

State of New Mexico
LEGISLATIVE EDUCATION STUDY COMMITTEE

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May 4, 2009 (revised)

MEMORANDUM

TO: New Mexico Legislators

FR: Frances Ramirez-Maestas *FRM*

RE: **SUMMARY OF PUBLIC EDUCATION-RELATED LEGISLATION PASSED BY THE 49TH LEGISLATURE, 1ST SESSION (after executive action)**

This memo and the attached materials provide an overview of legislation from the 2009 legislative session related to public schools, including public school support and other education-related appropriations. These materials also reflect final actions of the Governor.

During each regular legislative session, the Legislature's primary responsibility is to pass a budget to operate state government, including public schools, during the succeeding fiscal year. And every session the budget is a challenge. This session, the budget was especially challenging: not only did the economic downturn limit both the number of programs and services and their extent for FY 10, but it also required scaling back the support of programs and services for FY 09.

FY 2009

The January 2009 revenue forecast reported that FY 09 appropriations exceeded projected revenue by more than \$450 million. To address this budget shortfall, the Legislature took a four-pronged approach to restoring solvency, an approach that comprised capital outlay reversions, appropriation reductions, fund transfers, and revenue enhancements.

- CS/HB 9a (Laws 2009, Chapter 5) reverted capital outlay projects totaling approximately \$91.6 million in General Fund dollars and reverted a further \$24.6 million in severance tax bond (STB) projects. The bill further provided that the voided STB capacity plus \$23.0 million of new FY 10 STB capacity be authorized to continue viable General Fund projects.
- CS/HB 10 (Laws 2009, Chapter 2), the appropriation reduction bill, reduced FY 09 Public School Support by 2.5 percent (\$63.7 million) and further reduced the public school transportation distribution by \$4.0 million, an amount equal to the funds appropriated for increased fuel costs for school bus transportation during the 2008 special session.
- CS/SB 79 (Laws 2009, Chapter 3), the fund transfers bill, partially offset the FY 09 appropriation reductions noted above by transferring \$35.8 million from the “Education Lockbox” to the State Equalization Guarantee (SEG) distribution, resulting in a net 1.0 percent (approximately \$23.8 million) reduction to operational funds distributed through the Public School Funding Formula. The bill also reverted to the General Fund \$58.4 million in capital outlay dollars intended for public school facilities and an additional \$5.5 million in public school capital improvement funds, or SB 9 dollars.
- SB 80a (Laws 2009, Chapter 4), the revenue enhancement portion of the FY 09 solvency package, provided for an additional payment date of estimated corporate income tax, which, according to the Legislative Finance Committee (LFC), would increase FY 09 revenues by approximately \$65.0 million.

For public education, these solvency measures resulted in a decrease of \$20.68 in the preliminary unit value for the current school year (from \$3,892.47 to \$3,871.79).

FY 2010

Regarding FY 10, Table 1, attached, summarizes both the recurring and the nonrecurring public school support and education-related appropriations included in the *General Appropriation Act of 2009* (CS/HB 2 et al., as amended; Laws 2009, Chapter 124). In recurring dollars from the General Fund, the Legislature appropriated a grand total of nearly \$2.4 billion for FY 10 (see line 81). A number of programs funded in FY 09 were either funded at reduced levels or not funded at all for FY 10, resulting in a 9.0 percent decrease from the FY 09 appropriation of just over \$2.6 billion.

The FY 10 appropriation to the SEG of nearly \$2.2 billion is 7.9 percent less than the FY 09 appropriation of nearly \$2.4 billion (see lines 23-25). However, when the anticipated stimulus funds from the federal *American Recovery and Reinvestment Act of 2009* are factored in (see line 2), the reduction to the SEG for FY 10 is only 0.9 percent. As a result, for school year 2009-2010 the Secretary of Public Education has set a preliminary unit value of \$3,862.79, a decrease of only \$9.00 from the final unit value for school year 2008-2009. Considering the fiscal problems facing the nation as a whole and the layoffs imposed and programs eliminated in some states, the picture in New Mexico, though not as bright as legislators and educators would have wanted, is not as dark as it might have been.

For more information about these appropriations and others, see “Selected Public Education-related Language, *General Appropriation Act of 2009*,” attached.

