SCHOOL, CA				HCPAC	
118	<a href="#">HJR11</a>	PUBLIC FUNDS FOR PRIVATE SCHOOLS, CA				HEC	
119	<a href="#">SJR1</a>	FUNDS FOR TEACHER SALARIES AND INSTRUCTION				SRC	
120	<a href="#">SJR5</a>	PROHIBIT UNFUNDED MANDATES ON SCHOOLS, CA				SEC	
121	<a href="#">SJR8</a>	STATEWIDE MILLAGE FOR SCHOOLS, CA				STBTC	
122	<a href="#">SJR17</a>	RIGHT TO QUALITY EDUCATION, CA				SRC	
123	<a href="#">SJR19</a>	STATE FUNDS FOR PRIVATE SCHOOLS				SRC	
124	<b>Memorials</b>						124
125	<a href="#">HJM5</a>	STUDY EFFECTS OF FUNDING FORMULA CHANGES		(67-0)	(41-0)	Passed	
126	<a href="#">HM18</a>	TEACHER WORKFORCE TASK FORCE		(67-0)		Signed	
127	<a href="#">HM19</a>	INTERNET ACCESS FOR TEACHERS				HEC	
128	<a href="#">HM24</a>	STUDY FUNDING FORMULA AT-RISK INDEX		(65-0)		Signed	
129	<a href="#">HM25</a>	STUDY SCHOOL CHOICE BENEFITS & FUNDING				HEC	
130	<a href="#">SM1</a>	TASK FORCE TO PROMOTE OUTDOOR CLASSROOM			(34-2)	Signed	
131	<a href="#">SM15</a>	SCHOOL-BASED HEALTH CARE				SRC	
132	<a href="#">SM26</a>	DEVELOP EDUCATION PLAN FOR YAZZIE LAWSUIT				SEC	

Note: Bill number is linked to bill web page on the New Mexico Legislature website.

Source: LESC Files

# Appendix B: Public Education Bills by Category

## Legislation Related to Public Education Introduced in the First Session of the 54th Legislature of the State of New Mexico (Organized by Category)

Bill Number	Short Title	LESC Endorsed	House Vote	Senate Vote	Final Location	Chapter
<b>School Funding</b>						
<a href="#">HB6</a>	STATE EQUALIZATION GUARANTEE DISTRIBUTIONS		(67-1)	(40-1)	Chaptered	Ch. 52
<a href="#">HB84</a>	NATIVE LANGUAGE EDUCATION PROGRAM UNIT				HAFC	
<a href="#">HB110</a>	PHASED MINIMUM WAGE INCREASE				HCEDC	
<a href="#">HB116</a>	ADDITIONS TO 3-TIERED TEACHER LICENSES				HAFC	
<a href="#">HB135</a>	SCHOOL OPPORTUNITY & EQUITY INDEX				HAFC	
<a href="#">HB138</a>	INCREASE FNE ARTS EDUCATION PROGRAM UNIT	X	(61-7)		SFC	
<a href="#">HB171</a>	PROGRAM UNITS FOR CERTAIN SCHOOL PERSONNEL	X	(68-0)		SFC	
<a href="#">HB175</a>	SCHOOL FUNDING & LOSSES FROM PANDEMIC	X			HAFC	
<a href="#">HB280</a>	LOW-INCOME REMOTE SCHOOLING REIMBURSEMENT				HEC	
<a href="#">HB292</a>	EDUCATION FREEDOM ACCOUNT ACT				HEC	
<a href="#">HB331</a>	SCHOOL DISTRICT 2022 TRANSPHOLD HARMLESS		(66-0)	(36-2)	Chaptered	Ch. 130
<a href="#">SB17</a>	FAMILY INCOME INDEX ACT		(52-18)	(35-6)	Chaptered	Ch. 18
<a href="#">SB41</a>	SCHOOL FUNDING CHANGES			(40-0)	HEC	
<a href="#">SB131</a>	DISCRETIONARY SCHOOL FUNDING PROGRAM UNITS		(64-0)	(39-0)	Vetoed	
<a href="#">SB225</a>	USE OF SOME REVENUE FOR SCHOOL FUNDING				SFC	
<a href="#">SB249</a>	NO IMPACT AID AS FEDERAL REVENUE				SEC	
<a href="#">SB307</a>	DAILY SCHOOL BUS DRIVER SALARIES				SFC	
<a href="#">SB392</a>	TRANSFER ABOVE TREND MONEY FROM GENERAL FUND				STBTC	
<a href="#">HJR7</a>	SCHOOL FUNDING FOR HOME OR PRIVATE SCHOOL, CA				HCPAC	
<a href="#">HJR11</a>	PUBLIC FUNDS FOR PRIVATE SCHOOLS, CA				HEC	
<a href="#">SJR5</a>	PROHIBIT UNFUNDED MANDATES ON SCHOOLS, CA				SEC	
<a href="#">SJR8</a>	STATEWIDE MILLAGE FOR SCHOOLS, CA				STBTC	
<a href="#">HJM5</a>	STUDY EFFECTS OF FUNDING FORMULA CHANGES		(67-0)	(41-0)	Passed	
<a href="#">HM24</a>	STUDY FUNDING FORMULA AT-RISK INDEX		(65-0)		Signed	
<b>Teaching</b>						
<a href="#">HB20</a>	HEALTHY WORKPLACES ACT		(36-33)	(25-16)	Chaptered	Ch. 131
<a href="#">HB22</a>	GROW YOUR OWN TEACHERS ACT SCHOLARSHIPS		(69-0)	(38-0)	Chaptered	Ch. 11
<a href="#">HB37</a>	PAID SICK LEAVE ACT				HLVMC	
<a href="#">HB38</a>	PAID FAMILY & MEDICAL LEAVE ACT				HAFC	
<a href="#">HB120</a>	MILITARY SPOUSE EXPEDITED LICENSURE		(66-0)	(41-0)	Chaptered	Ch. 120
<a href="#">HB128</a>	SCHOOL PERSONNEL BACKGROUND & TRAINING	X	(62-5)	(37-0)	Chaptered	Ch. 94
<a href="#">HB142</a>	SCHOOL TASK FORCE ON SEXUAL MISCONDUCT		(58-7)		SJC	
<a href="#">HB188</a>	SECONDARY COMPUTER SCIENCE TEACHER LICENSE		(65-0)	(36-0)	Chaptered	Ch. 102
<a href="#">HB266</a>	SPECIAL EDUCATION TEACHER LICENSES		(50-15)	(41-0)	Chaptered	Ch. 129
<a href="#">HB268</a>	CORONAVIRUS & WORKERS' COMP		(38-27)		SJC	
<a href="#">SB42</a>	INCREASES ED RETIREMENT CONTRIBUTIONS	X	(49-9)	(36-6)	Chaptered	Ch. 44
<a href="#">SB110</a>	INCREASING EMPLOYER CONTRIBUTION				SEC	
<a href="#">SB151</a>	EDUCATIONAL LOAN REPAYMENT				SFC	
<a href="#">SB159</a>	TEACHER LOAN REPAYMENT				SFC	

## Appendix B: Public Education Bills by Category

Bill Number	Short Title	LESC Endorsed	House Vote	Senate Vote	Final Location	Chapter	
41	<a href="#">SB175</a> RURAL TEACHERS TAX CREDIT				STBTC	41	
42	<a href="#">SB198</a> PAID SICK LEAVE			(36-0)	STBTC	42	
43	<a href="#">SB302</a> EDUCATIONAL EMPLOYEE PTSD				SJC	43	
44	<a href="#">SB303</a> CHANGE ED RETIREMENT BOARD MEMBERSHIP		(43-26)	(23-18)	Chaptered	Ch. 78	
45	<a href="#">SB390</a> EDUCATIONAL RETIREES RETURNING TO WORK				SEC	45	
46	<a href="#">SJR1</a> FUNDS FOR TEACHER SALARIES AND INSTRUCTION				SRC	46	
47	<a href="#">HM18</a> TEACHER WORKFORCE TASK FORCE		(67-0)		Signed	47	
48	<a href="#">SM1</a> TASK FORCE TO PROMOTE OUTDOOR CLASSROOM			(34-2)	Signed	48	
49	<b>Early Learning</b>						49
50	<a href="#">HB170</a> NM-GROWN PRODUCE IN CHILD CARE CENTERS				HAFC	50	
51	<a href="#">HB221</a> K-2ND GRADE ASSESSMENT CHANGES		(42-21)		SFC	51	
52	<a href="#">SB30</a> ANNA, AGE EIGHT INSTITUTE				SFC	52	
53	<a href="#">HJR1</a> PERMANENT FUND FOR EARLY CHILDHOOD, CA		(44-23)	(26-12)	Passed	53	
54	<b>Equity in Education</b>						54
55	<a href="#">HB29</a> NO SCHOOL DISCRIMINATION FOR HAIR		(66-0)	(38-0)	Chaptered	Ch. 37	
56	<a href="#">HB43</a> BLACK EDUCATION ACT		(67-0)	(32-0)	Chaptered	Ch. 51	
57	<a href="#">HB52</a> BILINGUAL MULTICULTURAL ED ADVISORY COUNCIL	X	(68-0)	(38-0)	Chaptered	Ch. 12	
58	<a href="#">HB85</a> YAZZIE LAWSUIT RESPONSE FUNDING				HAFC	58	
59	<a href="#">HB93</a> LIMIT OUT-OF-SCHOOL SUSPENSIONS		(54-12)		SJC	59	
60	<a href="#">HB130</a> SCHOOL GIFTED EDUCATION REQUIREMENTS				HAFC	60	
61	<a href="#">HB131</a> ASST. SECRETARY OF HISPANIC EDUCATION	X	(44-19)		Senate	61	
62	<a href="#">HB213</a> SCHOOL DISTRICT SPECIAL ED SERVICES FUND				HEC	62	
63	<a href="#">HB219</a> BILITERACY DEVELOPMENT FRAMEWORK TASK FORCE				Senate	63	
64	<a href="#">HB222</a> SPECIAL EDUCATION OMBUD ACT		(68-0)	(36-0)	Chaptered	Ch. 53	
65	<a href="#">HB227</a> ETHNIC STUDIES DEFINITION		(42-25)		SFC	65	
66	<a href="#">HB237</a> PUBLIC & SCHOOL FOR THE DEAF COOPERATION				HHHC	66	
67	<a href="#">HB287</a> ACCESS TO CULTURALLY APPROPRIATE SVCS.		(65-0)	(38-1)	Vetoed	67	
68	<a href="#">SB31</a> FULL TIME SCHOOL NURSE				SFC	68	
69	<a href="#">SB80</a> NO SCHOOL DISCRIMINATION FOR HAIR		(64-1)	(37-0)	Chaptered	Ch. 19	
70	<a href="#">SB148</a> DIVERSITY COMMISSION	X		(27-14)	HEC	70	
71	<a href="#">SB157</a> ACEQUIAS AND LAND GRANTS IN PUBLIC EDUCATION				SFC	71	
72	<a href="#">SB210</a> ETHNIC STUDIES EDUCATION	X		(24-14)	House	Ch. 59	
73	<a href="#">SB228</a> UNM CHICANO STUDIES DEPT.				SFC	73	
74	<a href="#">SB233</a> STUDENT BILL OF RIGHTS				SEC	74	
75	<a href="#">SB319</a> SCHOOL USE OF RESTRAINT				SJC	75	
76	<a href="#">SB346</a> SPECIAL ED OMBUD ACT				SEC	76	
77	<a href="#">SM26</a> DEVELOP EDUCATION PLAN FOR YAZZIE LAWSUIT				SEC	77	
78	<a href="#">SJR17</a> RIGHT TO QUALITY EDUCATION, CA				SRC	78	
79	<b>Student Supports</b>						79
80	<a href="#">HB24</a> SCHOOL DISTRICT FULL-TIME NURSES	X			HEC	80	
81	<a href="#">HB32</a> FULL-TIME NURSE IN EVERY SCHOOL				HEC	81	
82	<a href="#">HB184</a> K-5 PLUS FUNDING & USES		(65-0)		SFC	82	
83	<a href="#">HB242</a> DENTAL EXAMS FOR STUDENTS				HHHC	83	
84	<a href="#">HB247</a> AFTER SCHOOL & SUMMER PROGRAMS				HAFC	84	
85	<a href="#">SB35</a> MINIMUM WAGE FOR SECONDARY SCHOOL STUDENTS		(40-25)	(26-15)	Chaptered	Ch. 102	

## Appendix B: Public Education Bills by Category

Bill Number	Short Title	LESC Endorsed	House Vote	Senate Vote	Final Location	Chapter
86	<a href="#">SB40</a>	X	(56-13)	(31-9)	Chaptered	Ch. 134
87	<a href="#">SB51</a>	X	(57-3)	(35-4)	Chaptered	Ch. 28
88	<a href="#">SB115</a>				SJC	
89	<a href="#">SB188</a>				SFC	
90	<a href="#">SB206</a>				SFC	
91	<a href="#">SB248</a>				SJC	
92	<a href="#">SB271</a>		(68-0)	(36-0)	Chaptered	Ch. 75
93	<a href="#">SB272</a>		(70-0)	(37-0)	Chaptered	Ch. 76
94	<a href="#">SB289</a>				House	
95	<a href="#">SB335</a>				SEC	
96	<a href="#">SB341</a>		(68-0)	(41-0)	Vetoed	
97	<a href="#">SB353</a>				SEC	
98	<a href="#">HM25</a>				HEC	
99	<a href="#">SJR19</a>				SRC	
100	<a href="#">SM15</a>				SRC	
101	<b>College and Career Readiness</b>					
102	<a href="#">HB25</a>	X	(66-0)	(38-0)	Vetoed	
103	<a href="#">HB83</a>		(66-1)		SEC	
104	<a href="#">HB100</a>				HAFC	
105	<a href="#">HB126</a>				HEC	
106	<a href="#">HB163</a>		(65-0)		Senate	
107	<a href="#">HB282</a>				HAFC	
108	<a href="#">HB302</a>				HEC	
109	<a href="#">SB107</a>				SEC	
110	<a href="#">SB170</a>				SEC	
111	<a href="#">SB263</a>				SFC	
112	<a href="#">SB330</a>				SFC	
113	<a href="#">SB337</a>				SEC	
114	<b>Capital Outlay</b>					
115	<a href="#">HB86</a>				HAFC	
116	<a href="#">HB141</a>	X	(66-1)		Senate	
117	<a href="#">HB232</a>		(44-22)		SFC	
118	<a href="#">HB233</a>				HEC	
119	<a href="#">HB257</a>				HEC	
120	<a href="#">HB326</a>				House	
121	<a href="#">SB29</a>			(24-12)	House	
122	<a href="#">SB43</a>		(69-0)	(34-5)	Chaptered	Ch. 27
123	<a href="#">SB54</a>			(40-1)	House Intro	
124	<a href="#">SB63</a>				SFC	
125	<a href="#">SB144</a>		(60-0)	(32-8)	Chaptered	Ch. 49
126	<a href="#">SB318</a>				SFC	
127	<a href="#">HM19</a>				HEC	
128	<b>School Administration and Governance</b>					
129	<a href="#">HB4</a>		(38-29)	(26-15)	Chaptered	Ch. 119
130	<a href="#">HB182</a>				HHHC	

## Appendix B: Public Education Bills by Category

Bill Number	Short Title	LESC Endorsed	House Vote	Senate Vote	Final Location	Chapter
131	<a href="#">HB320</a> SCHOOL DISTRICT REORGANIZATION ACT				HEC	131
132	<a href="#">SB171</a> ON-CAMPUS ED. IN PUBLIC HEALTH EMERGENCY				SEC	132
133	<a href="#">SB237</a> CHARTER SCHOOL DUTIES				SJC	133
134	<a href="#">SB326</a> LIMIT USE OF PESTICIDES AT SCHOOLS				SEC	134
135	<a href="#">SB384</a> CLOSURE OF CERTAIN SCHOOLS				SEC	135
136	<a href="#">SB401</a> CAREER TECHNICAL EDUCATION UNDER PED				SEC	136
137	<a href="#">SB406</a> LIMIT PUBLIC SCHOOL MANAGEMENT CONTRACTS				SEC	137

Note: Bill number is linked to bill web page on the New Mexico Legislatre website.