Legislation Endorsed by the Legislative Education Study Committee

Overall, the 2009 session saw the introduction of 1,682 bills (not including memorials, joint memorials, resolutions, joint resolutions, concurrent resolutions and capital outlay requests), a smaller number than in recent 60-day sessions, reflecting the expectation of reduced revenues to pay for new initiatives. Despite these economic constraints, however, the Legislature still supported a number of worthy initiatives in public education. For legislation endorsed by the Legislative Education Study Committee (LESC) in particular, the record is actually quite good. Overall, 52 percent of committee bills passed; and, as discussed below, three of those that did not pass still had their appropriations included in the *General Appropriation Act of 2009*. Table 2, attached, shows the final disposition of all the measures endorsed by the LESC in the 2009 session, and a number of them are highlighted in the discussion below.

Among LESC-endorsed measures passed by the 2009 Legislature were several that addressed educator quality issues. In addition to appropriating recurring funds in the SEG distribution to increase minimum annual salaries for educational assistants to \$13,000 and in addition to making a one-time appropriation of \$200,000 to the Higher Education Department (HED) to establish the School Leadership Institute (both appropriations that were in bills that did not pass), the Legislature passed several other LESC-endorsed bills that the Governor later signed into law:

- HB 188 (Laws 2009, Chapter 63), *Educator Licensure Fund Purposes*, to ensure that educator licensure fees are collected and deposited according to law and to clarify how money from these fees may be used;
- HB 189 (Laws 2009, Chapter 10), *Alternate Deaf Teacher License Assessment*, to offer a portfolio alternative to passage of the New Mexico Teacher Assessments for candidates who are deaf or hard of hearing;
- SB 123 (Laws 2009, Chapter 20), *Administrators in Accountability Reporting*, to require that data about administrative licensure candidates be included in the Educator Accountability Reporting System;
- SB 133a (Laws 2009, Chapter 117), *Teacher Licensure Changes*, to remove the requirement that Level 3-B applicants hold a Level 3-A license for one year and to create a provisional Level 3-B license; and
- SB 146 (Laws 2009, Chapter 119), *Change Mentorship Program Fund Distribution*, to ensure a more timely distribution of beginning teacher mentorship program funds to school districts.

The Legislature also passed SB 193, *School Personnel Reports to Legislature*, to require the Public Education Department (PED) and school districts and charter schools to account annually for all funds spent for professional development activities; however, the bill was pocket-vetoed by the Governor.

Another focus of successful LESC-endorsed items was the state's P-20 Initiative, including college and workplace readiness and high school redesign. The Legislature passed and the Governor signed:

- SB 46a (Laws 2009, Chapter 256), *High School Pre-Apprenticeship Programs*, to allow high schools to offer elective industry-led pre-apprenticeship programs to qualified students;
- SB 152a (Laws 2009, Chapter 7), *Require Freshman Year Outcomes Reports*, to require public postsecondary institutions, upon request from high schools or school districts, to provide reports of specified outcomes of their first-year students; and
- SB 317 (Laws 2009, Chapter 205), *Use of Student ID Numbers on Transcripts*, to facilitate compliance by postsecondary institutions with the statutory requirement that they use the PED-issued student identification number in postsecondary data systems.

Although HB 139a, *Create Dual Credit Textbook Fund*, did not pass, the Legislature appropriated \$1.5 million to PED for distribution to school districts, charter schools, and state-supported schools for dual credit instructional materials needed by their students participating in the dual credit program enacted in 2007. For this appropriation, as well as the \$2.6 million for the \$13,000 minimum annual salary for educational assistants, the Chair of the Senate Education Committee and the Chair of the House Education Committee sent letters to the Secretary of Public Education requesting that she honor the intent of the legislation in allocating and distributing the appropriations. The two committee chairs also sent similar letters to the interim Secretary of Higher Education regarding the appropriation of \$200,000 for the School Leadership Institute.

Other LESC-endorsed measures that the 2009 Legislature passed and the Governor signed include:

- HB 197 (Laws 2009, Chapter 64), *Regional Education Cooperative Programs*, to broaden the scope of education-related activities that a regional education cooperative may undertake;
- CS/HB 199 (Laws 2009, Chapter 162), *School District & Training Center Agreements*, to clarify the state's and school districts' responsibilities to provide services to special education students outside local district schools, including students at private nonprofit training or residential treatment centers;
- SB 153a (Laws 2009, Chapter 118), *Continue Family & Youth Resources Program*, to provide for consistency in funding for schools whose poverty levels fluctuate slightly from year to year;
- SB 156a (Laws 2009, Chapter 189), *Alternative School Accountability Pilot*, to authorize PED to develop an alternative, voluntary six-year school accountability pilot project for elementary and middle schools based on a student growth model; and

- SB 189a (Laws 2009, Chapter 193), *School Attendance Notices & Absences*, to make changes to the *Compulsory School Attendance Law* and the *Children’s Code* recommended by the 2008 LESC Truancy Work Group.

The Legislature also passed HB 191a, *Interim School Transportation Task Force*, to authorize the Legislative Council Service to convene a task force to study a range of issues related to public school transportation; however, the Governor vetoed the bill.

One notable piece of LESC-endorsed legislation that did not pass was HB 331a, *Public School Funding Formula*, which would have provided a new formula to fund public schools. Despite widespread support in school district testimony to the LESC throughout the 2008 interim and despite the efforts of a number of legislators during the session, the new funding formula remains a goal to be achieved rather than a mission accomplished.

Other Education-related Legislation

A complete list of other education-related bills and other measures passed by the 2009 Legislature is attached (see “Passed Public School-related Legislation, 49th Legislature, 1st Session, 2009”).¹ These items include three bills that address educator and public employee retirement:

- CS/CS/HB 573a (Laws 2009, Chapter 288), *Adjustment of Retirement Plans*, which, among other changes, alters retirement eligibility requirements and benefits, age limits, and years of service, as well as contributions of eligible participating retirees for retiree health care, in addition to creating a task force to study the actuarial soundness of public retirement programs and to prepare a solvency plan;
- HB 631a (Laws 2009, Chapter 286), *Educational Retirement Eligibility*, which, like CS/CS/HB 573a, changes the age and years-of-service requirements for educational retirement and makes other adjustments in benefits for members first employed on or after July 1, 2010; and
- HB 854a (Laws 2009, Chapter 127), *PERA Member & State Contribution Changes*, which shifts a portion of FY 10 and FY 11 contributions to retirement plans from public employers to educational and other public employees if they earn more than \$20,000 annually.

The other education-related bills signed into law cover a wide range of topics and issues, among them:

- HB 321a (Laws 2009, Chapter 273), *School Finance Audit Report Requirements*, to establish sanctions against school districts and charter schools that fail to submit timely audit reports to PED;

¹ A separate list of public school-related legislation that did not pass is available upon request from the LESC office.

- HB 333a (Laws 2009, Chapter 268), *Changing the Way Graduation Rates Are Calculated*, to permit schools to compute graduation rates that include students who take five years to earn a diploma;
- CS/HB 432a (Laws 2009, Chapter 178), *School Athletics Equity Act*, to require reporting of certain gender-related data by all public schools with athletics programs in grades 7-12;
- CS/HB 485 (Laws 2009, Chapter 92), *Contractor-Owned School Bus Liens*, to protect the state's interest in school buses being purchased by private school bus contractors using state funds;
- HB 691a (Laws 2009, Chapter 276), *Public School Year & Length of Day*, to require a minimum number of full instructional days in a school year – 180 in a regular school calendar and 150 in a variable school calendar – beginning in school year 2010-2011; and
- SB 575a (Laws 2009, Chapter 221), *Instructional Material Purchases*, (1) to transfer responsibility for instructional materials for Adult Basic Education from PED to HED, and (2) to allow private schools to expend up to 50 percent of their instructional material funds for items not on the multiple list, provided that they purchase these materials from an in-state depository.

Capital Outlay Legislation

As it does every year, the Legislature in 2009 addressed the capital outlay needs of school districts and charter schools. This year, however, again because of fiscal constraints, the measures are directed more toward reauthorizing previously funded projects than to funding new projects. Table 3, attached, provides a summary of approximately \$14.6 million in direct capital outlay appropriations to PED for statewide projects and to certain state-supported schools. The appropriations to PED include \$2.0 million for pre-kindergarten classrooms statewide and \$5.0 million to purchase and equip school buses statewide. Table 4, attached, lists reauthorizations of capital outlay appropriations, including changes in purpose or agency and extensions of the time that funds may be expended.

Perhaps the most significant piece of legislation related to public school capital outlay passed during the 2009 session is CS/SB 378 (Laws 2009, Chapter 258), commonly known as the public school capital outlay omnibus bill. Among its provisions, CS/SB 378:

- authorizes the Public School Capital Outlay Council (PSCOC) to award \$10.0 million from the Public School Capital Outlay Fund (PSCOF) for a roof repair and replacement program for expenditure in FY 10 through FY 12;
- extends from 2010 to 2015 the deadline by which charter schools must be located in public buildings;
- limits total annual expenditures for Public School Facilities Authority (PSFA) core administrative functions to 5.0 percent of annual grant assistance during the three previous fiscal years;

- eliminates the \$7.5 million annual limit on expenditures from the PSCOF for lease-payment assistance;
- provides that the \$700 per MEM lease-payment assistance amount is subject to adjustment by the percentage change, rather than percentage increase, in the Consumer Price Index;
- requires that resolutions for bond elections adopted by local school boards include capital improvements funding for a locally chartered or state-chartered charter school located within the district; and
- requires that, if a locally chartered or state-chartered charter school is included in a resolution for a bond election, the tax receipts be distributed in the same proportion as the charter school's enrollment is to total district enrollment.