Source: LESC Files

# Appendix C: Public School Support and Related Appropriations

## Public School Support and Related Appropriations for FY22 (in thousands of dollars)

	School Year 2020-2021 Preliminary Unit Value = \$4,531.74	FY21 OpBud	GAA of 2021
	School Year 2019-2020 Final Unit Value = \$4,602.27		
1	<b>PROGRAM COST</b>	\$3,137,303.4	\$3,069,463.4
2	<b>UNIT CHANGES</b>		
3	Increase At-Risk Index (Multiplier for FY20: 0.25; FY21: 0.30)	\$50,152.10	
4	Extended Learning Time Program Units (190 Days, After School Programs, and 80 Hours of Professional Development)	\$8,896.6	\$38,773.9
5	K-5 Plus Program Units	(\$40,000.0)	\$40,000.0
6	Enrollment Growth		
7	Net Program Unit Changes	(\$10,287.0)	(\$112,260.3)
8	Enrollment Hold Harmless		\$97,396.2
9	<b>UNIT VALUE CHANGES</b>		
10	Instructional Materials		\$5,000.0
11	Insurance	\$11,567.6	\$13,755.4 <sup>3</sup>
12	Fixed Costs	\$4,764.9	\$4,681.5
13	Mentorship, Professional Development, and Induction Programs	\$11,000.0	
14	Early Literacy and Reading Support Programs	\$8,000.0	
15	Minimum Wage Increase (January 2021: \$10.50; January 2022: \$11.50)	\$1,100.0	\$1,999.6
16	Compensation Increase (Section 8: average 1.5 percent)		\$35,119.0
17	ERB Employer Contribution Increase (Section 8: 1 percentage point)		\$21,716.0
18	Eliminate Funding Formula Credits (FY21: Impact Aid; FY22: Forest Reserve and Half Mill Levy)	(\$67,000.0)	(\$16,667.5)
19	Offset Loss of Impact Aid Credit	\$31,000.0	\$35,000.0
20	Offset Loss of Forest Reserve and Half Mill Levy Credit		\$16,667.5
21	SEG 1 Percent Sanding	(\$32,373.2)	
22	Nonrecurring Education Stimulus Swap	(\$44,661.0)	\$44,661.0
23	<b>SUBTOTAL PROGRAM COST</b>	<b>\$3,069,463.4</b>	<b>\$3,295,305.7</b>
24	Dollar Change Over Prior Year Appropriation	(\$67,840.0)	\$225,842.3
25	Percent Change	-2.2%	7.4%
26	LESS PROJECTED CREDITS (FY20 Actual Credits of \$75.6 million)	(\$16,000.0)	
27	LESS OTHER STATE FUNDS (From Driver's License Fees)	(\$7,000.0)	(\$7,000.0)
28	<b>STATE EQUALIZATION GUARANTEE (Section 4)</b>	<b>\$3,046,463.4</b>	<b>\$3,231,470.7</b>
29	Dollar Change Over Prior Year Appropriation	(\$22,340.0)	\$185,007.3
30	Percent Change	-0.7%	6.1%
33	<b>TOTAL STATE EQUALIZATION GUARANTEE (Section 4 and 8)</b>	<b>\$3,046,463.4</b>	<b>\$3,288,305.7 <sup>4</sup></b>
34	Dollar Change Over Prior Year Appropriation	(\$22,340.0)	\$241,842.3
35	Percent Change	-0.7%	7.9%
36	<b>CATEGORICAL PUBLIC SCHOOL SUPPORT</b>		
37	Transportation		
38	Maintenance and Operations	\$86,664.8	\$83,624.6
39	Fuel	\$13,108.8	\$11,191.0
40	Rental Fees (Contractor-Owned Buses)	\$7,119.7	\$8,327.9
41	Transportation for Extended Learning Time Programs	\$3,707.3	\$2,409.7
42	Transportation for K-5 Plus Programs	\$3,818.9	\$899.2
43	Section 8 Compensation Increase for Transportation (average 1.5%)		\$603.8
44	Categorical 6% Sanding (Half Transportation; Half Other)	(\$4,013.9)	
45	<b>SUBTOTAL TRANSPORTATION - Section 4</b>	<b>\$110,405.6</b>	<b>\$106,452.4</b>
46	<b>SUBTOTAL TRANSPORTATION - Sections 4 and 8</b>	<b>\$110,405.6</b>	<b>\$107,056.2 <sup>4</sup></b>
47	Out-of-State Tuition	\$285.0	\$315.0
48	Emergency Supplemental	\$1,000.0	\$3,000.0
50	Standards-Based Assessments	\$7,236.0	\$7,236.0
51	Indian Education Fund	\$5,250.0	\$5,250.0
52	<b>TOTAL CATEGORICAL</b>	<b>\$124,176.6</b>	<b>\$122,253.4</b>

## Appendix C: Public School Support and Related Appropriations

### Public School Support and Related Appropriations for FY22 (in thousands of dollars)

School Year 2020-2021 Preliminary Unit Value = \$4,531.74  
School Year 2019-2020 Final Unit Value = \$4,602.27

	FY21 OpBud	GAA of 2021
<b>TOTAL PUBLIC SCHOOL SUPPORT</b>	<b>\$3,170,640.0</b>	<b>\$3,353,724.1</b>
Dollar Change Over Prior Year Appropriation	(\$1,091.9)	\$183,084.1
Percent Change	0.0%	5.8%
<b>Related Requests: Recurring</b>		
Regional Education Cooperatives	\$1,034.0	\$1,034.0
Indigenous, Multilingual, Multicultural and Special Education	\$4,567.8	\$5,067.8
GRADS – Teen Parent Interventions	\$415.3 <sup>1</sup>	\$415.3 <sup>1</sup>
Community School Initiatives	\$3,322.0	
Career Technical Education Fund (Laws 2019, Ch. 61)	\$2,491.5	
MESA Programs	\$62.4	
College and Career Readiness	\$83.1	
Accountability and Regional Support Systems	<sup>2</sup>	
Principal Professional Development	\$2,491.5	\$2,491.5
Early Literacy and Reading Support	\$1,661.0	\$1,661.0
Teacher Professional Development Programs	\$2,869.5	\$2,869.5
STEAM Initiative (Science, Technology, Engineering, Arts, and Math)	\$4,152.6	\$3,025.9
Advanced Placement Test Fee Waivers and Training	\$1,245.8	\$1,000.0
Teaching Pathways Coordinator	\$41.5	
Teacher Professional Development for Computer Science	\$166.1	
Student Nutrition and Wellness		\$2,342.0
Breakfast for Elementary Students	\$1,328.8	<sup>5</sup>
New Mexico Grown Fruits and Vegetables	\$332.2	
School Lunch Copayments	\$539.8	<sup>5</sup>
Feminine Hygiene Products	\$141.2	
<b>TOTAL RELATED APPROPRIATIONS: RECURRING</b>	<b>\$26,946.1</b>	<b>\$19,907.0</b>
Dollar Change Over Prior Year Appropriation	\$105.1	(\$7,039.1)
Percent Change	0.4%	-26.1%
<b>SUBTOTAL PUBLIC EDUCATION FUNDING</b>	<b>\$3,197,586.1</b>	<b>\$3,373,631.1</b>
Dollar Change Over Prior Year Appropriation	(\$986.8)	\$176,045.0
Percent Change	0.0%	5.5%
<b>PUBLIC EDUCATION DEPARTMENT</b>	<b>\$14,364.5</b>	<b>\$14,364.5</b>
Dollar Change Over Prior Year Appropriation	\$745.7	\$0.0
Percent Change	5.5%	0.0%
<b>TOTAL - SECTION 4 PUBLIC SCHOOL APPROPRIATIONS</b>	<b>\$3,211,950.6</b>	<b>\$3,387,995.6</b>
Dollar Change Over Prior Year Appropriation	(\$40,067.0)	\$176,045.0
Percent Change	-1.2%	5.5%
<b>GRAND TOTAL - SEC. 4 AND 8 PUBLIC SCHOOL APPROPRIATIONS</b>	<b>\$3,211,950.6</b>	<b>\$3,445,434.4 <sup>4</sup></b>
Dollar Change Over Prior Year Appropriation	(\$40,067.0)	\$233,483.8
Percent Change	-1.2%	7.3%

<b>SECTION 5 AND 7 APPROPRIATIONS: NONRECURRING GENERAL FUND OR PUBLIC EDUCATION REFORM FUND</b>		
<b>FROM THE PUBLIC EDUCATION REFORM FUND</b>		
Accountability and Regional Support Systems	\$1,000.0	
Career Technical Education Fund (Laws 2019, Ch. 61)	\$2,000.0	\$3,000.0
Community Schools <del>Fund</del>		\$5,000.0
Culturally and Linguistically Appropriate Instructional Materials and Curricula	\$9,000.0	
Family Income Index		\$30,000.0 <sup>8</sup>
Cyber Security and Data Systems Upgrade	\$500.0	\$1,500.0
Early Literacy Summer Professional Development	\$875.0	
School Budget Transparency Website	\$3,000.0	
Educator Evaluation System	\$1,000.0	\$1,000.0
National Board Certification Scholarship Fund	\$500.0	
Grow Your Own Teachers Fund (to Higher Education Department)	\$500.0	\$500.0
Statewide Special Education Convening	\$750.0	



## Appendix C: Public School Support and Related Appropriations

### Public School Support and Related Appropriations for FY22 (in thousands of dollars)

School Year 2020-2021 Preliminary Unit Value = \$4,531.74		FY21 OpBud	GAA of 2021
School Year 2019-2020 Final Unit Value = \$4,602.27			
114	Teacher Residency Fund	\$1,000.0	\$1,000.0
119	Panic Buttons in Public Schools (to Public School Facilities Authority)	\$1,500.0	
120	Extended Learning Time Program (Section 4 Other State Funds Appropriation)		\$50,052.5
121	Additional Instructional Time Pilot		\$20,000.0
122	Transportation for Extended Learning Time Programs (Section 4 Other State Funds Appropriation)		\$2,265.9
123	Transportation for K-5 Plus Programs (Section 4 Other State Funds Appropriation)		\$3,034.7
124	Black Education Act		\$400.0
125	STEAM Initiative (Science, Technology, Engineering, Arts, and Math)		\$500.0
126	Commission on Diversity, Equity, and Excellence		<del>\$500.0</del> <sup>9</sup>
127	PED IT Systems (Section 5 and Section 7)	\$2,957.3	\$1,938.4
128	<b>Subtotal: Public Education Reform Fund</b>	<b>\$24,582.3</b>	<b>\$120,191.5</b>
129	<b>FROM THE GENERAL FUND</b>		
130	Sufficiency Lawsuit Fees	\$750.0	\$1,250.0
131	Biliteracy Framework Study	\$100.0	
132	Potential FY20 Impact Aid Liability		\$20,899.6
133	Panic Buttons in Public Schools (to Public School Facilities Authority)	\$95.0	
134	Insurance Claims (to Public Schools Insurance Authority)	\$8,000.0	
135	Teacher Preparation Affordability Fund (to the Higher Education Department)		<sup>6</sup>
136	Teacher Loan Repayment Fund		<sup>7</sup>
137	<b>FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND</b>		
138	Maintenance, Repair, and Infrastructure Projects in Impact Aid Areas (to PSFA)	\$18,867.0	
139	Panic Buttons in Public Schools (to Public School Facilities Authority)		\$1,000.0
140	<b>OTHER APPROPRIATIONS</b>		
141	SB377: Broadband (from public education reform fund)		\$25,000.0
142	SB377: Tribal Education (from public education reform fund)		\$9,000.0
143	SB377: Tribal Education (from the general fund)		\$1,615.7
144	SB377: High School Graduation and Post-Secondary Transition Contract		\$50.0
145	SB377: Economic Development Through College and Career Readiness		\$100.0
146	SB377: Biliteracy and Oral Language Development Framework		<del>\$225.0</del> <sup>9</sup>
147	SB377: Asset Mapping and Gap Analysis Task Force		<del>\$125.0</del> <sup>11</sup>
148	SB377: Activity Buses for Grants-Cibola County Schools		\$200.0
149	SB377: CTE Programs in Rio Rancho Public Schools		\$262.6
150	SB377: Reframe Program and Rio Rancho Middle School		\$125.0
151	SB377: Health Center West Las Vegas Public Schools		\$50.0
152	SB377: KANW Public Radio		\$75.0
153	SB377: Extended Learning Summer Programs in Bernalillo County		\$125.0
154	SB377: Afterschool Science Program/Gadsden Independent SD		\$50.0
155	SB377: Increase School Nurses		\$100.0 <sup>12</sup>
156	SB377: Targeted Out-of-School and Summer Programs		\$90.6 <sup>12</sup>
157	SB377: Implement Black Education Act		\$150.0 <sup>12</sup>
158	SB377: Best Buddies Program		\$150.0 <sup>12</sup>
159	SB377: Computer Science Teacher License Endorsement		\$75.0 <sup>12</sup>
160	School Bus Replacement	\$8,989.0	\$6,894.0
161	School Bus Cameras (from the general fund)	\$252.4	\$180.0
162	Alternative School Bus Fueling or Charging Infrastructure (VW settlement)	\$200.0	

## Appendix C: Public School Support and Related Appropriations

### Public School Support and Related Appropriations for FY22 (in thousands of dollars)

	School Year 2020-2021 Preliminary Unit Value = \$4,531.74 School Year 2019-2020 Final Unit Value = \$4,602.27	FY21 OpBud	GAA of 2021	
163	<b>TRANSFERS</b>			163
164	State-Support Reserve Fund		\$15,500.0 <sup>10</sup>	164
165	National Board Certification Scholarship Fund		\$5,000.0	165
166	Community Schools Fund		<del>\$20,000.0</del> <sup>11</sup>	166
167	Teacher Loan Repayment Fund		\$5,000.0	167
168	Teacher Preparation Affordability Scholarship Fund		\$20,000.0	168
169	<b>TOTAL - NONRECURRING APPROPRIATIONS AND TRANSFERS</b>	<b>\$85,418.0</b>	<b>\$233,134.0</b>	169

Source: LESC

<sup>1</sup>The GAAs of 2020 and 2021 include \$200 thousand in temporary assistance for needy families (TANF) funds.

<sup>2</sup>The GAA of 2020 included \$1 million from the public education reform fund.

<sup>3</sup>The GAA of 2021 includes sufficient funds for a 7 percent increase to health insurance premiums and no increase for risk insurance premiums.

<sup>4</sup>The total for Sections 4 and 8 does not include any portion of the \$34 million appropriated to the Department of Finance and Administration for a 1 percent increase to employer contributions for the Education Retirement Board.

<sup>5</sup>The GAA of 2021 includes language noting the appropriation for student nutrition and wellness is for this purpose.

<sup>6</sup>The GAA of 2021 includes an appropriation of \$5 million in teacher preparation affordability fund balance.

<sup>7</sup>The GAA of 2021 includes an appropriation of \$2 million to teacher loan repayment fund.

<sup>8</sup>The appropriation for the family income index includes \$15 million for expenditure in FY21 and FY22 and \$15 million for expenditure in FY23. This appropriation is contingent on enactment of Chapter 18 (Senate Bill 17).

<sup>9</sup>This item was contingent on enactment of legislation which did not pass the Legislature.

<sup>10</sup>The transfer to the state support reserve fund is from the K-3 plus fund.

<sup>11</sup>This item was contingent on legislation that was vetoed by the governor.

<sup>12</sup>The Department of Finance and Administration has classified this appropriation as recurring.

## Appendix D: Selected Education-Related Language from the General Appropriation Act

### SELECTED PUBLIC EDUCATION RELATED LANGUAGE FROM THE GENERAL APPROPRIATION ACT OF 2021

Strikethrough Indicates Executive Veto

#### Section 4

##### State Equalization Guarantee Distribution

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 2021-2022 school year and then, on verification of the number of units statewide for fiscal year 2022 but no later than January 31, 2022, the secretary of public education may adjust the program unit value. In setting the preliminary unit value and the final unit value in January, the public education department shall consult with the department of finance and administration, ~~legislative finance committee and legislative education study committee.~~

For fiscal year 2022, the public education department, in consultation with the department of finance and administration, ~~legislative finance committee and legislative education study committee,~~ shall issue budget instructions for school districts and charter schools on budgeting enrollment growth program units in preliminary budgets no later than April 15, 2021. The budget instructions shall allow school districts and charter schools to budget enrollment growth program units based on students expected to enroll in the 2021-2022 school year and consider changes in enrollment from prior years. If, after budgeting for enrollment growth program units, a school district's or charter school's fiscal year 2022 state equalization guarantee distribution continues to be less than its budgeted fiscal year 2021 state equalization guarantee distribution as of January 1, 2021, the public education department shall provide an allocation ~~from the federal elementary and secondary school emergency relief fund that is allocated to the public education department for administrative costs and emergency needs~~ equal to the school district's or charter school's budgeted fiscal year 2021 state equalization guarantee distribution as of January 1, 2021, minus its final fiscal year 2022 state equalization guarantee distribution.

The public education department shall not approve the operating budget of any school district or charter school that does not offer their employees working in a school, office or other in-person setting the same paid sick leave or expanded family and medical leave for qualified reasons related to coronavirus disease 2019 as was required of private employers with under five hundred employees under the Families First Coronavirus Response Act.

A school district or charter school may use available federal funding for this purpose. The secretary of public education shall ensure that during fiscal year 2022 no full-time level one teacher receives a base salary less than forty-one thousand dollars (\$41,000).

The state equalization guarantee distribution includes one hundred ten million one hundred sixty-eight thousand dollars (\$110,168,000) from the general fund and fifty million fifty-two thousand five hundred dollars (\$50,052,500) from the public education reform fund for in-person extended learning time programs pursuant to Section 22-8-23.10 NMSA 1978. The secretary of public education shall consider those extended learning time programs eligible for state financial support and the amount of state funding available for extended learning time programs and determine, in consultation with the department of finance and administration, ~~legislative finance committee and legislative education study committee,~~ the programs and consequent numbers of students in extended learning time programs that will be used to calculate the number of additional program units for extended learning time programs. Any amount of the one hundred ten million one hundred sixty-eight thousand dollar (\$110,168,000) general fund appropriation or the fifty million fifty-two thousand five hundred dollar (\$50,052,500) appropriation from the public education reform fund that is not distributed through the extended learning time program

## Appendix D: Selected Education-Related Language from the General Appropriation Act

factor, calculated by multiplying the final program unit value set for the 2021-2022 school year by the total extended learning time program units and subtracting that product from one hundred sixty million two hundred twenty thousand five hundred dollars (\$160,220,500), shall revert to the public education reform fund.

The state equalization guarantee distribution includes one hundred nineteen million eight hundred ninety-five thousand nine hundred dollars (\$119,895,900) from the general fund for in-person K-5 plus programs pursuant to the K-5 Plus Act. The secretary of public education shall consider those K-5 plus programs eligible for state financial support and the amount of state funding available for K-5 plus programs and determine, in consultation with the department of finance and administration, ~~legislative finance committee and legislative education study committee~~, the programs and consequent numbers of students in K-5 plus programs that will be used to calculate the number of additional program units for K-5 plus programs. Any amount of the one hundred nineteen million eight hundred ninety-five thousand nine hundred dollar (\$119,895,900) general fund appropriation that is not distributed through the K-5 plus program factor, calculated by multiplying the final program unit value set for the 2021-2022 school year by the total K-5 plus program units and subtracting that product from one hundred nineteen million eight hundred ninety-five thousand nine hundred dollars (\$119,895,900), shall revert to the public education reform fund.

For fiscal year 2022, if the general fund and other state funds appropriations to the state equalization guarantee distribution for extended learning time programs are insufficient to meet the level of state support required for department-approved extended learning time programs and the secretary of public education certifies to the department of finance and administration; ~~legislative finance committee and legislative education study committee~~ that sufficient funds are available for department-approved K-5 plus programs, up to ten million dollars (\$10,000,000) of the general fund appropriation to the state equalization guarantee distribution for K-5 plus programs may be used for extended learning time programs.

A school district or charter school that provides a department-approved K-5 plus program as defined in Section 22-13D-2 NMSA 1978 that enrolls all students in an elementary school for K-5 plus in fiscal year 2022 shall be eligible to generate K-5 plus program units using the greater of the average of the number of students enrolled in each approved elementary school on the second and third reporting dates of the 2020-2021 school year or the number of students enrolled in each approved elementary school on the first reporting date of the 2021-2022 school year.

For the 2021-2022 school year, an elementary school with a department-approved K-5 plus program as defined in Section 22-13D-2 NMSA 1978 that enrolls all students in the elementary school for K-5 plus in fiscal year 2022 may add the required additional instructional days prior to the start of the regular school year or at any time during the regular school year and may transfer students into another classroom, provided the transfer is in the best interest of the student.

A school district or charter school that provides a department-approved extended learning time program as defined in Section 22-8-23.10 NMSA 1978 that enrolls all students in a public school for an extended learning time program in fiscal year 2022 shall be eligible to generate extended learning time program units for that school using the greater of the average of the number of students enrolled on the second and third reporting dates of the 2020-2021 school year or the number of students enrolled on the first reporting date of the 2021-2022 school year.

A school district or charter school that chooses not to participate in a K-5 plus program or extended learning time program during the 2021-2022 school year shall provide written notification to the public education department, legislative education study committee and legislative finance committee of its intent not to participate and additional documentation detailing how the school district or charter school will recover instructional time that was lost to students due to the public health emergency in its educational plan pursuant to Section 22-8-6 NMSA 1978.