The Governor vetoed a number of other provisions contained in the legislation that could have affected the PSCOF. Perhaps the most significant is the "rural community adjustment," which would have authorized the PSCOC to increase by 20 percent an award to high school projects in certain qualifying districts. Additionally, the Governor vetoed a program that would have authorized the PSCOC to award grants for lights and bleachers for rural high school athletic fields that were previously funded through the *Public School Capital Outlay Act*.

xc: Governor Bill Richardson
Lieutenant Governor Diane D. Denish
Dr. Veronica C. García, Secretary of Public Education
Dr. William V. Flores, Interim Secretary of Higher Education
Other Interested Parties

**TABLE 1
PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS FOR FY 10
GENERAL APPROPRIATION ACT OF 2009**

FY 09 Final Unit Value
= \$3,871.79

FY 10 Preliminary Unit
Value = \$3,862.79

(Dollars in Thousands)		FY 09 APPROPRIATION	FY 10 Preliminary Unit Value = \$3,862.79 CS/HB 2 et al., as amended Laws 2009, Chapter 124 (partial veto)
1	PROGRAM COST		
2	State Fiscal Stabilization Fund (American Recovery and Reinvestment Act) ¹	\$2,328,883.9	\$2,439,723.2
3	Adjustment for FY 09 Solvency Initiatives		(\$164,700.0)
4	Educational Retirement 1.5% Employer/Employee Contribution Switch		(\$19,335.7)
5	ENROLLMENT GROWTH	\$10,530.1	(\$23,193.4)
6	FIXED COSTS	\$3,758.8	\$8,455.8
7	INSURANCE COSTS	\$19,283.6	\$3,723.9
8	PUBLIC SCHOOL EMPLOYEE COMPENSATION		
9	Teachers - Average 2.0% Increase in FY 09	\$24,875.4	
10	Instructional Staff - Average 2.0% Increase in FY 09	\$3,959.5	
11	Other Certified and Non-certified, Including Educational Assistants - Average 2.0% Increase in FY 09	\$10,343.7	
12	Educational Assistant, Secretary/Clerical/Technical Assistant, Business Office Support, Warehouse/Maintenance/Custodial and Food Service Compensation - Additional Average 1.0% Increase in FY 09	\$3,305.6	
13	Increase Educational Assistants' Salary Base to \$13,000		\$2,613.0
14	Increase in Employer's ERB Contribution (0.75%)	\$12,317.8	\$12,073.2
15	One Additional Instructional Day	\$14,000.0	
16	Elementary Physical Education	\$8,000.0	
17	Assessment and Test Development (school district costs)	\$464.8	\$1,055.5
18	TOTAL PROGRAM COST	\$2,439,723.2	\$2,260,415.5
19	Dollar Difference Over FY 09 Appropriation		(\$179,307.7)
20	Percent Difference		-7.3%
21	LESS PROJECTED CREDITS	(\$55,400.0)	(\$64,400.0)
22	LESS OTHER STATE FUNDS (from driver's license fees)	(\$750.0)	(\$850.0)
23	STATE EQUALIZATION GUARANTEE	\$2,383,573.2	\$2,195,165.5
24	Dollar Difference Over FY 09 Appropriation		(\$188,407.7)
25	Percent Difference		-7.9%
26	CATEGORICAL PUBLIC SCHOOL SUPPORT		
27	TRANSPORTATION		
28	Operational	\$97,039.4	\$90,282.4
29	School-owned Bus Replacements	\$468.8	\$563.5
30	Rental Fees (contractor-owned buses)	\$11,974.1	\$12,665.2
31	Compensation - Average 2.0% Increase in FY 09	\$908.0	
32	Additional Transportation Compensation - Additional Average 1.0% Increase in FY 09	\$454.0	
33	Educational Retirement 1.5% Employer/Employee Contribution Switch		(\$537.5)
34	Increase in Employer's ERB Contribution (0.75%)	\$204.0	\$194.8
35	TOTAL TRANSPORTATION	\$111,048.3	\$103,168.4
36	SUPPLEMENTAL DISTRIBUTIONS		
37	Out-of-state Tuition	\$370.0	\$370.0
38	Emergency Supplemental	\$2,000.0	\$2,000.0
39	INSTRUCTIONAL MATERIAL FUND	\$39,020.0	\$16,230.4
40	Dual Credit Instructional Materials		\$1,500.0
41	EDUCATIONAL TECHNOLOGY FUND	\$6,000.0	\$2,400.0
42	INDIAN EDUCATION FUND ²	\$2,500.0	\$2,250.0
43	MATHEMATICS AND SCIENCE PROFICIENCY FUND	See line 61	
44	SCHOOL LIBRARY MATERIAL FUND	\$2,000.0	
45	SCHOOLS IN NEED OF IMPROVEMENT FUND	\$2,500.0	\$2,500.0
46	TEACHER PROFESSIONAL DEVELOPMENT FUND	\$2,000.0	
47	TOTAL CATEGORICAL	\$167,438.3	\$130,418.8
48	TOTAL PUBLIC SCHOOL SUPPORT	\$2,551,011.5	\$2,325,584.3
49	Dollar Difference Over FY 09 Appropriation		(\$225,427.2)
50	Percent Difference		-8.8%
51	RELATED APPROPRIATIONS: RECURRING (to PED unless otherwise noted)		
52	Public Education Department	\$17,444.3	\$15,996.4
53	Regional Education Cooperatives Operations	\$1,400.0	\$1,200.0
54	COLLEGE/WORKPLACE READINESS & HIGH SCHOOL REDESIGN		
55	College and High School Redesign Initiative in Los Lunas Public Schools	\$75.0	
56	EARLY CHILDHOOD EDUCATION		
57	Kindergarten-three Plus	\$7,163.4	\$8,452.1
58	Pre-kindergarten Program ³	\$8,500.0	\$8,452.1
59	EDUCATOR QUALITY		
60	Beginning Teacher Mentorship	\$2,000.0	\$1,491.5
61	Summer Reading, Math and Science Institutes	\$2,500.0	\$2,485.9
62	NEW MEXICO CYBER ACADEMY/INNOVATIVE DIGITAL EDUCATION AND LEARNING (IDEAL)		
63	New Mexico Cyber Academy ⁴	\$1,000.0	\$994.4
64	SCHOOL FINANCE		
65	Rural Revitalization	\$350.0	\$100.0
66	CHARTER SCHOOL STIMULUS FUND	\$300.0	
67	STUDENT ACHIEVEMENT		
68	Advanced Placement	\$2,000.0	\$1,750.0
69	Develop Improved Student Advisement Plan	\$50.0	
70	After-school Enrichment Program/Twenty-first Century Community Learning Centers	\$3,300.0	\$1,000.0
71	Apprenticeship Assistance	\$800.0	\$650.0
72	New Mexico Outdoor Classroom ⁵	\$150.0	
73	School Improvement Framework	\$3,000.0	\$994.4
74	Truancy Prevention/Dropout Prevention	\$770.0	\$298.3
75	STUDENT HEALTH, SAFETY AND WELL-BEING		
76	Anti-obesity Programs/Before- and After-school Physical Activity and Nutrition	\$300.0	
77	Breakfast for Elementary Students	\$3,450.0	\$3,430.5
78	Family and Youth Resource Act	\$1,500.0	\$397.7
79	GRADS - Teen Pregnancy Prevention ⁶	\$1,000.0	\$550.0
80	TOTAL RELATED APPROPRIATIONS: RECURRING	\$57,052.7	\$48,243.3
81	GRAND TOTAL	\$2,608,064.2	\$2,373,827.6
82	Dollar Difference Over FY 09 Appropriation		(\$234,236.6)
83	Percent Difference		-9.0%