For fiscal year 2022, if the program cost made available is insufficient to meet the level of state support required by the special education maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act, the public education department shall reduce the program cost and state

## Appendix D: Selected Education-Related Language from the General Appropriation Act

equalization guarantee distribution appropriation in an amount sufficient to cover the projected shortfall and distribute that amount to school districts and charter schools in proportion to each school district's and charter school's share of the total statewide program cost to meet the level of support required by Part B of the federal Individuals with Disabilities Education Act for fiscal year 2022. The public education department shall reset the final unit value and recalculate each school district's and charter school's program cost for fiscal year 2022.

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 numbers of students in elementary physical education that will be used to calculate the number of elementary physical education program units, ~~provided that no school district or charter school shall generate elementary physical education program units in fiscal year 2022 in excess of the total average number of elementary school students enrolled on the second and third reporting dates of the 2020-2021 school year multiplied by the cost differential factor of six one-hundredths as established in Section 22-8-23.7 NMSA 1978.~~

The public education department shall monitor and evaluate the ways in which school districts and individual schools use funding distributed for at-risk program units, bilingual and multicultural education program units, extended learning time program units, K-5 plus program units, special education program units, instructional materials, new teacher mentorship and classroom instruction in fiscal year 2022 and report its findings and recommendations to the governor, ~~legislative education study committee and legislative finance committee~~ on or before November 1, 2021.

The general fund appropriation to the state equalization guarantee distribution includes thirty-five million dollars (\$35,000,000) for school districts and charter schools to purchase culturally and linguistically appropriate instructional materials for eligible students, including dual-credit instructional materials. A school district or charter school that does not use its full proportional allocation for instructional materials shall provide the public education department a description of how the allocation was used ~~and demonstrate that budgeted spending levels for instructional materials are sufficient to provide a free and appropriate public education to all students.~~

The public education department shall monitor and evaluate the extent to which schools purchase and use instructional materials relevant to the cultures, languages, history and experiences of culturally and linguistically diverse students and report its findings and recommendations to the governor, ~~legislative education study committee and legislative finance committee~~ on or before November 1, 2021.

The general fund appropriation to the state equalization guarantee distribution includes eleven million dollars (\$11,000,000) for school districts and charter schools to meet requirements of Section 22-10A-9 NMSA 1978, create an educational plan pursuant to Section 22-8-6 NMSA 1978 and provide targeted and ongoing professional development focused on case management, tutoring, data-guided instruction, coaching or other evidence-based practices that improve student outcomes. The public education department shall monitor and evaluate the ways in which school districts and individual schools use funding for mentorship and professional development and report its findings and recommendations to the governor, ~~legislative education study committee and legislative finance committee~~ on or before November 1, 2021.

The general fund appropriation to the state equalization guarantee distribution includes eight million dollars (\$8,000,000) for school districts and charter schools to provide evidence-based structured literacy interventions and develop literacy collaborative models that lead to improved reading and writing achievement of students in kindergarten through second grade. The public education department shall monitor and evaluate the ways in which school districts and charter schools use funding distributed for early literacy interventions and collaborative models and report its findings and recommendations to the governor, ~~legislative education study committee and legislative finance committee~~ on or before November 1, 2021.

~~The public education department shall not approve the operating budget of any school district or charter school to operate a four-day school week during the 2021-2022 school year that did not provide a four-day school week during the 2020-2021 school year.~~

## **Appendix D: Selected Education-Related Language from the General Appropriation Act**

The public education department shall monitor and review the operating budgets of school districts and charter schools to ensure the school district or charter school is prioritizing available funds to those functions most likely to improve student outcomes. If a school district or charter school submits a fiscal year 2022 operating budget that, in the opinion of the secretary of public education, fails to prioritize funds as described in this paragraph, the secretary of public education shall, prior to approving the school district's or charter school's fiscal year 2022 budget, direct the school district or charter school to revise its submitted budget or shall make such revisions as required to meet the requirements of this paragraph.

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

The general fund appropriation to the state equalization guarantee distribution includes eighty-two million six hundred sixty-seven thousand five hundred dollars (\$82,667,500) contingent on enactment of House Bill 6, Senate Bill 41 or similar legislation in the first session of the fifty-fifth legislature amending the Public School Finance Act to remove local and federal revenue credits from the public school funding formula. The other state funds appropriation to the state equalization guarantee distribution includes seven million dollars (\$7,000,000) from balances received by the public education department pursuant to Section 66-5-44 NMSA 1978.

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2022 from appropriations made from the general fund shall revert to the general fund.

### **Transportation Distribution**

The transportation distribution includes two million four hundred nine thousand seven hundred dollars (\$2,409,700) from the general fund and two million two hundred sixty-five thousand nine hundred dollars (\$2,265,900) from the public education reform fund for transportation of students to extended learning time programs. If a school district or state-chartered charter school does not transport students to extended learning time programs, the school district's or state-chartered charter school's proportionate share of the four million six hundred seventy-five thousand six hundred dollar (\$4,675,600) general fund and public education reform fund appropriation to the transportation distribution for extended learning time programs shall revert to the public education reform fund.

The transportation distribution includes eight hundred ninety-nine thousand two hundred dollars (\$899,200) from the general fund and three million thirty-four thousand seven hundred dollars (\$3,034,700) from the public education reform fund for transportation of students to K-5 plus programs. If a school district or state-chartered charter school does not transport students to K-5 plus programs, the school district's or state-chartered charter school's proportionate share of the three million nine hundred thirty-three thousand nine hundred dollar (\$3,933,900) general fund and public education reform fund appropriation to the transportation distribution for K-5 plus programs shall revert to the public education reform fund.

A state-chartered charter school that receives a transportation allocation that exceeds the amount required to provide to-and-from transportation, three- and four-year-old developmentally disabled transportation and vocational education transportation during fiscal year 2022 shall deposit one hundred percent of the remaining balances in the transportation emergency fund at the end of fiscal year 2022.

### **Supplemental Distribution**

The secretary of public education shall not distribute any emergency supplemental funds to a school district or charter school that is not in compliance with the Audit Act or that has cash and invested reserves, or other resources or any combination thereof equaling five percent or more of their operating budget.

Any unexpended balances in the supplemental distribution of the public education department remaining at the end of fiscal year 2022 from appropriations made from the general fund shall revert to the general fund.

## **Appendix D: Selected Education-Related Language from the General Appropriation Act**

### **Standards-Based Assessments**

Any unexpended balances in the standards-based assessments appropriation remaining at the end of fiscal year 2022 from appropriations made from the general fund shall revert to the general fund.

### **Public Education Department Special Appropriations**

The public education department shall prioritize special appropriation awards to school districts or charter schools that implement K-5 plus programs or extended learning time programs for all eligible students.

A school district or charter school may submit an application to the public education department for an allocation from the teachers professional development appropriation to support mentorship and professional development for teachers. The public education department shall prioritize awards to school districts or charter schools that budget the portion of the state equalization guarantee distribution attributable to meeting requirements of Section 22-10A-9 NMSA 1978 and providing targeted and ongoing professional development for purposes of new teacher mentorship, case management, tutoring, data-guided instruction, coaching or other evidence-based practices that improve student outcomes. The public education department shall not make an award to a school district or charter school that does not submit an approved educational plan pursuant to Section 22-8-6 NMSA 1978 or an approved teacher mentorship program pursuant to Section 22-10A-9 NMSA 1978.

The internal service funds/interagency transfers appropriation to the graduation, reality and dual-role skills program of the public education department special appropriations is from the federal temporary assistance for needy families block grant to New Mexico.

The general fund appropriation to the public education department for student nutrition and wellness shall be used for grants to school districts and charter schools for nutrition and wellness programs, including grants pursuant to Sections 22-13-13.2 and 22-13C-8 NMSA 1978.

The other state funds appropriation to the public education department for national board certification assistance is from the national board certification scholarship fund.

Any unexpended balances in special appropriations to the public education department remaining at the end of fiscal year 2022 from appropriations made from the general fund shall revert to the general fund.

# Appendix E: Recurring General Fund Appropriations

Recurring General Fund Appropriations<sup>1</sup>  
(in thousands)

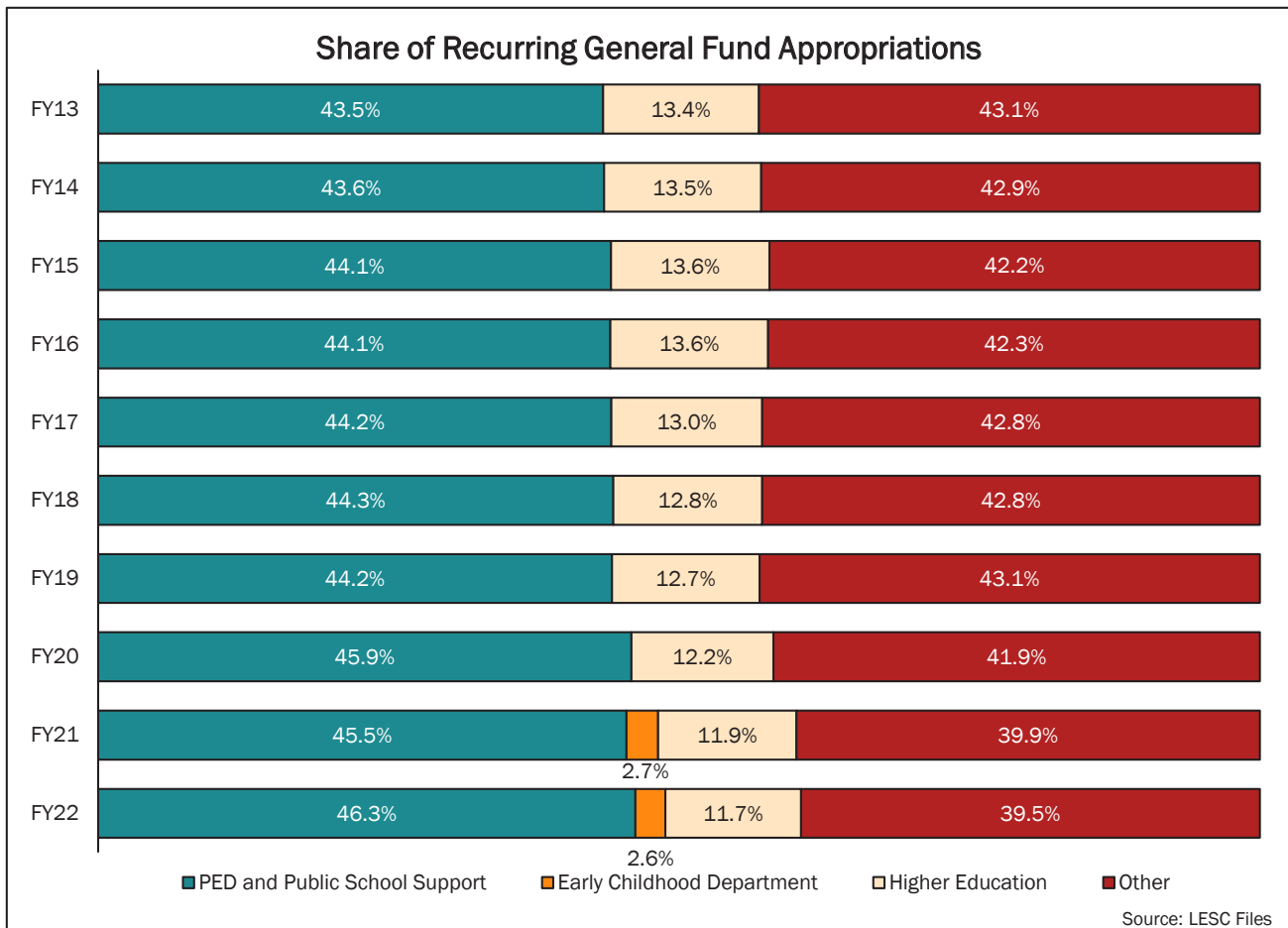
Year	PED and Public School Support	Early Childhood Department	Higher Education	Total General Fund
FY13	\$2,455,341.4		\$757,716.6	\$5,650,139.2
FY14	\$2,567,549.5		\$796,028.3	\$5,893,578.1
FY15	\$2,715,469.6		\$838,606.8	\$6,151,134.6
FY16	\$2,735,613.3		\$843,428.2	\$6,204,334.3
FY17	\$2,682,429.5		\$786,866.8	\$6,070,229.1
FY18	\$2,695,524.5		\$779,345.1	\$6,077,955.6
FY19	\$2,801,153.0		\$803,478.4	\$6,332,267.1
FY20	\$3,252,017.6		\$867,043.6	\$7,085,292.5
FY21 <sup>2</sup>	\$3,211,908.3	\$193,588.2	\$840,676.4	\$7,062,924.8
FY22 <sup>3</sup>	\$3,446,000.0	\$191,588.2	\$870,309.6	\$7,449,592.8

Source: LESC Files

<sup>1</sup>This table includes only recurring general fund appropriations and excludes all other revenue sources, which in some cases supplant recurring general fund appropriations, public school capital outlay fund revenue in FY17 through FY20, or "House Bill 2 Junior" appropriations in FY20.

<sup>2</sup>Beginning in FY21, appropriations for prekindergarten programs in public schools moved from the Public Education Department to the Early Childhood Education and Care Department. As a result, prekindergarten funding is not included in the PED column in FY21 or FY22, but is included in FY20 and earlier years.

<sup>3</sup>For FY22, the PED and Public School Support column includes \$57.4 million from Section 8 of the General Appropriation Act of 2021, which includes an appropriation of \$34 million to the Department of Finance and Administration for an increase to employer contributions to the educational retirement fund. This table assumes public schools' share of the \$34 million appropriation is \$21.7 million.



Source: LESC Files



## Appendix E: Recurring General Fund Appropriations

### Recurring General Fund Appropriations for Public Education (in thousands)

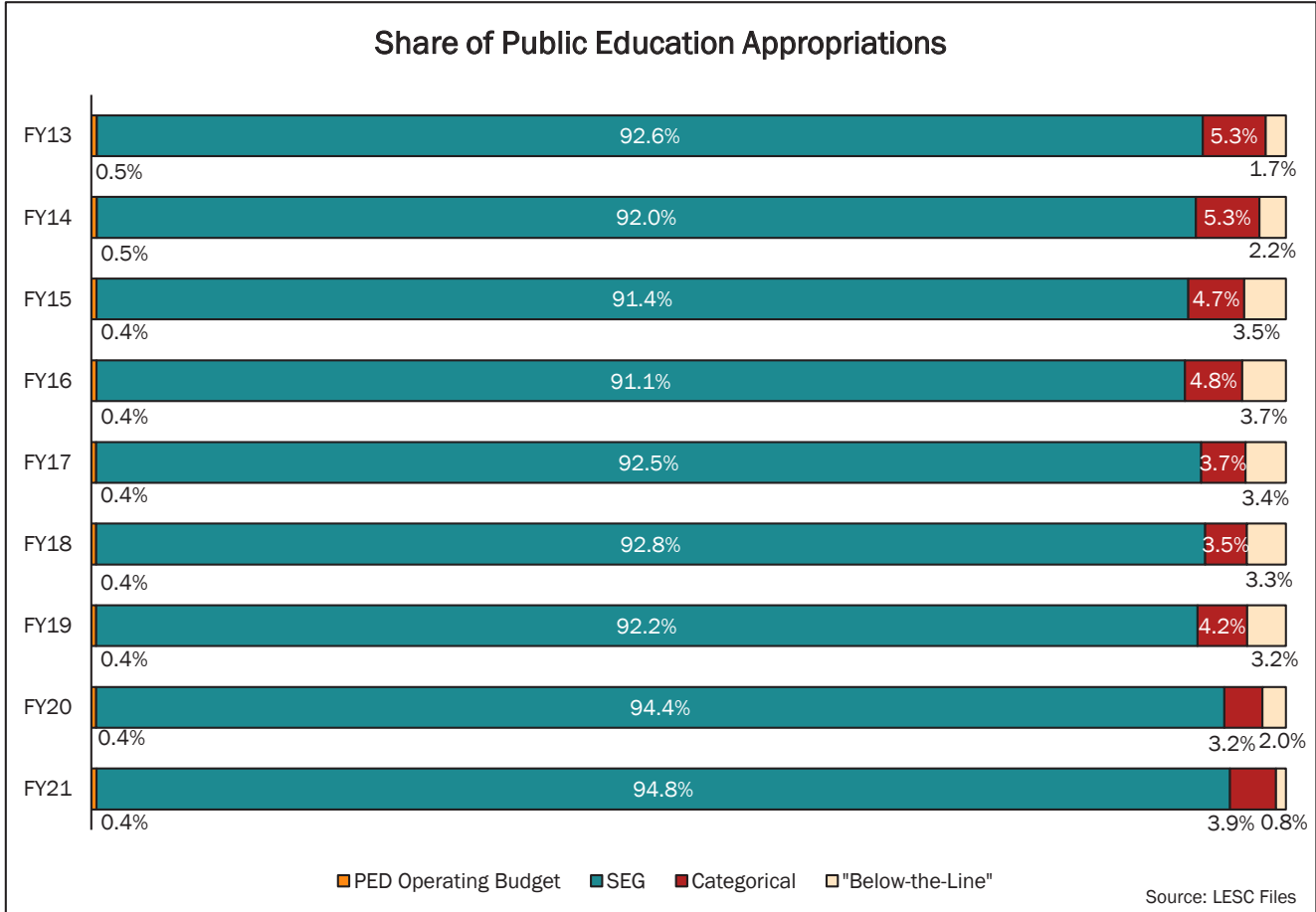
Year	PED Operating Budget	State Equalization Guarantee Distribution <sup>2</sup>	Categorical Appropriations	Special or "Below-the-Line" Programs <sup>2</sup>
FY13	\$11,711.9	\$2,273,588.9	\$129,179.4	\$41,833.5
FY14	\$11,786.1	\$2,361,895.8	\$136,845.9	\$57,022.3
FY15	\$11,969.2	\$2,481,311.0	\$127,066.6	\$95,122.8
FY16	\$11,879.7	\$2,492,525.8	\$130,790.1	\$100,417.7
FY17 <sup>1</sup>	\$11,065.3	\$2,481,192.4	\$99,040.1	\$91,131.7
FY18 <sup>1</sup>	\$11,065.3	\$2,501,808.7	\$94,465.5	\$88,185.0
FY19 <sup>1</sup>	\$11,246.6	\$2,582,377.6	\$116,628.9	\$90,900.0
FY20 <sup>1</sup>	\$13,246.6	\$3,068,803.4	\$102,928.5	\$64,389.0
FY21 <sup>3</sup>	\$14,322.2	\$3,046,463.4	\$124,176.7	\$26,946.1
FY22	\$14,364.5	\$3,288,305.7	\$122,857.2	\$20,472.6