TABLE 1
PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS FOR FY 10
GENERAL APPROPRIATION ACT OF 2009

FY 09 Final Unit Value
= \$3,871.79

FY 10 Preliminary Unit
Value = \$3,862.79

	FY 09 APPROPRIATION	CS/HB 2 et al., as amended Laws 2009, Chapter 124 (partial veto)
<i>(Dollars in Thousands)</i>		
84 SECTION 5 – RELATED APPROPRIATIONS: NONRECURRING (to PED unless otherwise noted)		
85 Assessment & Test Development (additional \$3.0 million appropriated from Instructional Material Fund cash balances)	\$4,000.0	\$1,000.0
86 Close out Federal Fiscal Year 2005 Grants in FY 08 and FY 09 Contingent on Review by DFA and Approval by BOF	\$2,000.0	
87 Emergency Support to Hold School Districts Harmless from Decreased Revenue ⁷	\$5,000.0	\$6,000.0
88 Emergency Support to School Districts Experiencing Extraordinary Financial Distress to Prevent Employee Layoffs and Education Program Cuts (appropriation is from "Education Lockbox") ⁸		\$4,000.0
89 School Leadership Institute (to HED)		\$200.0
90 Operating Budget Management System (OBMS) and the Student Teacher Accountability Reporting System (STARS) (hosting, licensing, and maintenance)	\$1,277.0	\$1,400.0
91 Pre-kindergarten Start-up	\$400.0	
92 State High School Basketball Tournament	\$100.0	\$100.0
93 Summer Camp Program in Santa Fe	\$200.0	
94 Summer Science Program (to New Mexico Tech)		\$50.0
95 TOTAL RELATED APPROPRIATIONS: NONRECURRING	\$12,977.0	\$12,750.0
96 DATA PROCESSING APPROPRIATIONS (to PED)		
97 STARS Data Warehouse (district-level implementation)	\$1,650.0	

¹ The appropriation for the State Equalization Guarantee distribution includes \$164.7 million in federal funds from the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act.

² The appropriation for the Indian Education Fund includes \$500 thousand to provide a rural literacy initiative, \$500 thousand for Teach for America, and sufficient funding to conduct a statewide needs assessment. (See Selected Public Education-related Language for vetoed language.)

³ The pre-kindergarten program also received an additional \$1.5 million from the federal Temporary Assistance for Needy Families (TANF) block grant to New Mexico.

⁴ The appropriation to PED for the New Mexico Cyber Academy includes \$250 thousand to provide professional development for teachers and for web-based learning resources for students. (See Selected Public Education-related Language for vetoed language.)

⁵ In the 2009 legislative session, \$200 thousand in other state funds was appropriated to the Energy, Minerals and Natural Resources Department for the New Mexico Outdoor Classroom program for FY 09 and FY 10. (See Selected Public Education-related Language.)

⁶ The GRADS program also received an additional \$250 thousand from TANF funds.

⁷ The \$6.0 million in emergency support is to be distributed based on supplemental distribution provisions in current law (see line 37).

⁸ The \$4.0 million in emergency support to school districts experiencing extraordinary financial distress shall not exceed \$500 thousand to a school district based on: (1) an application to PED indicating that without the distribution the school district will have to reduce district employees or cut education programs; (2) the application is recommended in writing by PED; (3) the application and PED recommendation are reviewed by DFA and the LFC; and (4) the application and distribution are approved by the State Board of Finance.

SELECTED PUBLIC EDUCATION-RELATED LANGUAGE
GENERAL APPROPRIATION ACT OF 2009
(CS/HB 2 et al., as amended)
Laws 2009, Chapter 124 (*partial veto*)

HEALTH, HOSPITALS AND HUMAN SERVICES (Section 4, F)

CHILDREN, YOUTH AND FAMILIES DEPARTMENT:

(3) Early childhood services:

The internal service funds/interagency transfers appropriations to the early childhood services program of the children, youth and families department include...one million five hundred thousand dollars (\$1,500,000) for the pre-kindergarten program....

OTHER EDUCATION (Section 4, I)

PUBLIC EDUCATION DEPARTMENT:

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

The internal service funds/interagency transfers appropriation to the public education department includes two hundred fifty thousand dollars (\$250,000) for the graduation reality and dual-role skills program from the temporary assistance for needy families block grant to New Mexico.

The general fund appropriation to the public education department for the New Mexico cyber academy includes two hundred fifty thousand dollars (\$250,000) ~~to provide competitive grants not to exceed twenty-five thousand dollars (\$25,000) to provide professional development for middle school and high school teachers and to purchase site licenses for web-based learning resources for middle school and high school students in school districts with the highest percentage of public middle schools and high schools that are designated as Title I schools and that serve the highest percentage of public middle school and high school students who are not meeting the proficiency component required for calculating adequate yearly progress.~~

Any unexpended balances in the special appropriations to the public education department remaining at the end of fiscal year 2010 from appropriations made from the general fund shall revert to the general fund.

PUBLIC SCHOOL SUPPORT (Section 4, K)

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 2009-2010 school year and then, upon verification of the number of units statewide for fiscal year 2010 but no later than January 31, 2010, the secretary of public education may adjust the program unit value.

~~Money received by a school district or charter school pursuant to the federal American Recovery and Reinvestment Act shall not be expended until the secretary of public education has approved an expenditure plan submitted by the school district or charter school, provided that the expenditure plan shall: 1) be consistent with and supplement the school district's or charter school's educational plan for student success, 2) consider those educational programs of the school district or charter school that have not been fully funded during fiscal year 2009 or 2010, and 3) ensure that any additional personnel are temporary or contractual and will not require additional appropriations in future fiscal years. The secretary shall not approve a fiscal year 2009 budget adjustment request or a fiscal year 2010 operating budget unless the secretary finds that the budget adjustment or operating budget is consistent with the above requirements.~~

The general fund appropriation to the state equalization guarantee distribution includes sufficient funding to provide a three-quarter percent increase in the employer contribution to the educational retirement fund.

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 number of students in elementary physical education that will be used to calculate the number of elementary physical education program units.

For the 2009-2010 school year, the state equalization guarantee distribution includes sufficient funding for school districts to implement a new formula-based program. Those districts shall use current year membership in the calculation of program units for the new formula-based program.

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2010 from appropriations made from the general fund shall revert to the general fund.

Transportation Distribution

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

Indian Education Fund

The general fund appropriation to the public education department for the Indian Education Act includes five hundred thousand dollars (\$500,000) for providing teaching support for teach for America in schools with a high proportion of Native American students.

The general fund appropriation to the public education department for the Indian Education Act includes five hundred thousand dollars (\$500,000) to provide a rural literacy initiative to support after-school and summer literacy block programs for students in kindergarten through eighth grade in schools with a high proportion of Native American students contingent on receipt of five hundred thousand dollars (\$500,000) in matching funds from other than state sources.

The general fund appropriation to the public education department for the Indian Education Act contains sufficient funding to conduct a statewide needs assessment to include asset mapping. ~~The public education department shall report the results of the study to the legislative education study committee no later than October 2009.~~

SPECIAL APPROPRIATIONS (Section 5)

(37) ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT: 200.0
(from other state funds)

For the outdoor classroom initiative.

(57) PUBLIC EDUCATION DEPARTMENT: 4,000.0 total *(1,000.0 in General Fund dollars from the "Education Lockbox" and 3,000.0 from instructional materials fund balances, as noted below)*

For assessment and test development. Notwithstanding any restriction on the instructional materials fund, the appropriation to the public education department includes three million dollars (\$3,000,000) from instructional materials fund balances. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(58) PUBLIC EDUCATION DEPARTMENT: 6,000.0

For emergency support to school districts experiencing shortfalls. All requirements for distribution of supplemental funds shall be in accordance with Section 22-8-30 NMSA 1978. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(59) PUBLIC EDUCATION DEPARTMENT: 4,000.0

For emergency distributions to school districts experiencing budget shortfalls. A distribution to a school district shall not exceed five hundred thousand dollars (\$500,000) and shall be made only if: 1) the school district submits an application to the public education department showing that, without the distribution, the school district will have to reduce the number of school district employees or cut education programs so that the

quality of public education will be severely damaged, that the school district has used its resources in a prudent manner and that the school district has no other federal, state or local resources to prevent the damage; 2) the application is recommended in writing by the public education department; 3) the application and written recommendation of the department are reviewed by the department of finance and administration and the legislative finance committee; and 4) the application and the distribution are approved by the state board of finance. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(60) PUBLIC EDUCATION DEPARTMENT: 1,400.0

For hosting services for the student and teacher accountability reporting system and the operating budget management system. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(61) PUBLIC EDUCATION DEPARTMENT: 100.0

For the state high school basketball tournament.

(62) PUBLIC EDUCATION DEPARTMENT:

The period of time for expending the one million five hundred thousand dollars (\$1,500,000) appropriated from the general fund contained in Subsection 102 of Section 5 of Chapter 28 of Laws 2007 as extended by Subsection 97 of Section 5 of Chapter 3 of Laws 2008 for the eleventh grade exit examination shall not be used for its original purpose but is reappropriated for the eleventh grade exit examination and the electronic student management system. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(63) HIGHER EDUCATION DEPARTMENT: 200.0

To develop a statewide instructional leadership institute. The appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(70) NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY: 50.0

For a summer science program.