Source: LESC Files

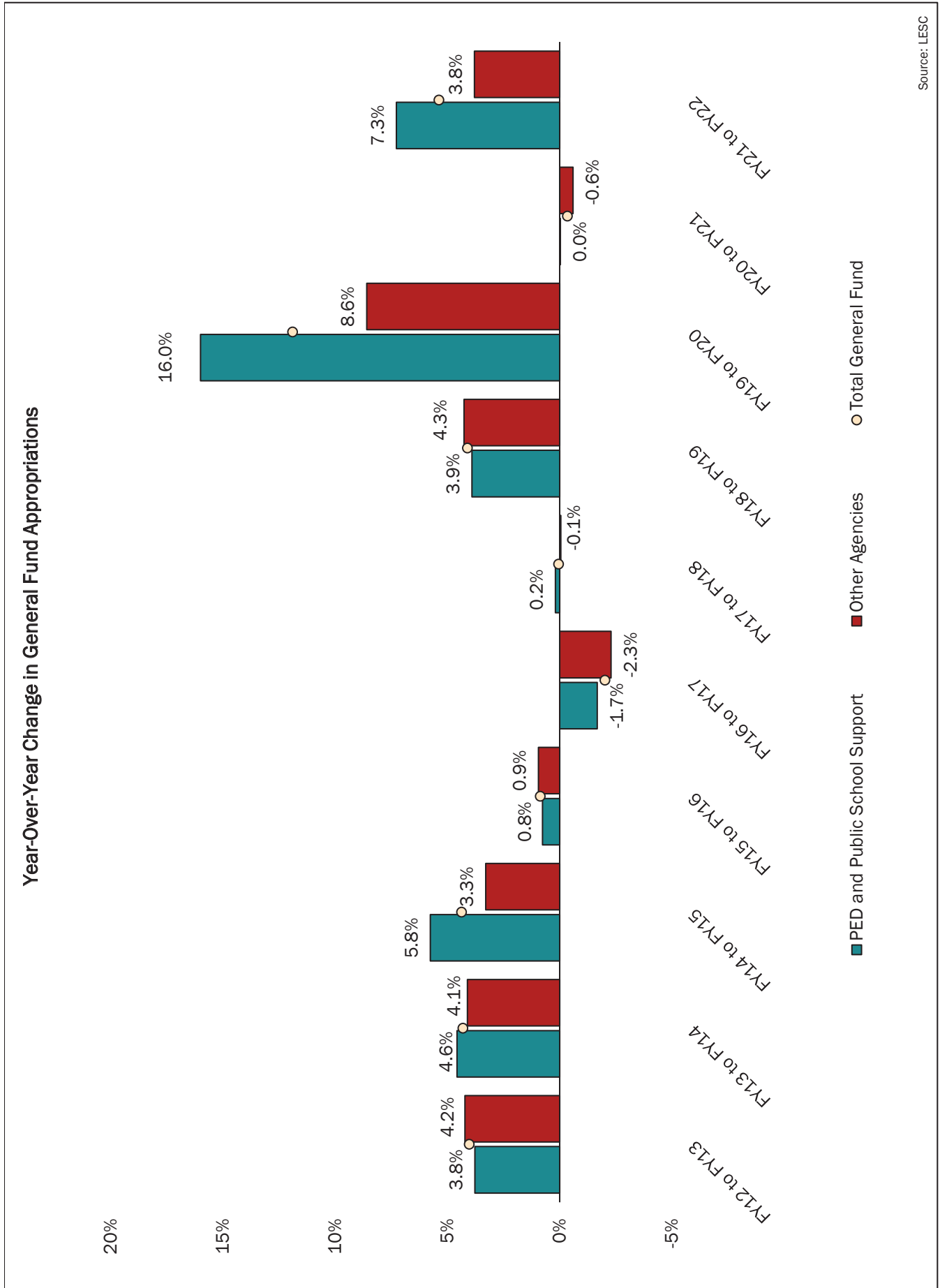
<sup>1</sup>In FY17 through FY20, the categorical appropriations column does not include public school capital outlay fund revenue appropriated for transportation and instructional materials.

<sup>2</sup>The special or "below-the-line" programs column includes K-3 Plus program appropriations in FY12 through FY19. Beginning in FY20, the K-5 Plus program was funded through the state equalization guarantee distribution.

<sup>3</sup>Beginning in FY21, appropriations for prekindergarten are made to the Early Childhood Education and Care Department and are not included in this table.



# Appendix F: Year-Over-Year Change in General Fund Appropriations



## Appendix G: Unit Value History

### Unit Value History

Fiscal Year	Preliminary Unit Value	Final Unit Value	Change From Prior Year Final Unit Value		Change From Initial to Final Unit Value	
			Dollars	Percent	Dollars	Percent
1975		\$616.50				
1976		\$703.00	\$86.50	14.0%		
1977		\$800.00	\$97.00	13.8%		
1978		\$905.00	\$105.00	13.1%		
1979		\$1,020.00	\$115.00	12.7%		
1980		\$1,145.00	\$125.00	12.3%		
1981		\$1,250.00	\$105.00	9.2%		
1982		\$1,405.00	\$155.00	12.4%		
1983 <sup>1</sup>	\$1,540.00	\$1,511.33	\$106.33	7.6%	(\$28.67)	-1.9%
1984		\$1,486.00	(\$25.33)	-1.7%		
1985		\$1,583.50	\$97.50	6.6%		
1986 <sup>2</sup>	\$1,608.00	\$1,618.87	\$35.37	2.2%	\$10.87	0.7%
1987		\$1,612.51	(\$6.36)	-0.4%		
1988		\$1,689.00	\$76.49	4.7%		
1989		\$1,737.78	\$48.78	2.9%		
1990		\$1,811.51	\$73.73	4.2%		
1991		\$1,883.74	\$72.23	4.0%		
1992		\$1,866.00	(\$17.74)	-0.9%		
1993 <sup>3</sup>	\$1,851.73	\$1,867.96	\$1.96	0.1%	\$16.23	0.9%
1994	\$1,927.27	\$1,935.99	\$68.03	3.6%	\$8.72	0.5%
1995	\$2,015.70	\$2,029.00	\$93.01	4.8%	\$13.30	0.7%
1996	\$2,113.00	\$2,113.00	\$84.00	4.1%	\$0.00	0.0%
1997	\$2,125.83	\$2,149.11	\$36.11	1.7%	\$23.28	1.1%
1998	\$2,175.00	\$2,175.00	\$25.89	1.2%	\$0.00	0.0%
1999	\$2,322.00	\$2,344.09	\$169.09	7.8%	\$22.09	1.0%
2000 <sup>4</sup>	\$2,460.00	\$2,460.00	\$115.91	4.9%	\$0.00	0.0%
2001	\$2,632.32	\$2,647.56	\$187.56	7.6%	\$15.24	0.6%
2002	\$2,868.72	\$2,871.01	\$223.45	8.4%	\$2.29	0.1%
2003	\$2,896.01	\$2,889.89	\$18.88	0.7%	(\$6.12)	-0.2%
2004	\$2,977.23	\$2,976.20	\$86.31	3.0%	(\$1.03)	-0.0%
2005	\$3,035.15	\$3,068.70	\$92.50	3.1%	\$33.55	1.1%
2006	\$3,165.02	\$3,198.01	\$129.31	4.2%	\$32.99	1.0%
2007 <sup>5</sup>	\$3,444.35	\$3,446.44	\$248.43	7.8%	\$2.09	0.1%
2008	\$3,645.77	\$3,674.26	\$227.82	6.6%	\$28.49	0.8%
2009 <sup>6</sup>	\$3,892.47	\$3,871.79	\$197.53	5.4%	(\$20.68)	-0.5%
2010	\$3,862.79 <sup>7</sup>	\$3,792.65 <sup>8</sup>	(\$79.14)	-2.0%	(\$70.14)	-1.8%
2011	\$3,712.45 <sup>9</sup>	\$3,712.17 <sup>10</sup>	(\$80.48)	-2.1%	(\$0.28)	-0.0%
2012	\$3,585.97	\$3,598.87	(\$113.30)	-3.1%	\$12.90	0.4%
2013	\$3,668.18	\$3,673.54	\$74.67	2.1%	\$5.36	0.1%
2014	\$3,817.55	\$3,817.55	\$144.01	3.9%	\$0.00	0.0%

Unit Value History

Fiscal Year	Preliminary Unit Value	Final Unit Value	Change From Prior Year Final Unit Value		Change From Initial to Final Unit Value	
			Dollars	Percent	Dollars	Percent
41 2015	\$4,005.75	\$4,007.75	\$190.20	5.0%	\$2.00	0.0%
42 2016	\$4,027.75	\$4,037.75	\$30.00	0.7%	\$10.00	0.2%
43 2017	\$4,040.24	\$3,979.63 <sup>11</sup>	(\$58.12)	-1.4%	(\$60.61)	-1.5%
44 2018	\$4,053.55	\$4,115.60 <sup>12</sup>	\$135.97	3.4%	\$62.05	1.5%
45 2019	\$4,159.23	\$4,190.85	\$75.25	1.8%	\$31.62	0.8%
46 2020	\$4,565.41	\$4,602.27	\$411.42	9.8%	\$36.86	0.8%
47 2021	\$4,531.74	\$4,536.75	(\$65.52)	-1.4%	\$5.01	0.1%
48 2021	\$4,770.70		\$233.95	5.2%		

Source: LESC Files

<sup>1</sup>The 1982-1983 general fund appropriation was reduced by 2 percent.

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

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

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

<sup>5</sup>The basis for funding changed to the prior-year average membership on the 80th and 120th school days.

<sup>6</sup>The 2009 solvency measures resulted in a \$20.68 decrease in the FY09 unit value.

<sup>7</sup>The FY10 preliminary unit value included \$256.39 in federal *American Recovery and Reinvestment Act of 2009* (ARRA) funding.

<sup>8</sup>The FY10 final unit value included \$334.59 in ARRA funding.

<sup>9</sup>The FY11 preliminary unit value included \$37.70 in ARRA funding.

<sup>10</sup>The FY11 final unit value included \$37.85 in ARRA funding and \$101.98 in federal education jobs funding.

<sup>11</sup>Laws 2016 (2nd S.S.), Chapter 6 directed the secretary of public education to set the final FY17 unit value 1.5 percent lower than the preliminary FY17 unit value.

<sup>12</sup>The FY18 final unit value included June distributions to meet federal special education maintenance of effort requirements and to reduce reversions to the general fund.

# Appendix H: Legislative Changes to the Funding Formula

## Legislative Changes to the Public School Funding Formula, 1974 - 2021

Enacted by the New Mexico Legislature in 1974, the public school funding formula is designed to distribute operational funds to local school districts in an objective manner based upon the educational needs of individual students and the costs of the programs designed to meet those needs. To determine the amount each school district and charter school needs to operate, the funding formula generates “program units” based on the unique circumstances of the school district or charter school. Although primarily based on student enrollment, these program units are weighted for school size, teacher qualifications, the special needs of students, and other factors. The number of program units for each school district and charter school is then multiplied times a unit value set by the secretary of public education, based on the total statewide appropriation to the state equalization guarantee.

Program cost differentials in the original formula were based upon nationwide data regarding the relative costs of various school programs, as well as experience in New Mexico. The objectives of the formula were (1) to equalize educational opportunity statewide by crediting certain local and federal revenues and then distributing state funds in an objective manner and (2) to retain local autonomy in actual use of funds by making the distribution noncategorical, allowing school districts to address needs specific to the local school population.

The funding formula consists of 17 components:

1. Early Childhood Education Program Units	(22-8-19 NMSA 1978)	10. Fine Arts Education Program Units	(22-8-23.5 NMSA 1978)
2. Basic Program Units	(22-8-20 NMSA 1978)	11. Charter School Activities Program Units	(22-8-23.6 NMSA 1978)
3. Special Education Program Units	(22-8-21 NMSA 1978)	12. Elementary Physical Ed. Program Units	(22-8-23.7 NMSA 1978)
4. Bilingual Multicultural Program Units	(22-8-22 NMSA 1978)	13. Home School Activities Program Units	(22-8-23.8 NMSA 1978)
5. Size Adjustment Program Units	(22-8-23 NMSA 1978)	14. Home School Student Program Units	(22-8-23.9 NMSA 1978)
6. Enrollment Growth Program Units	(22-8-23.1 NMSA 1978)	15. Extended Learning Time Program Units	(22-8-23.10 NMSA 1978)
7. New District Adjustment	(22-8-23.2 NMSA 1978)	16. K-5 Plus Program Units	(22-8-23.11 NMSA 1978)
8. At-Risk Program Units	(22-8-23.3 NMSA 1978)	17. Staffing Cost Multiplier	(22-8-24 NMSA 1978 and 22-8-49 NMSA 1978)
9. National Board Certification Program Units	(22-8-23.4 NMSA 1978)		

Since 1974, the statutory sections setting out the public school funding formula have been amended or added to more than 50 times. These changes for each funding formula component are outlined below.

### 1. Early Childhood Education Program Units (22-8-19 NMSA 1978)

- 1976 The law increased the kindergarten cost differential from 1.1 to 1.3 program units per FTE student and limited each student to 0.5 FTE.
- 1990 The law increased the kindergarten cost differential from 1.3 to 1.44 units per FTE student.
- 1997 The law amended statute to included three- and four-year-old developmentally disabled students in the calculation of early childhood FTE.
- 2000 The law phased in voluntary full-day kindergarten over five years, with students in full-day programs counted as 1 FTE and students in half-day kindergarten or three- and four-year-old developmentally disabled students counted as 0.5 FTE.

### 2. Basic Program Units (22-8-20 NMSA 1978)

- 1976 The law increased the cost differential for seventh through ninth grade students from 1.2 to 1.25, decreased the cost differential for 10th through 12th grade students from 1.4 to 1.25, and eliminated a funding formula factor for vocational education, resulting in a single cost differential of 1.25 for seventh through 12th grade, which includes support for vocational education.
- 1991 The law increased the cost differential for first grade from 1.1 to 1.26 for FY92 to provide funding for the partial implementation of the first grade class size reduction provisions of the Public School Reform Act. The law increased the first grade cost differential to 1.42 for FY93.

## Appendix H: Legislative Changes to Funding Formula

- 1993 The law decreased the cost differential factor for first grade from 1.42 to 1.26, with the change retroactive to FY93. This law was signed in January 1993.
- 1993 Legislation signed in April 1993 (1) decreased the cost differential for first grade from 1.26 to 1.2; (2) increased the cost differential for 2nd and 3rd grade from 1.1 to 1.18; and (3) increased the cost differential for fourth through sixth grade from 1.0 to 1.045. The April 1993 changes were part of legislation enacted to establish average class loads for elementary school teachers at individual schools. Average class loads were not to exceed an average of 22 students in first grade, second grade, and third grade, starting in FY94 and not to exceed 24 students in fourth grade, fifth grade, and sixth grade, starting in FY95. The law also provided for full-time instructional assistants in first grade classes with 21 or more students and required special education students that were integrated into a regular education classroom for part of the day be counted in calculating class average sizes.

### 3. Special Education Program Units (22-8-21 NMSA 1978)

- 1976 The law decreased the cost differential for D-level special education students from 3.8 to 3.5.
- 1976 The law amended statute to provide two support options for A- and B- level special education programs: (a) 0.12 units for each basic program unit generated in first through third grade or (b) 20 program units per program.
- 1977 The law restricted special education support to students ages 5 to 21.
- 1980 The law eliminated the option of funding A- and B-level special education programs based upon first through third grade enrollment.
- 1980 The law implemented an administrative procedure to fund ancillary services at 20 program units per FTE.
- 1984 The law changed the funding basis for special education to the higher of the 40th- or 80th-day enrollment. Other programs were funded based on 40th-day enrollment.
- 1985 The law established programs for three- and four-year-old developmentally disabled children, with a two-year phase-in.
- 1987 The law established formula funding for three- and four-year-old developmentally disabled children at a cost differential of 3.5 units per student, inclusive of all ancillary services.
- 1990 The law changed the calculation of special education membership from the higher of 40th- or 80<sup>th</sup>-day membership to membership on December 1 of the school year.
- 1992 The law removed references to “a special classroom” when defining special education.
- 1994 The law amended sections of the Public School Code to provide for a change in the determination of eligibility for gifted services.
- 1997 The law amended special education factors to count all students at grade level and three- and four-year-old developmentally disabled students at kindergarten membership; to fund D-level and three- and four-year-old developmentally disabled students at two units in addition to the regular grade level weights; to fund C-level students at one unit in addition to the regular grade level weights; and to fund A- and B-level students at 0.7 units, in addition to regular grade level weights.

## Appendix H: Legislative Changes to Funding Formula

1997 The law provided additional program units for special education ancillary services, including diagnosticians, at 25 program units per FTE.

### 4. Bilingual Multicultural Education Program Units (22-8-22 NMSA 1978)

1976 The law changed bilingual multicultural education cost differential from 0.5 to 0.3.

1987 An amendment to the Bilingual Multicultural Education Act (Section 22-23-1 NMSA 1978 *et. seq.*) expanded eligibility for bilingual multicultural education programs to include students in seventh through 12th grade, phased in over three years beginning in FY89.

1990 The law authorized increases in the bilingual multicultural education cost differential from 0.3 units per FTE student to 0.35 units in FY91, 0.4 units in FY92, 0.45 units in FY93, and 0.5 units in FY94.

1992 The law changed the phase-in of the cost differential increase for bilingual multicultural education program units. Under the 1990 law, the cost differential in FY93 was set at 0.45. The 1992 law set the cost differential for FY93 at 0.425.

1993 The law changed the phase-in of the cost differential increase for bilingual multicultural education program units. Under the 1990 law, the cost differential for FY94 and subsequent fiscal years was set at 0.5. The 1993 law set the cost differential for FY94 at 0.45 and the cost differential for FY95 and subsequent fiscal years at 0.5.

### 5. Size Adjustment Program Units (22-8-23 NMSA 1978)

1976 The law added the rural isolation factor, sometimes called “sparsity,” to the funding formula for school districts with more than 10,000 students and with less than 4,000 students for each senior high school that does not generate small school funding. The only school district to qualify based on these criteria was Gallup-McKinley County Schools.

1977 The law prohibited generation of small school units for separate schools for kindergarten, vocational, or alternative education.

1979 The law increased the multiplier used to calculate the rural isolation factor from 0.2 to 0.5.

1981 The law expanded the eligibility for small school funding for senior high schools from those with under 200 students to those with under 400 students. The law set up two formulas for calculating small school program units for senior high schools and provided that the school district would receive the greater of the two calculations.

1989 The law enacted two new urban factors, sometimes called “density,” in the funding formula to provide additional program units to school districts with enrollments (a) in excess of 10,000 students but fewer than 35,000 students; and (b) of 35,000 students or more.

1991 The law added a third urban factor to the formula dealing with school districts with membership of more than 10,000 students and less than 15,000 students and readjusted the formulas for districts with membership of (a) more than 15,000 students but fewer than 35,000 students; and (b) more than 35,000 students.

1993 The law amended statute to allow early childhood centers to generate size adjustment program units for kindergarten students.

1997 The law repealed “density” factor units added in 1989 and 1991 and replaced them with at-risk program units.

## Appendix H: Legislative Changes to Funding Formula

- 2014 The law provided additional program units for school districts with less than 200 students, sometimes called “micro districts.”
- 2019 The law phased-out over five years small school program units for school districts with more than 2,000 students and provided that charter schools in school districts with fewer than 2,000 students could generate small school program units. The law added the rural population factor, phased in over five years, for school district with at least 40 percent of their population located in rural areas, as defined by the U.S. Census Bureau. Charter schools located within a school district with a rural population of at least 40 percent would also generate units for rural population.

### 6. Enrollment Growth Program Units (22-8-23.1 NMSA 1978)

- 1990 The law added the enrollment growth factor to the funding formula, phased in over two years, for school districts where current year funded membership is at least 1 percent higher than the prior year funded membership. For FY91, each new student was funded at 0.25 program units and for FY92 and subsequent fiscal years new students were funded at 0.5 program units.
- 1999 Language included in the General Appropriation Act increased the enrollment growth factor from 0.5 to one for FY00 and provided that new formula-based programs use current year rather than prior year enrollment. This change did not remain in effect beyond FY00.
- 2003 The law changed the way enrollment growth units were calculated. For school districts where the 40th-day membership in the current year is at least 1 percent higher than the 40th-day membership in the prior year, each new student was funded at 0.5 program units and new students above the 1 percent threshold were funded at 1.5 program units. The law excluded full-day kindergarten membership for the first year that full-day kindergarten is implemented in a school.
- 2006 The law allowed charter schools with a growth rate of greater than 1 percent to generate enrollment growth program units, effective in FY08. Prior to FY08, charter school growth was considered within the school district’s enrollment growth calculation.
- 2010 The law replaced the term “40th day” with “first reporting date.” Although the Public School Finance Act has replaced the term “40th day,” it is still used by some to mean the first reporting date.

### 7. New District Adjustment Program Units (22-8-23.2 NMSA 1978)

- 1993 The law amended the Public School Finance Act to provide additional program units to a newly created school district and to provide additional program units to any school district that experiences a decline in membership as a result of the creation of a new school district. The law provides that the newly created school district receive an additional 0.147 program units for each student and that a school district with membership declines based on the newly created school district receive 0.17 program units for each student lost. The law establishing the new district adjustment was enacted before the public school funding formula was amended to base funding on prior year enrollment.

### 8. At-Risk Program Units (22-8-23.3 NMSA 1978)

- 1997 The law amended statute to include an at-risk factor in the funding formula, which is available to all school districts and is determined by a neural network computer analysis computation based upon the school district’s percent of Title I-eligible students, students with limited English proficiency, mobility rates, and dropout rates.



## Appendix H: Legislative Changes to Funding Formula

- 2002 The law amended statute to change the calculation of the at-risk index to eliminate the neural network methodology and to base the calculation of the at-risk index on a three-year average rate of three student variables (Title I eligibility, limited English proficiency, and district mobility rate), to require recalculation of the index each year, and to hold school districts harmless for three years beginning with FY03 at no less than 90 percent of the at-risk funding generated in FY01.
- 2014 The law amended statute to increase the multiplier used to calculate the at-risk index from 0.0915 to 0.106 and required the school district to report of specified services to improve the academic success of at-risk students, including the ways schools use funding generated through the at-risk index and intended outcomes. The law defined of “at-risk student” for the purposes of this section as a student included in the calculation of the at-risk index.
- 2018 The law amended statute to phase-in increases to the multiplier used to calculate the at-risk index from 0.106 to 0.13 in FY19, 0.14 in FY20 and 0.15 in FY21.
- 2019 The law amended statute to increase the multiplier used to calculate the at-risk index to 0.25, effective in FY20, and defines “services” as “research-based or evidence-based social, emotional, or academic interventions.” The law includes examples of such interventions.
- 2020 The law amended statute to increase the multiplier used to calculate the at-risk index to 0.30, effective in FY21.

### 9. National Board for Professional Teaching Standards Units (22-8-23.4 NMSA 1978)

- 2003 The law established a factor to provide a yearly, one-time salary differential for teachers who are certified by the National Board of Professional Teaching Standards (NBPTS). The differential is calculated by multiplying by 1.5 the number of NBPTS-certified teachers employed by a school district on or before the 40th day of the school year by the current year’s unit value.
- 2006 The law expanded eligibility for national board certification program units to charter schools.
- 2010 The law replaced the term “40th day” with the term “first reporting date.” Although the Public School Finance Act has replaced the term “40th day,” it is still used by some to mean the first reporting date.

### 10. Fine Arts Education Program Units (22-8-23.5 NMSA 1978)

- 2003 The law established a factor to provide additional funding to school districts offering PED-approved elementary arts education programs. The program was phased-in over three years, with a cost differential of 0.0166 for FY04, 0.0332 for FY05, and 0.05 for FY06 and subsequent fiscal years.

### 11. Charter School Student Activities Program Units (22-8-23.6 NMSA 1978)

- 2006 The law established additional program units for charter school students that participate in extracurricular activities in a school district. A charter school student is allowed to participate in a school activity in the attendance zone in which the student resides, according to New Mexico Activities Association (NMAA) guidelines, or at another school subject to NMAA transfer guidelines. The cost differential for each charter school student is 0.1.

### 12. Elementary Physical Education Program Units (22-8-23.7 NMSA 1978)

- 2007 The law established a factor of 0.06 to provide additional funding to school districts offering PED-approved elementary physical education programs for students in kindergarten through 6th grade, with priority given to schools that have the highest proportion of students most in need based on the percentage of students eligible for free or reduced-fee lunch or in schools that serve an entire school district. PED is required to determine annually the programs and the number of students that will receive state financial support in accordance with available funding.

### 13. Home School Student Activities Program Units (22-8-23.8 NMSA 1978)

- 2007 The law established additional program units for home school students to participate in one school district athletic activity at the public school in the attendance zone in which the student resides, according to NMAA guidelines. The cost differential for each home school student is 0.1.
- 2009 The law increased the number of school district activities in which a home school student may participate from one athletic activity to three athletic activities.

### 14. Home School Student Program Units (22-8-23.9 NMSA 1978)

- 2013 The law created program units for school districts and charter schools that serve home schooled students. A school district or charter school generates 0.25 program units per class taken by a home schooled student.
- 2014 The law made a technical change to Section 22-8-18 NMSA 1978 to clarify that program units for home school students are not multiplied by the school district's or charter school's training and experience index. Section 22-8-23.9 NMSA 1978 was also amended to remove the term "home schooled" and replace it with "home school."

### 15. Extended Learning Time Program Units (22-8-23.10 NMSA 1978)

- 2019 The law created program units for a school district or charter school that has at least 190 days in a school year, has a minimum of 80 hours per year of professional development for instructional staff, and provides after school programs. A school district or charter school generates 0.11 program units per student for extended learning time programs.
- 2021 The law provided flexibility around instructional days added to the school year. Each extended learning time program at a school operating under a 5-day school week shall provide no fewer than 190 days per school year or 10 additional instructional days per school year to be eligible for extended learning time program units. Each extended learning program at a school with fewer than 1000 mem operating under a 4-day school week shall provide no fewer than 160 days per school year or 8 additional instructional days per school year to be eligible for extended learning time program units.

### 16. K-5 Plus Program Units (22-8-23.11 NMSA 1978)

- 2019 The law created program units for elementary schools with programs authorized pursuant to the K-5 Plus Act. A school district or charter school generates 0.3 program units for each student in a department-approved K-5 Plus program.
- 2021 The law provides that a program that spans two fiscal years is only funded in a single fiscal year.

## Appendix H: Legislative Changes to Funding Formula

### 17. Staffing Cost Multiplier

Prior to FY20, the instructional staff training and experience (T&E) index (Section 22-8-24 NMSA 1978) was used to allocate additional funds to school districts and charter schools with higher staffing costs, based on the academic credentials and years of experience of staff. In 2018, the Legislature amended the Public School Finance Act to align the T&E index with the three-tiered licensure system by creating the teacher cost index (TCI) (Section 22-8-49 NMSA 1978). The T&E index will be phased-out and TCI will be phased-in from FY20 to FY23.

- 1975 The law provided that the T&E index be calculated in accordance with instructions issued by the chief of the public school finance division of the Department of Finance and Administration.
- 1981 The law amended section 22-8-25 NMSA 1978 to provide that the T&E index used to calculate program cost was from October of the prior fiscal year.
- 1993 The law amended statute to provide that no school district could have a T&E index of less than 1. Previously, no school district could have a T&E index of less than 0.95.
- 1993 The law provided that a new school district would have a T&E index of 1.12.
- 2018 The law created the teacher cost index, based on the licensure level and years of experience for each classroom teacher in a school district or charter school, and provided for the replacement of the T&E index over five years. In addition, Section 22-8-18 NMSA 1978 was amended to provide that the staffing cost multiplier would only be multiplied by early childhood education program units and basic program units; previously, special education program units, bilingual multicultural education program units, elementary fine arts program units, and elementary physical education program units were also multiplied by the staffing cost multiplier.

### State Equalization Guarantee – Determination of Amount (22-8-25 NMSA 1978)

The state equalization guarantee distribution is the amount of money distributed by the state to each school district and charter school to ensure that school district's or charter school's respective operating revenues, including certain local federal revenues, are equal to the school district's or charter school's program cost. Currently, the state's allocation to each school district and charter school equals the program cost minus 75 percent of the local half mill levy, noncategorical federal Impact Aid revenues, and federal forest reserve payments.

- 1975 The law required that local and federal revenues used to calculate the state equalization guarantee be based on the amount received by the school district from June 1 of the previous fiscal year through May 31 of the current fiscal year and required a school district that has received more than its entitlement to refund the overpayment to the general fund.
- 1979 The law implemented a 50 percent hold-harmless provision in the event the federal government reduced or eliminated grants authorized under P.L. 874, now called Impact Aid.
- 1981 The law phased in the "Big Mac" tax reduction over three years. For the 1981 tax year, property taxes were reduced from 8.925 mills to 0.5 mills on residential property and 4 mills on nonresidential property and oil and gas severance. For the 1982 tax year, nonresidential property and oil and gas severance taxes were reduced to 2 mill. For 1983 and subsequent tax years, nonresidential property and oil and gas severance taxes were reduced to 0.5 mills and the 95 percent credit for the levy was eliminated.

## Appendix H: Legislative Changes to Funding Formula

- 1986 The law enacted the “P.L. 874 fix,” which (a) reenacted the 95 percent credit for the local half mill levy that was eliminated during the 1981 “Big Mac” tax reduction; (b) excluded federal Impact Aid funding for special education support from the 95 percent credit for federal revenues; (c) eliminated motor vehicle fees as source of local revenue subject to the 95 percent credit; (d) eliminated the save-harmless provision associated with property tax reductions enacted in 1981; and (e) changed methodology for funding special education students in Los Alamos Public Schools.
- 1986 The law created a hold harmless for school districts with less than 200 students that are facing declining enrollment.
- 1988 The law eliminated the 95 percent credit for the additional federal Impact Aid received by a school district under a specific provision of federal law. That provision of federal law provided that federal Impact Aid allocations for students living on Indian lands be multiplied by 125 percent. As a result of the law, New Mexico discontinued the 95 percent credit for the additional 25 percent in federal Impact Aid for Indian education.
- 1993 The law amended the Public School Finance Act to require school districts with more than 30,000 students to develop a school-based budgeting plan for all schools with voluntary participation by individual schools. Only Albuquerque Public Schools fit the criteria.
- 1993 The law amended the Public School Finance Act to provide for parent input in the local school board budget process.
- 1999 The law required the calculation of program units for the state equalization guarantee distribution to be as follows: effective in FY00, the use of prior year 40th-day and 80th-day membership and effective in FY01 and subsequent fiscal years, the use of prior year average of the membership on the 40th, 80th, and 120th days.
- 1999 The law reduced from 95 to 75 the percentage of a school district’s federal revenue (Impact Aid and forest reserve payments) and local revenues (half mill levy) for which the state takes credit in determining the state equalization guarantee and earmarked the 20 percent difference for school district capital outlay needs.
- 2002 The law required program units for a school district with less than 200 students be based on the average enrollment of the 40th, 80th, and 120th days of the prior year or on the 40th day of the current year, whichever is greater.
- 2005 The law removed the requirement that school districts budget for capital outlay an amount of their state aid equal to 20 percent of the federal revenue (Impact Aid and forest reserve payments) and local revenue (half mill levy) for which the state takes credit in calculating the school districts’ state equalization guarantee; require program units be calculated based on the average of the prior year 80th and 120th day enrollment; and allowed PED, in determining a school district’s state equalization guarantee, to deduct from the school district’s total program cost 90 percent of the school district’s certified portion of the debt service payment on bonds authorized pursuant to the Energy Efficiency and Renewable Energy Bonding Act.
- 2005 The law required program units for a school district with less than 200 students be based on the average enrollment of the 80th and 120th days of the prior year or on the 40th day of the fiscal current year, whichever is greater.
- 2006 The law required program units for a charter school with less than 200 students be based on the

## Appendix H: Legislative Changes to Funding Formula

average enrollment on the 80th and 120th days of the prior year or on the 40th day of the current year, whichever is greater.

- 2010 The law replaced most statutory references to the 40th, 80th and 120th day and provided the first reporting date would be on the second Wednesday in October, the second reporting date on the second Wednesday in December, and third reporting date on the second Wednesday in February. The law allows PED to withhold up to 100 percent of allotments of funds to any school district or charter school that fails to comply with reporting requirements.
- 2011 The law changed the second reporting date to December 1 or the first working day in December.
- 2017 The law expanded the 75 percent credit for federal revenue to state-chartered charter schools, which receive federal Impact Aid directly from the federal government. Federal Impact Aid for locally chartered charter schools is received from the school district and the 75 percent credit applied to the school district.
- 2021 The law eliminated the 75 percent credit for federal and local revenue in the calculation of the state equalization guarantee.

# Appendix I: Public Education Reform Fund Appropriations

## Public Education Reform Fund Appropriations

<b>FY20 Year-End Balance<sup>1</sup></b>	<b>\$125,791,444</b>
<b>2020 Appropriations</b>	
<i>Career Technical Education Programs</i>	<i>(\$2,000,000)</i>
<i>Culturally and Linguistically Appropriate Instructional Materials and Curricula</i>	<i>(\$9,000,000)</i>
<i>Cybersecurity and Data Systems Upgrades</i>	<i>(\$500,000)</i>
<i>Early Literacy Summer Professional Development</i>	<i>(\$875,000)</i>
<i>School Budget Transparency Website</i>	<i>(\$3,000,000)</i>
<i>Educator Evaluation System</i>	<i>(\$1,000,000)</i>
<i>National Board Certification Grants</i>	<i>(\$500,000)</i>
<i>Grow Your Own Teachers Fund</i>	<i>(\$500,000)</i>
<i>Special Education Convening</i>	<i>(\$750,000)</i>
<i>Teacher Residencies</i>	<i>(\$1,000,000)</i>
<i>Panic Buttons at Public Schools</i>	<i>(\$1,500,000)</i>
<i>Accountability and Regional Support Systems</i>	<i>(\$1,000,000)</i>
<i>PED IT Systems</i>	<i>(\$2,957,300)</i>
<b>Total 2020 Appropriations</b>	<b>(\$24,582,300)</b>
Estimated FY21 Year-End Fund Balance Prior to Reversions	\$101,209,144
Estimated FY21 Year-End Reversion for K-5 Plus <sup>2</sup>	\$63,921,726
Estimated FY21 Year-End Reversion for Extended Learning <sup>2</sup>	\$3,905,963
<b>Estimated Fund Balance June 30, 2021</b>	<b>\$169,036,833</b>
<b>2021 Appropriations</b>	
<i>Career Technical Education Programs</i>	<i>(\$3,000,000)</i>
<i>Community Schools</i>	<i>(\$5,000,000)</i>
<i>Family Income Index, FY22</i>	<i>(\$30,000,000)</i>
<i>Cybersecurity and Data Systems Upgrades</i>	<i>(\$1,500,000)</i>
<i>Educator Evaluation System</i>	<i>(\$1,000,000)</i>
<i>Teacher Residencies</i>	<i>(\$1,000,000)</i>
<i>Extended Learning Time Programs</i>	<i>(\$50,052,500)</i>
<i>Additional Instructional Time Pilot, FY22</i>	<i>(\$20,000,000)</i>
<i>K-5 Plus Transportation</i>	<i>(\$2,265,900)</i>
<i>Extended Learning Time Transportation</i>	<i>(\$3,034,700)</i>
<i>Black Education Act</i>	<i>(\$400,000)</i>
<i>PED IT Systems</i>	<i>(\$1,938,400)</i>
<i>Broadband in Public Schools</i>	<i>(\$25,000,000)</i>
<i>Tribal Education</i>	<i>(\$9,000,000)</i>
<b>Total 2021 Appropriations</b>	<b>(\$153,191,500)</b>
<b>Estimated Fund Balance June 30, 2023</b>	<b>\$15,845,333</b>

Source: LESC Files

<sup>1</sup>FY20 reversions were \$101.5 million from K-5 Plus and \$24.3 million from Extended Learning Time Programs, including amounts appropriated to the transportation distribution for these programs.

<sup>2</sup>Estimated FY21 reversions for K-5 Plus and Extended Learning Time Programs include amounts appropriated to the transportation distribution for these programs.

# Appendix J: Federal Stimulus Funds for School Districts and Charter Schools

## Federal Stimulus Funds Allocations to School Districts and State-Chartered Charter Schools

	School District or State-Chartered Charter School	CARES Act	CRRSA Act	Estimated American Rescue Plan Act	
1	21st Century Public Academy	\$809	\$0	\$0	1
2	ACES Technical Charter School	\$5,345	\$0	\$0	2
3	AIMS @ UNM (ABQ Institute for Mathematics and Science)	\$8,591	\$31,003	\$69,968	3
4	Alamogordo Public Schools	\$1,626,682	\$6,263,743	\$14,136,005	4
5	Albuquerque Bilingual Academy	\$152,564	\$609,965	\$1,376,568	5
6	Albuquerque Collegiate Charter School	\$24,128	\$95,955	\$216,551	6
7	Albuquerque Public Schools (Including Local Charter Schools)	\$26,165,145	\$104,489,114	\$235,810,856	7
8	Albuquerque School of Excellence	\$178,460	\$711,788	\$1,606,361	8
9	Albuquerque Sign Language Academy	\$30,094	\$119,771	\$270,300	9
10	Aldo Leopold High School	\$43,618	\$155,887	\$351,806	10
11	Alma d' arte Charter High School	\$51,031	\$196,020	\$442,377	11
12	Altura Preparatory School	\$30,654	\$122,110	\$275,577	12
13	Amy Biehl Charter High School	\$59,591	\$236,586	\$533,927	13
14	Animas Public Schools	\$70,372	\$254,259	\$573,810	14
15	Artesia Public Schools	\$687,236	\$2,446,873	\$5,522,099	15
16	ASK Academy (The)	\$30,338	\$119,791	\$270,343	16
17	Aztec Municipal Schools	\$507,784	\$1,570,464	\$3,544,220	17
18	Belen Consolidated Schools	\$1,421,353	\$4,917,739	\$11,098,346	18
19	Bernalillo Public Schools	\$892,425	\$3,252,565	\$7,340,384	19
20	Bloomfield Schools	\$847,762	\$3,074,537	\$6,938,611	20
21	Capitan Municipal Schools	\$223,579	\$805,461	\$1,817,764	21
22	Carlsbad Municipal Schools	\$1,081,036	\$3,975,862	\$8,972,719	22
23	Carrizozo Municipal Schools	\$86,422	\$322,524	\$727,871	23
24	Central Consolidated Schools	\$2,813,777	\$9,964,535	\$22,487,947	24
25	Cesar Chavez Community School	\$77,108	\$308,265	\$695,691	25
26	Chama Valley Independent Schools	\$98,614	\$304,874	\$688,040	26
27	Cimarron Municipal Schools	\$121,427	\$366,590	\$827,319	27
28	Clayton Municipal Schools	\$149,232	\$499,303	\$1,126,827	28
29	Cloudcroft Municipal Schools	\$175,346	\$606,952	\$1,369,769	29
30	Clovis Municipal Schools	\$1,982,669	\$7,775,818	\$17,548,454	30
31	Cobre Consolidated Schools	\$425,841	\$1,544,449	\$3,485,511	31
32	Corona Public Schools	\$14,791	\$44,249	\$99,861	32
33	Cuba Independent Schools	\$622,582	\$2,400,621	\$5,417,718	33
34	Dzit Dit Lool School (DEAP)	\$27,187	\$104,018	\$234,748	34
35	Deming Public Schools	\$2,843,546	\$10,025,015	\$22,624,438	35
36	Des Moines Municipal Schools	\$40,056	\$122,468	\$276,385	36
37	Dexter Consolidated Schools	\$237,906	\$723,926	\$1,633,754	37
38	Dora Consolidated Schools	\$45,195	\$107,403	\$242,387	38
39	Dulce Independent Schools	\$266,828	\$974,041	\$2,198,215	39
40	Elida Municipal Schools	\$20,290	\$40,465	\$91,322	40
41	Española Public Schools	\$1,486,932	\$5,801,844	\$13,093,591	41
42	Estancia Municipal Schools	\$214,396	\$624,870	\$1,410,206	42
43	Estancia Valley Classical Academy	\$113,098	\$255,751	\$577,179	43
44	Eunice Public Schools	\$176,939	\$692,739	\$1,563,372	44
45	Explore Academy	\$49,635	\$195,535	\$441,282	45
46	Farmington Municipal Schools	\$2,359,331	\$8,923,902	\$20,139,447	46
47	Floyd Municipal Schools	\$43,669	\$117,761	\$265,762	47
48	Fort Sumner Municipal Schools	\$104,292	\$348,124	\$785,645	48
49	Gadsden Independent Schools	\$8,155,183	\$31,462,965	\$71,005,565	49
50	Gallup-McKinley County Schools	\$7,435,658	\$28,529,938	\$64,386,315	50
51	Grady Municipal Schools	\$16,750	\$39,328	\$88,756	51
52	Grants/Cibola County Schools	\$1,763,592	\$6,597,562	\$14,889,367	52
53	Hagerman Municipal Schools	\$130,103	\$434,082	\$979,635	53
54	Hatch Valley Public Schools	\$710,327	\$2,637,697	\$5,952,750	54

## Appendix J: Federal Stimulus Funds for School Districts and Charter Schools

### Federal Stimulus Funds Allocations to School Districts and State-Chartered Charter Schools

	School District or State-Chartered Charter School	CARES Act	CRRSA Act	Estimated American Rescue Plan Act	
55	Hobbs Municipal Schools	\$2,379,458	\$9,250,701	\$20,876,966	55
56	Hondo Valley Public Schools	\$48,383	\$155,465	\$350,854	56
57	Horizon Academy West	\$113,339	\$451,791	\$1,019,601	57
58	House Municipal Schools	\$7,947	\$0	\$0	58
59	Hózhó Academy	\$115,330	\$426,018	\$961,436	59
60	J. Paul Taylor Academy	\$37,908	\$138,444	\$312,440	60
61	Jal Public Schools	\$58,736	\$149,545	\$337,493	61
62	Jemez Mountain Public Schools	\$158,366	\$601,022	\$1,356,386	62
63	Jemez Valley Public Schools	\$158,651	\$516,549	\$1,165,746	63
64	La Academia Dolores Huerta	\$49,272	\$192,529	\$434,499	64
65	La Tierra Montessori School of the Arts and Sciences	\$32,132	\$125,567	\$283,380	65
66	Lake Arthur Municipal Schools	\$39,877	\$121,738	\$274,738	66
67	Las Cruces Public Schools	\$7,793,920	\$29,703,712	\$67,035,287	67
68	Las Montañas Charter School	\$72,955	\$281,231	\$634,681	68
69	Las Vegas City Public Schools	\$609,505	\$1,964,530	\$4,433,548	69
70	Logan Municipal Schools	\$42,740	\$115,496	\$260,650	70
71	Lordsburg Municipal Schools	\$237,634	\$828,954	\$1,870,782	71
72	Los Alamos Public Schools	\$60,608	\$174,592	\$394,020	72
73	Los Lunas Public Schools	\$1,805,901	\$6,373,068	\$14,382,729	73
74	Loving Municipal Schools	\$112,894	\$306,763	\$692,302	74
75	Lovington Municipal Schools	\$642,481	\$2,416,966	\$5,454,604	75
76	Magdalena Municipal Schools	\$249,332	\$939,774	\$2,120,880	76
77	MASTERS Program (The)	\$23,710	\$0	\$0	77
78	Maxwell Municipal Schools	\$43,192	\$96,654	\$218,129	78
79	McCurdy Charter School	\$138,736	\$527,450	\$1,190,348	79
80	Media Arts Collaborative Charter School (MACCS)	\$62,263	\$248,454	\$560,712	80
81	Melrose Municipal Schools	\$45,276	\$131,104	\$295,875	81
82	Mesa Vista Consolidated Schools	\$120,453	\$437,332	\$986,970	82
83	Middle College High	\$26,140	\$89,655	\$202,334	83
84	Mission Achievement and Success (MAS) Charter School	\$436,026	\$1,741,871	\$3,931,053	84
85	Monte del Sol Charter School	\$58,782	\$221,711	\$500,356	85
86	Montessori Elementary School (The)	\$33,720	\$131,747	\$297,327	86
87	Mora Independent Schools	\$126,407	\$436,294	\$984,627	87
88	Moriarty-Edgewood School District	\$738,529	\$2,198,391	\$4,961,324	88
89	Mosquero Public Schools	\$10,594	\$0	\$0	89
90	Mountainair Public Schools	\$178,415	\$661,418	\$1,492,687	90
91	New America School of Las Cruces	\$48,526	\$181,181	\$408,888	91
92	New Mexico Connections Academy	\$287,439	\$1,111,699	\$2,508,880	92
93	New Mexico School for the Arts	\$17,818	\$61,633	\$139,093	93
94	North Valley Academy	\$138,743	\$553,931	\$1,250,110	94
95	Pecos Independent School District	\$189,010	\$629,242	\$1,420,073	95
96	Peñasco Independent Schools	\$175,721	\$646,418	\$1,458,834	96
97	Pojoaque Valley Public Schools	\$344,103	\$1,249,978	\$2,820,949	97
98	Portales Municipal Schools	\$1,000,728	\$3,620,191	\$8,170,042	98
99	Quemado Independent Schools	\$139,709	\$520,040	\$1,173,624	99
100	Questa Independent Schools	\$154,323	\$574,695	\$1,296,971	100
101	Raices del Saber Xinachtli Community School	\$11,415	\$43,323	\$97,772	101
102	Raton Public Schools	\$352,192	\$1,075,425	\$2,427,017	102
103	Red River Valley Charter School	\$41,889	\$154,162	\$347,912	103
104	Reserve Independent Schools	\$82,483	\$259,674	\$586,032	104
105	Rio Rancho Public Schools	\$1,889,046	\$7,535,482	\$17,006,064	105
106	Roots and Wings Community School	\$19,698	\$70,401	\$158,881	106
107	Roswell Independent Schools	\$3,091,572	\$11,915,880	\$26,891,737	107
108	Roy Municipal Schools	\$9,705	\$4,382	\$9,890	108



## Appendix J: Federal Stimulus Funds for School Districts and Charter Schools

### Federal Stimulus Funds Allocations to School Districts and State-Chartered Charter Schools

	School District or State-Chartered Charter School	CARES Act	CRRSA Act	Estimated American Rescue Plan Act	
109	Ruidoso Municipal Schools	\$496,055	\$1,847,623	\$4,169,712	109
110	San Jon Municipal Schools	\$33,002	\$112,472	\$253,826	110
111	Sandoval Academy of Bilingual Education (SABE)	\$31,453	\$125,323	\$282,829	111
112	Santa Fe Public Schools	\$2,811,621	\$10,796,159	\$24,364,753	112
113	Santa Rosa Consolidated Schools	\$200,300	\$713,768	\$1,610,830	113
114	School of Dreams Academy (SODA)	\$110,457	\$394,880	\$891,165	114
115	Silver Consolidated School District	\$880,242	\$3,258,814	\$7,354,486	115
116	Six Directions Indigenous Charter School	\$29,437	\$109,052	\$246,109	116
117	Socorro Consolidated Schools	\$847,474	\$3,224,333	\$7,276,670	117
118	Solare Collegiate Charter School	\$43,231	\$172,411	\$389,098	118
119	South Valley Preparatory School	\$58,174	\$232,286	\$524,222	119
120	Southwest Preparatory Learning Center	\$45,633	\$181,721	\$410,108	120
121	Southwest Secondary Learning Center	\$38,919	\$154,760	\$349,263	121
122	Springer Municipal Schools	\$66,523	\$235,727	\$531,989	122
123	Southwest Aeronautics, Mathematics, and Science	\$42,522	\$168,119	\$379,412	123
124	Taos Municipal Schools	\$1,048,210	\$4,011,719	\$9,053,641	124
125	Taos Academy Charter School	\$48,101	\$174,677	\$394,211	125
126	Taos Integrated School of the Arts	\$58,069	\$219,419	\$495,184	126
127	Taos International Charter School	\$75,054	\$288,768	\$651,692	127
128	Tatum Municipal Schools	\$71,618	\$228,069	\$514,705	128
129	Texico Municipal Schools	\$164,375	\$549,741	\$1,240,655	129
130	GREAT Academy (The)	\$39,101	\$155,663	\$351,301	130
131	Tierra Adentro	\$79,327	\$316,078	\$713,324	131
132	Tierra Encantada Charter School	\$62,699	\$239,312	\$540,078	132
133	Truth or Consequences Municipal Schools	\$654,017	\$2,540,326	\$5,733,003	133
134	Tucumcari Public Schools	\$437,765	\$1,678,362	\$3,787,725	134
135	Tularosa Municipal Schools	\$556,067	\$1,918,652	\$4,330,010	135
136	Turquoise Trail Charter School	\$115,453	\$440,067	\$993,143	136
137	Vaughn Municipal Schools	\$31,102	\$110,019	\$248,291	137
138	Wagon Mound Public Schools	\$97,836	\$382,571	\$863,386	138
139	Walatowa High Charter School	\$16,557	\$46,861	\$105,757	139
140	West Las Vegas Public Schools	\$852,239	\$3,039,217	\$6,858,899	140
141	Zuni Public School District	\$925,519	\$3,664,442	\$8,269,907	141
142	<b>Statewide Total</b>	<b>\$102,879,205</b>	<b>\$390,442,792</b>	<b>\$881,150,630</b>	142

Source: PED Awards; estimate of ARP funds based on information from the National Conference of State Legislatures

Note: The CARES Act column includes allocations from the governor's emergency education relief fund and funds from the state-level set aside that PED allocated to school districts and charter schools without flowthrough funds.

# Appendix K: Early Childhood Funding

## Early Childhood Program Appropriations

(in millions)

	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19 Actual	FY20 Actual	FY21 OpBud	Laws 2021, Chapter 137
<b>Early Childhood Education and Care Department<sup>1</sup></b>											
<b>Childcare Assistance</b>											
General Fund	\$ 26.8	\$ 29.8	\$ 33.3	\$ 30.3	\$ 30.0	\$ 30.6	\$ 30.6	\$ 52.6	\$ 52.6	\$ 49.5	\$ 49.5
Federal Funds	\$ 30.4	\$ 31.6	\$ 15.1	\$ 23.9	\$ 36.0	\$ 51.4	\$ 54.9	\$ 52.0	\$ 58.3	\$ 66.3	\$ 72.3
OSF	\$ 0.8	\$ 1.4	\$ 0.8	\$ -	\$ -	\$ -	\$ -	\$ 0.9	\$ 1.1	\$ 1.1	\$ 1.1
USDA E&T	\$ 0.6	\$ 0.6	\$ 0.6	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TANF	\$ 24.3	\$ 23.8	\$ 23.2	\$ 30.5	\$ 30.5	\$ 30.5	\$ 30.5	\$ 33.5	\$ 36.5	\$ 41.5	\$ 31.5
<b>Total Childcare Assistance</b>	<b>\$ 82.9</b>	<b>\$ 87.2</b>	<b>\$ 73.0</b>	<b>\$ 84.7</b>	<b>\$ 96.5</b>	<b>\$ 112.5</b>	<b>\$ 116.0</b>	<b>\$ 139.0</b>	<b>\$ 148.5</b>	<b>\$ 158.4</b>	<b>\$ 154.4</b>
<b>Home Visiting</b>											
General Fund	\$ 2.3	\$ 3.2	\$ 4.5	\$ 6.3	\$ 7.3	\$ 3.2	\$ 8.0	\$ 10.6	\$ 12.4	\$ 15.1	\$ 15.1
Federal Funds	\$ -	\$ 2.7	\$ 2.5	\$ 3.3	\$ 3.7	\$ 5.3	\$ 5.1	\$ 5.1	\$ 5.1	\$ 5.1	\$ 3.5
TANF	\$ -	\$ -	\$ -	\$ 2.0	\$ 4.5	\$ 5.0	\$ 5.0	\$ 5.0	\$ 5.0	\$ 5.0	\$ 5.0
Tobacco Settlement Fund	\$ -	\$ -	\$ 1.1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Medicaid Match	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.8	\$ 9.0	\$ 20.3
ECE Trust Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3.0
<b>Total Home Visiting</b>	<b>\$ 2.3</b>	<b>\$ 5.9</b>	<b>\$ 8.1</b>	<b>\$ 11.6</b>	<b>\$ 15.5</b>	<b>\$ 13.5</b>	<b>\$ 18.1</b>	<b>\$ 20.7</b>	<b>\$ 23.2</b>	<b>\$ 34.2</b>	<b>\$ 46.9</b>
<b>Early Childhood Professional Development</b>											
General Fund	\$ 0.5	\$ 0.5	\$ 0.5	\$ 1.0	\$ 1.3	\$ 0.9	\$ 1.3	\$ 1.4	\$ 4.2	\$ 6.7	\$ 6.5
ECE Trust Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3.0
<b>Total Professional Development</b>	<b>\$ 0.5</b>	<b>\$ 0.5</b>	<b>\$ 0.5</b>	<b>\$ 1.0</b>	<b>\$ 1.3</b>	<b>\$ 0.9</b>	<b>\$ 1.3</b>	<b>\$ 1.4</b>	<b>\$ 4.2</b>	<b>\$ 6.7</b>	<b>\$ 9.5</b>
<b>Prekindergarten: Four Year Old Services</b>											
General Fund	\$ 8.2	\$ 9.2	\$ 8.5	\$ 14.3	\$ 11.0	\$ 8.5	\$ 9.7	\$ 9.7	\$ 19.7	\$ 19.7	\$ 17.3
TANF	\$ -	\$ -	\$ -	\$ 6.1	\$ 11.6	\$ 11.6	\$ 12.1	\$ 12.1	\$ 12.1	\$ 12.1	\$ 12.1
Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.5	\$ 0.5	\$ 0.6	\$ 0.6	\$ 0.6	\$ -
Tobacco Settlement Fund	\$ -	\$ -	\$ 3.1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ECE Trust Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3.2
<b>Total</b>	<b>\$ 8.2</b>	<b>\$ 9.2</b>	<b>\$ 11.6</b>	<b>\$ 20.4</b>	<b>\$ 22.6</b>	<b>\$ 20.6</b>	<b>\$ 22.3</b>	<b>\$ 22.4</b>	<b>\$ 32.4</b>	<b>\$ 32.4</b>	<b>\$ 32.6</b>
<b>Prekindergarten: Three Year Old Services</b>											
General Fund	\$ -	\$ -	\$ -	\$ -	\$ 2.0	\$ 4.7	\$ 3.5	\$ 5.4	\$ 9.4	\$ 11.9	\$ 11.9
TANF	\$ -	\$ -	\$ -	\$ -	\$ 2.0	\$ 2.0	\$ 2.0	\$ 2.0	\$ 2.0	\$ 2.0	\$ 2.0
Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.4	\$ 1.2	\$ 1.1	\$ 1.1	\$ 1.0	\$ 1.7
ECE Trust Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4.6
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4.0</b>	<b>\$ 7.1</b>	<b>\$ 6.7</b>	<b>\$ 8.5</b>	<b>\$ 12.5</b>	<b>\$ 14.9</b>	<b>\$ 20.2</b>
<b>Prekindergarten: Mixed-Age Pilot Services</b>											
General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.6	\$ 1.1	\$ 3.9	\$ 3.9
TANF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 0.6</b>	<b>\$ 1.1</b>	<b>\$ 3.9</b>	<b>\$ 3.9</b>
<b>Subtotal ECECD PreK</b>											
	\$ 8.2	\$ 9.2	\$ 11.6	\$ 20.4	\$ 26.6	\$ 27.8	\$ 29.0	\$ 31.5	\$ 46.0	\$ 51.2	\$ 56.7
<b>Family, Infant and Toddlers Program (Birth to 3)</b>											
General Fund	\$ 14.5	\$ 14.0	\$ 14.5	\$ 20.1	\$ 19.7	\$ 19.4	\$ 20.2	\$ 21.5	\$ 25.0	\$ 29.2	\$ 29.2
All other funds	\$ 16.5	\$ 19.6	\$ 19.6	\$ 19.6	\$ 23.0	\$ 24.3	\$ 26.3	\$ 26.7	\$ 30.0	\$ 31.0	\$ 31.0
ECE Trust Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.6
<b>TOTAL</b>	<b>\$ 31.0</b>	<b>\$ 33.6</b>	<b>\$ 34.1</b>	<b>\$ 39.7</b>	<b>\$ 42.7</b>	<b>\$ 43.7</b>	<b>\$ 46.5</b>	<b>\$ 48.2</b>	<b>\$ 55.0</b>	<b>\$ 60.2</b>	<b>\$ 60.8</b>
<b>Planning Grant: High Quality Early Childhood Development Centers</b>											
General Fund	\$ -	\$ -	\$ -	\$ 0.5	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL ECECD</b>	<b>\$ 124.9</b>	<b>\$ 136.4</b>	<b>\$ 127.2</b>	<b>\$ 157.9</b>	<b>\$ 182.5</b>	<b>\$ 198.5</b>	<b>\$ 210.9</b>	<b>\$ 240.8</b>	<b>\$ 276.9</b>	<b>\$ 310.7</b>	<b>\$ 328.3</b>
<b>Public Education Department - Special Appropriations *</b>											
<b>Prekindergarten: Four Year Old</b>											
General Fund	\$ 6.3	\$ 10.0	\$ 15.0	\$ 17.7	\$ 21.0	\$ 21.0	\$ 21.0	\$ 29.0	\$ 39.0	\$ 45.3	\$ 43.5
TANF	\$ -	\$ -	\$ -	\$ -	\$ 3.5	\$ 3.5	\$ 3.5	\$ 3.5	\$ 3.5	\$ 3.5	\$ 3.5
Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2.6	\$ -	\$ -
ECE Trust Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2.8
<b>Total</b>	<b>\$ 6.3</b>	<b>\$ 10.0</b>	<b>\$ 15.0</b>	<b>\$ 17.7</b>	<b>\$ 24.5</b>	<b>\$ 24.5</b>	<b>\$ 24.5</b>	<b>\$ 32.5</b>	<b>\$ 45.1</b>	<b>\$ 48.8</b>	<b>\$ 49.8</b>
<b>Subtotal PED PreK</b>											
	\$ 6.3	\$ 10.0	\$ 15.0	\$ 17.7	\$ 24.5	\$ 24.5	\$ 24.5	\$ 32.5	\$ 45.1	\$ 48.8	\$ 49.8
<b>K-5 Plus</b>											
General Fund	\$ 5.3	\$ 11.0	\$ 16.0	\$ 21.2	\$ 23.7	\$ 22.6	\$ 23.7	\$ 30.2	\$ 119.9	\$ 79.9	\$ 119.9
Other State Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 5.3</b>	<b>\$ 11.0</b>	<b>\$ 16.0</b>	<b>\$ 21.2</b>	<b>\$ 23.7</b>	<b>\$ 22.6</b>	<b>\$ 23.7</b>	<b>\$ 30.2</b>	<b>\$ 119.9</b>	<b>\$ 79.9</b>	<b>\$ 119.9</b>
<b>Early Literacy</b>											
General Fund	\$ -	\$ 8.5	\$ 11.5	\$ 14.5	\$ 15.0	\$ 14.1	\$ 12.5	\$ 8.8	\$ -	\$ 9.7	\$ 9.7
<b>TOTAL PED</b>	<b>\$ 11.6</b>	<b>\$ 29.5</b>	<b>\$ 42.5</b>	<b>\$ 53.4</b>	<b>\$ 63.2</b>	<b>\$ 61.2</b>	<b>\$ 60.7</b>	<b>\$ 71.5</b>	<b>\$ 165.0</b>	<b>\$ 138.4</b>	<b>\$ 179.4</b>
<b>TOTAL RECURRING EARLY CHILDHOOD PROGRAMS</b>											
	\$ 136.5	\$ 165.9	\$ 169.7	\$ 211.3	\$ 245.7	\$ 259.7	\$ 271.6	\$ 312.3	\$ 441.9	\$ 449.1	\$ 507.7
<b>Race to the Top- Early Learning Challenge</b>											
Federal Funds	\$ -	\$ -	\$ 9.4	\$ 7.8	\$ 14.0	\$ 6.2	\$ -	\$ -	\$ -	\$ -	\$ -
<b>GRAND TOTAL EARLY CHILDHOOD PROGRAMS</b>											
	\$ 136.5	\$ 165.9	\$ 179.1	\$ 219.1	\$ 259.6	\$ 265.9	\$ 271.6	\$ 312.3	\$ 441.9	\$ 449.1	\$ 507.7

<sup>1</sup> Funding for ECECD prior to FY21 was contained in the Children, Youth and Families Department and Department of Health.

# Appendix L: Direct Public School Capital Outlay Appropriations to Public Schools

## Appendix: Public School Capital Outlay Expenditures in Laws 2021, Chapter 138 (House Bill 285)

~~Strikethrough~~ indicates executive veto.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Site (School District)	Purpose	Amount	Page No. (Paragraph No.) in Final HB285										
<b>STATEWIDE PROJECTS</b>													
<b>Funding Source: Severance Tax Bond Revenue</b>													
Public Education Department	To purchase and install information technology and related equipment, furniture and infrastructure, including color printers, in classrooms for special needs autistic students statewide.	\$200,000	65 (171)										
Public Education Department	To purchase, equip and install school bus cameras for school districts statewide.	\$180,000	65 (172)										
<b>Funding Source: Public School Capital Outlay Fund</b>													
Public Education Department	For expenditure in fiscal years 2021 through 2025, unless otherwise provided in Section 3 of this act, contingent upon approval of the public school capital outlay council, to purchase, replace and equip school buses for school districts statewide.	\$3,492,000	223										
<b>Funding Source: Environmental Mitigation Trust</b>													
If, pursuant to the environmental mitigation trust agreement for state beneficiaries entered into pursuant to the partial consent decrees entered in In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB (JSC) (Dkt. No. 2103-1), the trustee approves the expenditure of funds to allow the public education department to replace school-district-owned buses statewide that are used to transport students to and from school pursuant to the Public School Finance Act, the public education department is authorized to request budget increases for that purpose totaling three million four hundred ninety-two thousand dollars (\$3,492,000) in fiscal years 2022 through 2024, if that amount is approved by the trustee, or any other amount that is authorized by the trustee for the same purpose. The authorization provided pursuant to this section is in addition to the contingent authorizations for the public education department to request budget increases that are applicable for fiscal years:													
1. 2019 through 2022, as provided pursuant to Laws 2018, Chapter 80, Section 57, to replace school-district-owned buses statewide that are used to transport students to and from school pursuant to the Public School Finance Act; and													
2. 2021 through 2024, as provided pursuant to Laws 2020, Chapter 81, Section 96, to provide infrastructure for fueling and charging stations for alternatively fueled school buses statewide pursuant to the Public School Finance Act.													
Public Education Department		\$3,492,000	226										
		<b>\$7,364,000</b>											
<b>SCHOOL DISTRICT AND LOCALLY CHARTERED CHARTER SCHOOL PROJECTS</b>													
<b>Funding Source: Severance Tax Bond Revenue</b>													
Adobe Acres Elementary	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$126,000	32 (21)										
Albuquerque	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$46,000	33 (22)										
Alameda Elementary	To plan, design, construct, improve and renovate buildings and grounds, including the purchase and installation of a marquee, exterior lighting, electrical systems and related equipment.	\$55,000	33 (23)										

**Appendix L: Direct Public School Capital Outlay Appropriations to Public Schools**

Site (School District)	Purpose	Amount	Page No. (Paragraph No.) In Final HB285
15 Alamosa Elementary (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$66,000	33 (24) 15
16 Albuquerque High (Albuquerque)	To plan, design, purchase and install indoor air quality systems.	\$85,000	33 (25) 16
17 Alice King Community School (Albuquerque)	To plan, design, construct, repair and improve buildings and parking lots.	\$137,500	34 (26) 17
18 Alvarado Elementary (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$41,000	34 (27) 18
19 Apache Elementary (Albuquerque)	To acquire, plan, design, purchase, build, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms.	\$63,000	34 (28) 19
20 Armijo Elementary (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$76,000	34 (29) 20
21 Atrisco Elementary (Albuquerque)	To acquire, plan, design, purchase and install indoor air quality systems.	\$90,000	34 (30) 21
22 Atrisco Heritage Academy (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$100,500	35 (31) 22
23 Bandelier Elementary (Albuquerque)	To plan, design, purchase and install indoor air quality systems.	\$90,000	35 (32) 23
24 Barcelona Elementary (Albuquerque)	To plan, design, purchase, build, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms.	\$139,000	35 (33) 24
25 Bel-Air Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$100,000	35 (34) 25
26 Bellehaven Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$30,000	35 (35) 26
27 Carlos Rey Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$86,500	36 (36) 27
28 Chamiza Elementary (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$21,600	36 (37) 28
29 Chelwood Elementary (Albuquerque)	To plan, design, construct and renovate grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping.	\$79,000	36 (38) 29
30 Cibola High (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$10,000	36 (39) 30
31 Cien Aguas International School (Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of educational and information technology, security systems upgrades, fencing, wiring, infrastructure and related equipment.	\$75,000	36 (40) 31
32 Cleveland Middle (Albuquerque)	To plan, design, purchase and install indoor air quality systems.	\$80,000	37 (41) 32
33 Cochiti Elementary (Albuquerque)	To plan, design, construct, equip, purchase, furnish and install infrastructure, buildings, equipment and landscaping for outdoor classrooms and community gardens.	\$87,000	37 (42) 33
34 Corrales Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$69,000	37 (43) 34

## Appendix L: Direct Public School Capital Outlay Appropriations to Public Schools

Site (School District)	Purpose	Amount	Page No. (Paragraph No.) in Final HB285
35 Coyote Willow Family School (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$36,000	37 (44)
36 Del Norte High (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$80,600	38 (45)
37 Dennis Chavez Elementary (Albuquerque)	To acquire, plan, design, build, purchase, equip, furnish and install fixtures, furniture, window coverings and related classroom equipment.	\$45,000	38 (46)
38 Digital Arts and Technology Academy (Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of coronavirus-disease-2019-safe water fountains with filling stations and related equipment, fencing, information technology and security infrastructure.	\$25,000	38 (47)
39 Douglas MacArthur Elementary (Albuquerque)	To plan, design, construct, purchase, equip and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$36,000	38 (48)
40 Duranes Elementary (Albuquerque)	To plan, design, construct, purchase, equip, furnish and install infrastructure, buildings and landscaping for outdoor classrooms and community gardens.	\$83,000	39 (49)
41 East San Jose Elementary (Albuquerque)	To plan, design, construct, purchase, equip, furnish and install infrastructure, buildings and landscaping for outdoor classrooms and community gardens.	\$55,000	39 (50)
42 Edmund G. Ross Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$94,000	39 (51)
43 Edward Gonzales Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$118,500	39 (52)
44 Eisenhower Middle (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$20,000	39 (53)
45 Eldorado High (Albuquerque)	To plan, design, purchase, construct and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$80,000	40 (54)
46 Emerson Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$57,000	40 (55)
47 Ernie Pyle Middle (Albuquerque)	To acquire, plan, design, purchase and install indoor air quality systems.	\$105,000	40 (56)
48 Freedom High School (Albuquerque)	To plan, design, construct, improve and renovate exterior buildings, including re-stuccoing.	\$46,500	40 (57)
49 Garfield Middle (Albuquerque)	To acquire, plan, design, purchase and install indoor air quality systems.	\$80,000	40 (58)
50 George I. Sanchez Community School (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$31,000	41 (59)
51 Gilbert L. Sena Charter School (Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of educational technology, information technology, fencing, wiring, security infrastructure and related equipment.	\$125,000	41 (60)
52 Gordon Bernell Charter School (Albuquerque)	To plan, design, construct, purchase, install and equip solar panels and peripherals and an electric automobile charging station.	\$65,000	41 (61)
53 Governor Bent Elementary (Albuquerque)	To plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping.	\$64,600	41 (62)
54 Grant Middle (Albuquerque)	To plan, design, purchase, construct and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$55,000	42 (63)

**Appendix L: Direct Public School Capital Outlay Appropriations to Public Schools**

Site (School District)	Purpose	Amount	Page No. (Paragraph No.) in Final HB285
55 Griegos Elementary (Albuquerque)	To plan, design, construct, purchase and install ceiling fans and air quality systems.	\$75,000	42 (64) 55
Harrison Middle (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$152,500	42 (65) 56
57 Hawthorne Elementary (Albuquerque)	To plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms.	\$82,000	42 (66) 57
58 Hawthorne Elementary (Albuquerque)	To purchase and process print, nonprint and electronic library resources for libraries and book rooms.	\$30,000	42 (67) 58
59 Health Leadership High School (Albuquerque)	To plan, design, construct, renovate, furnish and equip the buildings and grounds, including the purchase of educational technology and installation of related equipment, fencing, information technology and security infrastructure.	\$175,000	43 (68) 59
60 Helen Cordero Elementary (Albuquerque)	To plan, design, construct, equip and furnish infrastructure buildings and landscaping for an outdoor classroom and community gardens.	\$50,000	43 (69) 60
61 Highland High (Albuquerque)	To plan, design, construct, equip and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$120,000	43 (70) 61
62 Hodgin Elementary (Albuquerque)	To plan, design, construct, furnish, equip and install outdoor benches and shade structures.	\$25,000	43 (71) 62
63 Hoover Middle (Albuquerque)	To plan, design, construct, furnish, equip and install outdoor benches and shade structures.	\$80,000	43 (72) 63
64 Inez Elementary (Albuquerque)	To plan, design, purchase, construct and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$50,000	44 (73) 64
65 International School at Mesa Del Sol (Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of educational technology, security systems and related equipment, security fencing, information technology and infrastructure.	\$75,000	44 (74) 65
66 Jackson Middle (Albuquerque)	To plan, design, construct, purchase, equip and install ceiling fans and air quality systems.	\$35,000	44 (75) 66
67 James Monroe Middle (Albuquerque)	To plan, design, purchase and install indoor air quality systems.	\$80,000	44 (76) 67
68 Jefferson Middle (Albuquerque)	To plan, design, purchase, construct and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$65,250	44 (77) 68
69 Jimmy Carter Middle (Albuquerque)	To plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms.	\$38,000	45 (78) 69
70 John Adams Middle (Albuquerque)	To plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms.	\$100,200	45 (79) 70
71 John Baker Elementary (Albuquerque)	To plan, design, construct, purchase, equip and install ceiling fans and air quality systems.	\$80,000	45 (80) 71
72 <del>Juvenile Detention Center</del> (Albuquerque)	<del>To plan, design, construct, purchase, equip and install ceiling fans and air quality systems.</del>	<del>\$5,000</del>	45 (81) 72
73 Kirtland Elementary (Albuquerque)	To plan, design, construct, renovate and equip basketball courts, including fences, turf, bleachers, drainage improvements, landscaping and related equipment.	\$23,200	46 (83) 73
74 Kit Carson Elementary (Albuquerque)	To plan, design, construct, purchase, equip and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$51,000	46 (84) 74

**Appendix L: Direct Public School Capital Outlay Appropriations to Public Schools**

	<b>Site (School District)</b>	<b>Purpose</b>	<b>Amount</b>	<b>Page No. (Paragraph No.) in Final HB285</b>
75	La Academia de Esperanza (Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of educational technology for a makerspace program and related equipment, fencing, information technology and security infrastructure.	\$110,000	46 (85)
76	La Luz Elementary (Albuquerque)	To plan, design, construct, purchase, furnish, equip and install fixtures, furniture, window coverings and related equipment for classrooms.	\$40,000	46 (86)
77	La Mesa Elementary (Albuquerque)	To plan, design, construct, purchase, equip and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$36,000	47 (87)
78	Lavaland Elementary (Albuquerque)	To plan, design, construct, purchase, furnish and equip infrastructure, buildings and landscaping for an outdoor classroom and equipment for community gardens.	\$80,000	47 (88)
79	Lew Wallace Elementary (Albuquerque)	To plan, design, construct, purchase, furnish and equip outdoor benches and shade structures.	\$28,500	47 (89)
80	Los Padillas Elementary (Albuquerque)	To plan, design, construct, purchase, furnish, equip and install infrastructure, buildings and landscaping for an outdoor classroom and equipment for community gardens.	\$128,000	47 (90)
81	Los Ranchos Elementary (Albuquerque)	To plan, design, construct, purchase, equip and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$36,000	48 (91)
82	Lyndon B. Johnson Middle (Albuquerque)	To plan, design, construct, purchase, furnish, equip and install fixtures, furniture, window coverings and related equipment for classrooms.	\$48,000	48 (92)
83	Madison Middle (Albuquerque)	To plan, design, construct, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms.	\$87,000	48 (93)
84	Manzano High (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$81,000	48 (94)
85	Manzano Mesa Elementary (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$36,000	48 (95)
86	Marie M. Hughes Elementary (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$36,000	49 (96)
87	Mark Twain Elementary (Albuquerque)	To plan, design, purchase and install ceiling fans and air quality systems.	\$66,000	49 (97)
88	Mary Ann Binford Elementary (Albuquerque)	To plan, design, purchase, build, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms.	\$33,000	49 (98)
89	Matheson Park Elementary (Albuquerque)	To plan, design, purchase and install ceiling fans and air quality systems.	\$35,000	49 (99)
90	McCollum Elementary (Albuquerque)	To plan, design, construct, purchase, install, renovate, equip and furnish improvements to gymnasium buildings and facilities, including gym floor upgrades, floor surfacing and related equipment and infrastructure.	\$80,000	49 (100)
91	McKinley Middle (Albuquerque)	To plan, design, purchase, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms.	\$50,000	50 (101)
92	Mission Avenue Elementary (Albuquerque)	To plan, design, purchase, acquire, build, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms.	\$65,000	50 (102)
93	Monte Vista Elementary (Albuquerque)	To plan, design, construct, purchase, furnish and equip infrastructure, buildings and landscaping for outdoor classrooms and equipment for community gardens.	\$80,000	50 (103)
94	Montezuma Elementary (Albuquerque)	To plan, design, construct, purchase, furnish and equip outdoor benches and shade structures.	\$30,000	50 (104)

**Appendix L: Direct Public School Capital Outlay Appropriations to Public Schools**

Site (School District)	Purpose	Amount	Page No. (Paragraph No.) in Final HB285
95 Mountain View Elementary (Albuquerque)	To plan, design, construct, purchase, furnish and equip outdoor benches and shade structures	\$39,000	51 (105)
96 Navajo Elementary (Albuquerque)	To plan, design, construct, purchase, furnish, equip and install fixtures, furniture, window coverings and related equipment for classrooms.	\$160,000	51 (106)
97 New Futures High (Albuquerque)	To plan, design, construct, purchase, furnish and equip outdoor benches and shade structures.	\$37,000	51 (107)
98 Nex+ Gen Academy (Albuquerque)	To plan, design, construct, purchase, furnish, equip and install fixtures, furniture, window coverings and related equipment for classrooms.	\$13,200	51 (108)
99 New Mexico International School (Albuquerque)	To plan, design, construct, replace and renovate the roof, including skylights and other roof penetrations.	\$380,000	51 (109)
100 New Mexico International School (Albuquerque)	To plan, design, construct and renovate a parking lot, including resurfacing, restriping, landscaping and vehicular access.	\$100,000	181 (28)
101 Onate Elementary (Albuquerque)	To plan, design, construct, equip and renovate the grounds and playgrounds, including the purchase and installation of fencing, shade structures, turf, bleachers, drainage improvements, landscaping and related equipment.	\$79,000	52 (110)
102 Osuna Elementary (Albuquerque)	To plan, design, construct, purchase, furnish, equip and install infrastructure, buildings and landscaping for an outdoor classroom and for community gardens.	\$25,000	52 (111)
103 Painted Sky Elementary (Albuquerque)	To plan, design, construct, purchase, equip and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$36,000	52 (112)
104 Pajarito Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish infrastructure, buildings and landscaping for an outdoor classroom and equipment for community gardens.	\$113,750	52 (113)
105 Petroglyph Elementary (Albuquerque)	To plan, design, construct, purchase, equip and install ceiling fans and air quality systems.	\$80,000	53 (114)
106 Polk Middle (Albuquerque)	To plan, design, construct, purchase, equip and furnish infrastructure, buildings and landscaping for outdoor classrooms and equipment for community gardens.	\$40,000	53 (115)
107 Rio Grande High (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$191,000	53 (116)
108 Robert F. Kennedy Charter School (Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including educational and information technology, related furnishings, equipment and infrastructure, the purchase and installation of security system equipment, fencing, wiring and infrastructure.	\$205,000	53 (117)
109 Rudofo Anaya Elementary (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$110,000	54 (118)
110 Sandia Base Elementary (Albuquerque)	To plan, design, purchase, construct and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$16,000	54 (119)
111 Sandia High (Albuquerque)	To plan, design, construct, purchase, equip and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$32,000	54 (120)
112 Sandia Mountain Natural History Center (Albuquerque)	To plan, design, construct, equip, install and furnish infrastructure, buildings, antennas and landscaping related to outdoor classrooms and community gardens.	\$60,000	54 (121)
113 Seven Bar Elementary (Albuquerque)	To plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping.	\$20,000	54 (122)
114 Sierra Vista Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$88,800	55 (123)



**Appendix L: Direct Public School Capital Outlay Appropriations to Public Schools**

	<b>Site (School District)</b>	<b>Purpose</b>	<b>Amount</b>	<b>Page No. (Paragraph No.) in Final HB285</b>
115	Sombra Del Monte Elementary (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$40,000	55 (124)
116	South Valley Academy Charter School (Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of heating, ventilation and air conditioning systems and related equipment, fencing, information technology and security infrastructure.	\$316,000	55 (125)
117	Susie R. Marmion Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$98,000	56 (126)
118	Southwest Secondary Learning Center (Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and upgrade of a laboratory and installation of related equipment, fencing, information technology, wiring and security infrastructure.	\$52,000	56 (127)
119	Taft Middle (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$52,400	56 (128)
120	Taylor Middle (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$81,000	56 (129)
121	Technology Leadership High School (Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of educational technology, including related equipment, furnishings and infrastructure, and security systems upgrades and related equipment, fencing, information technology and infrastructure.	\$80,000	56 (130)
122	Tierra Antigua Elementary (Albuquerque)	To plan, design, construct, purchase, equip, install and upgrade security systems, including fencing, entryways, cameras, access cards and alarm upgrades.	\$135,600	57 (131)
123	Tomasita Elementary (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$36,000	57 (132)
124	Tony Hillerman Middle (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$54,000	57 (133)
125	Tres Volcanes Community School (Albuquerque)	To plan, design, construct, purchase, furnish and equip infrastructure, buildings and landscaping, including outdoor classrooms and community gardens.	\$77,000	58 (134)
126	Truman Middle (Albuquerque)	To plan, design, purchase and install ceiling fans and air quality systems.	\$100,000	58 (135)
127	Valley High School (Albuquerque)	To plan, design, purchase, build, equip, furnish and install fixtures, furniture, window coverings and related equipment for classrooms.	\$65,500	58 (136)
128	Ventana Ranch Elementary (Albuquerque)	To acquire, plan, design, purchase and install ceiling fans and air quality systems.	\$80,000	58 (137)
129	Volcano Vista High (Albuquerque)	To acquire, plan, design, purchase and install ceiling fans and air quality systems.	\$80,000	58 (138)
130	West Mesa High (Albuquerque)	To plan, design, purchase and install indoor air quality systems.	\$141,000	58 (139)
131	Wherry Elementary (Albuquerque)	To plan, design, construct, purchase, equip and furnish outdoor benches and shade structures.	\$22,500	59 (140)
132	Whittier Elementary (Albuquerque)	To plan, design, construct, purchase, install and renovate grounds and playgrounds, including fencing, shade structures, turf, bleachers, drainage improvements, landscaping and related equipment.	\$33,000	59 (141)
133	Wilson Middle (Albuquerque)	To acquire, plan, design, purchase and install ceiling fans and air quality systems.	\$94,000	59 (142)

## Appendix L: Direct Public School Capital Outlay Appropriations to Public Schools

	Site (School District)	Purpose	Amount	Page No. (Paragraph No.) in Final HB285
	Zia Elementary (Albuquerque)	To plan, design, construct, purchase, install and renovate grounds, playgrounds, fencing, shade structures, turf, bleachers, drainage improvements, landscaping and related equipment for students with disabilities.	\$105,000	59 (143)
134				134
	Zuni Elementary (Albuquerque)	To plan, design, construct, purchase and install refillable water stations and improvements to drinking water systems, pipes, infrastructure and related equipment.	\$50,000	60 (144)
135				135
	Albuquerque Public Schools	To plan, design, construct, equip and install improvements to the KANW educational radio station.	\$20,000	45 (82)
136				136
	Reserve Independent School District	To purchase, equip and install backup generators.	\$100,000	60 (145)
137				137
	Lake Arthur Municipal Schools	To upgrade and repair cooling systems and roofs and to construct a safety corridor from class areas to the cafeteria.	\$100,000	60 (146)
138				138
	Lake Arthur Municipal Schools	To plan, design, construct and install a building security system, including cameras.	\$75,000	60 (147)
139				139
	Lake Arthur Municipal Schools	To plan, design, construct, equip and install improvements, including perimeter fencing, electronic gates and electrical systems and programming.	\$200,000	60 (148)
140				140
	Grady Municipal Schools	To plan, design and construct improvements to heating, ventilation and air conditioning systems.	\$100,000	60 (149)
141				141
	Ogan Mountain High (Las Cruces)	To plan, design, construct and install improvements to wood shops, including electrical systems, lighting, heating, ventilation and air conditioning, plumbing and remodeling space.	\$300,000	61 (151)
142				142
	Mayfield High (Las Cruces)	To purchase and equip resources for the aerospace program, including flight simulators, wind tunnels and aircraft engine trainers.	\$160,000	61 (153)
143				143
	Mesa Middle (Las Cruces)	To plan, design, construct, renovate and equip a wood shop and classroom, including electrical systems, lighting, heating, ventilation and air conditioning systems, plumbing and remodeling space.	\$300,000	61 (154)
144				144
	Las Cruces Public Schools	To purchase and install equipment, including educational technology, furniture and infrastructure, for media programs at elementary, middle and high schools.	\$200,000	61 (152)
145				145
	Artesia High (Artesia)	To plan, design, construct and replace the gymnasium roof.	\$300,000	62 (155)
146				146
	Central Elementary (Artesia)	To plan, design, construct, replace and renovate the roof and the heating, ventilation and air conditioning systems.	\$500,000	62 (156)
147				147
	Cobre Consolidated School District	To purchase, upgrade, improve, equip and install emergency communications and information technology equipment.	\$200,000	62 (157)
148				148
	Silver Consolidated School District	To plan, design, construct, equip and furnish facility improvements.	\$150,000	62 (158)
149				149
	Roy Municipal Schools	To purchase and equip activity buses.	\$152,810	62 (159)
150				150
	Lovington Municipal Schools	To purchase and install security card reader access system equipment, hardware and cabling to school and school office entrance doors.	\$75,000	63 (160)
151				151
	Hondo Valley Public Schools	To purchase and equip a passenger activity bus.	\$182,000	63 (161)
152				152
	Mora Independent School District	To purchase and install technology, including audio, video and surveillance systems.	\$38,000	63 (162)
153				153
	Espanola Public Schools	To purchase, equip and install security monitoring systems for all district campuses.	\$75,000	63 (163)
154				154
	Floyd Municipal Schools	To purchase and equip vehicles.	\$100,000	63 (164)
155				155
	Valley Elementary and Middle Schools (West Las Vegas)	To plan, design, construct and renovate existing space for a health center.	\$200,000	63 (165)
156				156
	Rio Rancho Public Schools	To purchase, install and improve information technology, including related equipment, furnishings and infrastructure, for a robotics program in the Rio Rancho public school district.	\$150,000	64 (167)
157				157
	Santa Fe Public Schools	To plan, design, construct, purchase, install and equip upgrades to information technology systems, including firewalls and infrastructure upgrades.	\$50,000	64 (170)
158				158
	Mesa Vista Consolidated School District	To plan, design, construct, repair, equip and install improvements to the buildings and grounds, including a multipurpose turf field and track repair.	\$75,000	65 (173)
159				159

# Appendix L: Direct Public School Capital Outlay Appropriations to Public Schools

Site (School District)	Purpose	Amount	Page No. (Paragraph No.) in Final HB285
160 Taos Municipal Schools	To purchase, equip, install, improve and replace security infrastructure, including cameras, locks, lockdown systems, law enforcement and first responder emergency notification systems and related equipment.	\$250,000	66 (176)
161 Estancia Municipal Schools	To purchase and install heating, ventilation and air conditioning equipment, including split air units, for classrooms	\$50,000	66 (177)
162	<b>SUBTOTAL SCHOOL DISTRICT AND LOCALLY CHARTERED CHARTER SCHOOL PROJECTS</b>	<b>\$13,349,510</b>	
163	<b>SUBTOTAL VETOED SCHOOL DISTRICT AND LOCALLY CHARTERED CHARTER SCHOOL PROJECTS</b>	<b><del>\$5,000</del></b>	
164	<b>STATE-CHARTERED CHARTER SCHOOL PROJECTS</b>		
165	<b>Funding Source: Severance Tax Bond Revenue</b>		
166 Media Arts Collaborative Charter School (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of educational technology, information technology, security system upgrades, fencing, wiring, infrastructure and related equipment.	\$75,000	27 (1)
167 21st Century Public Academy (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of solar energy systems, educational technology and related equipment, fencing, information technology, wiring and infrastructure.	\$228,200	27 (2)
168 ACES Technical Charter School (State Charter - Albuquerque)	To plan, design, construct and equip science, technology, engineering and mathematics education laboratories.	\$150,000	28 (3)
169 Albuquerque Collegiate Charter School (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase of outdoor learning space and educational technology and the installation of related equipment, fencing, information technology and security infrastructure.	\$35,000	28 (4)
170 Albuquerque School of Excellence (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including fencing, information technology and security infrastructure, and to purchase and install educational technology, including related equipment, furniture and infrastructure.	\$121,000	28 (5)
171 Albuquerque Sign Language Academy (State Charter - Albuquerque)	To purchase and equip activity vans and vehicles.	\$10,000	28 (6)
172 Altura Preparatory School (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings, grounds and outdoor learning spaces, including fencing, security systems and the purchase of information technology and related equipment and infrastructure.	\$65,000	29 (7)
173 Cesar Chavez Community Charter School (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of educational and information technology, indoor and outdoor learning spaces, fencing, wiring, infrastructure and related equipment.	\$200,000	29 (8)
174 Coral Community Charter School (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of water fountains with filling stations, security system upgrades and equipment, fencing, wiring and infrastructure.	\$20,250	29 (9)
175 Cottonwood Classical Preparatory School (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including installation of the final phase of a roofing project and the installation of related equipment, fencing, security infrastructure and information technology, including related equipment, furnishings and infrastructure.	\$35,000	29 (10)
176 El Camino Real Academy (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including installation of a science laboratory and related equipment, fencing, information technology and security infrastructure.	\$127,500	30 (11)
177 Los Puentes Charter School (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the installation of outdoor coronavirus-disease-2019-safe learning spaces and related equipment, fencing, information technology and security infrastructure.	\$100,000	30 (12)

## Appendix L: Direct Public School Capital Outlay Appropriations to Public Schools

Site (School District)	Purpose	Amount	Page No. (Paragraph No.) in Final HB285
178 Mark Armijo Academy (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase of educational technology, installation of related equipment, fencing, information technology and security infrastructure.	\$162,500	30 (13)
179 Mission Achievement and Success (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of playground equipment, security systems upgrades, fencing, lighting, information technology, wiring, infrastructure and related equipment.	\$175,000	31 (14)
180 Montessori Elementary and Middle School (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of water fountains with fill stations, intercom systems, fencing, wiring, security infrastructure and related equipment.	\$35,000	31 (15)
181 South Valley Preparatory School (State Charter - Albuquerque)	To acquire land and to plan, design, construct, purchase, renovate and furnish buildings.	\$105,000	31 (16)
182 Southwest Aeronautics, Mathematics, and Science Academy (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish, purchase and equip buildings and grounds, including the purchase and installation of security systems, fencing, information technology, wiring, security infrastructure and related equipment.	\$100,000	31 (17)
183 Solare Collegiate Charter School (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip infrastructure and buildings and grounds, including a safe outdoor learning space, and to purchase and install related equipment, security fencing and information technology.	\$32,000	32 (18)
184 Tierra Adentro Charter School (State Charter - Albuquerque)	To plan, design, construct, furnish and equip the school, including the installation of intelligent wall systems with integrated technology.	\$175,500	32 (19)
185 ACE Leadership High School (State Charter - Albuquerque)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including installation of a demonstration solar system, educational technology, including related equipment, furnishings and infrastructure, and related equipment, fencing, information technology and security infrastructure.	\$100,000	32 (20)
186 New America Charter School (State Charter - Las Cruces)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of educational technology and equipment, fencing, information technology and security infrastructure.	\$60,000	61 (150)
187 ASK Academy (State Charter - Rio Rancho)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of outdoor learning spaces, security system and information technology upgrades, fencing, wiring, infrastructure and related equipment.	\$150,000	63 (166)
188 New Mexico School for the Arts (State Charter - Santa Fe)	To plan, design, construct, equip and furnish a cafeteria and multipurpose space, including a kitchen, and to purchase and install security fencing, security gates, landscaping and courtyard improvements.	\$1,500,000	64 (168)
189 Turquoise Trail Charter School (State Charter - Santa Fe)	To plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase of water bottle filling stations and touchless sinks, and installation of related equipment, fencing, information technology and security infrastructure.	\$40,000	64 (169)
190 Red River Valley Charter School (State Charter - Questa)	To plan, design, construct, furnish and equip facilities.	\$100,000	65 (174)
191 Taos Academy (State Charter - Taos)	To acquire a building and to plan, design, construct and expand Taos academy charter school, including career technical education and early college high school additions and landscaping.	\$100,000	65 (175)
192	<b>SUBTOTAL STATE-CHARTERED CHARTER SCHOOL PROJECTS</b>	<b>\$4,001,950</b>	192
192	<b>TOTAL FROM ALL PUBLIC EDUCATION PROJECTS</b>	<b>\$24,715,460</b>	192
193	<b>TOTAL VETOED FROM ALL PUBLIC EDUCATION PROJECTS</b>	<b><del>\$5,000</del></b>	193

Source: LESC Files

# Appendix M: Capital Outlay Reauthorizations for Public School

## Appendix: Public School Capital Outlay Reauthorizations in Laws 2021, Chapter 139 (House Bill 296)

~~Strikethrough~~ indicates executive veto.

Site (School District)	Purpose	Reauthorization Type	Time of Expenditure	Amount
<b>SCHOOL DISTRICT AND LOCALLY CHARTERED CHARTER SCHOOL PROJECTS</b>				
	The unexpended amount of a \$7,000 appropriation in Laws 2019, Chapter 277 to the Local Governments Division for a community bicycle recycling program in the Atrisco community and southwest area of Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to the Public Education Department to plan, design, construct, purchase, equip and furnish outdoor benches and shade structures for the School on Wheels.	Agency Change Purpose Change Time Extension	Extended through FY23	\$7,000
School on Wheels (Albuquerque)				
<del>Wihagro Middle School (Santa Fe)</del>	<del>Extend the time for a \$50 thousand appropriation in Laws 2019, Chapter 277 to purchase library resources through FY23.</del>	<del>Time Extension</del>	<del>Extended through FY23</del>	<del>\$50,000</del>
<b>SUBTOTAL SCHOOL DISTRICT AND LOCALLY CHARTERED CHARTER SCHOOL PROJECTS</b>				
<b>\$7,000</b>				
<b>SUBTOTAL VETOED SCHOOL DISTRICT AND LOCALLY CHARTERED CHARTER SCHOOL PROJECTS</b>				
<b><del>\$50,000</del></b>				
<b>STATE-CHARTERED CHARTER SCHOOL PROJECTS</b>				
	The unexpended amount of a \$300 thousand appropriation in Laws 2020, Chapter 81 to acquire security systems, fencing and related equipment shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip buildings and grounds and to purchase and install heating, ventilation and air conditioning and air filtration systems and related equipment and to purchase and install information technology, including related equipment, furniture and infrastructure, and for wiring and fencing.	Purpose Change	Through FY24	\$300,000
21st Century Public Academy (State Charter - Albuquerque)				
	The unexpended amount of a \$60 thousand appropriation in Laws 2019, Chapter 277 to plan, design, construct, renovate, furnish and equip the buildings and grounds, including bathroom improvements to comply with the federal Americans with Disabilities Act of 1990, fencing, information technology, wiring and infrastructure, shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip buildings and grounds and to purchase and install related equipment, information technology, wiring and security infrastructure.	Purpose Change	Through FY23	\$60,000
Southwest Aeronautics, Mathematics, and Science Academy (State Charter - Albuquerque)				
<b>SUBTOTAL STATE-CHARTERED CHARTER SCHOOL PROJECTS</b>				
<b>\$360,000</b>				
<b>TOTAL FROM ALL PUBLIC SCHOOL PROJECTS</b>				
<b>\$367,000</b>				
<b>TOTAL VETOED FROM ALL PUBLIC SCHOOL PROJECTS</b>				
<b><del>\$50,000</del></b>				

Source: LESC Files