APPROPRIATION REDUCTION FOR CERTAIN SALARY DECREASES
(Section 11)

~~A. The general fund appropriation to each program, agency and public postsecondary educational institution in Section 4 of the General Appropriation Act of 2009 is reduced by an amount equal to one and one-half percent of the salary and benefits paid from the general fund to each employee of that program, agency or educational institution who:~~

- ~~(1) is a retired member under the Public Employees Retirement Act and has returned to work pursuant to Section 10-11-8 NMSA 1978 while continuing to receive a pension; or~~
- ~~(2) is a retired member under the Educational Retirement Act and has returned to work pursuant to Section 22-11-25.1 NMSA 1978 while continuing to receive a pension.~~

~~B. The state budget division of the department of finance and administration and the higher education department shall reduce the operating budget of each program, agency or educational institution for which the appropriation has been reduced pursuant to Subsection A of this section.~~

~~C. Each program, agency or educational institution receiving a reduced appropriation pursuant to this section shall reduce the salary of each employee in an amount equal to the reduced appropriation attributable to that employee.~~

TABLE 2

**LEGISLATIVE EDUCATION STUDY COMMITTEE
EDUCATION-RELATED ISSUES ENDORSED FOR THE 2009 LEGISLATIVE SESSION
FINAL DISPOSITION**

ITEM	FINAL DISPOSITION (INCLUDING FUNDING IN THOUSANDS)
DATA SYSTEM	
<p>SB 581a, <i>Educational Data Warehouse (Sen. Nava)</i>: codifies the requirements for a comprehensive P-20 data system that collects, integrates, and reports data from the Public Education Department (PED), the Higher Education Department (HED), and other agencies; and establishes a “data warehouse council” that includes PED, HED, the Children, Youth and Families Department, the Office of Education Accountability, the Department of Information Technology, the Department of Workforce Solutions, public postsecondary institutions, and public school districts.</p>	<p>Did not pass.</p>
DUAL CREDIT	
<p>HB 139a, <i>Create Dual Credit Textbook Fund (Rep. Miera)</i>: creates the non-reverting Dual Credit Textbook Fund, administered by the Instructional Material Bureau in PED; requires that money in the fund be used only to purchase textbooks and course supplies for students participating in the Dual Credit Program; and establishes a methodology for funds distributed to school districts, charter schools, and state-supported schools for students participating in dual credit courses.</p>	<p>Did not pass. HB 2 et al., as signed, includes \$1,500.0 to PED for dual credit instructional materials.</p>
EDUCATOR QUALITY	
<p>HB 136, <i>Educational Assistant Licensing & Salaries (Rep. Miera)</i>: amends the <i>School Personnel Act</i> to provide for minimum annual salaries based on licensure levels and qualifications for educational assistants in public schools; and makes an FY 10 appropriation from the General Fund to the state equalization guarantee for distribution to school districts and charter schools.</p> <p>HB 137a, <i>Educational Assistant Minimum Salaries (Rep. Miera)</i>: amends the <i>School Personnel Act</i> to provide for a \$13,000 minimum annual salary for educational assistants, and makes an FY 10 appropriation from the General Fund to the state equalization guarantee for distribution to school districts and charter schools to increase the minimum salary of educational assistants.</p> <p>HB 188, <i>Educator Licensure Fund Purposes (Rep. Hall)</i>: amends statute to clarify that money in the Educator Licensure Fund is subject to the annual legislative appropriation process and that it may be used to cover costs of licensing educators, including costs associated with evaluating and processing licensing applications and professional development dossiers (PDDs), conducting background checks, and enforcing educator ethics requirements.</p>	<p>Did not pass.</p> <p>Did not pass. The appropriation for the state equalization guarantee distribution in HB 2 et al., as signed, includes \$2,613.0, but without language.</p> <p>Signed 4/2/09; Chapter 63.</p>

TABLE 2
LEGISLATIVE EDUCATION STUDY COMMITTEE
EDUCATION-RELATED ISSUES ENDORSED FOR THE 2009 LEGISLATIVE SESSION
FINAL DISPOSITION

ITEM	FINAL DISPOSITION (INCLUDING FUNDING IN THOUSANDS)
<p>HB 189, <i>Alternate Deaf Teacher License Assessment</i> (Rep. Gonzales): amends the <i>School Personnel Act</i> to provide for an appropriate alternative to passage of the New Mexico Teacher Assessment for teacher candidates who are deaf or hard of hearing; requires, pending promulgation of rules by PED, that an eligible deaf or hard-of-hearing applicant with an appropriate degree be issued a temporary teaching license for no more than two years; and carries an emergency clause.</p>	Signed 3/18/09; Chapter 10.
<p>HB 190, <i>Teacher Level Advancement Requirements</i> (Rep. Gonzales): amends the <i>School Personnel Act</i> to define the PDD as a requirement for advancement to Level 2 and to Level 3 in the three-tiered teacher licensure system and to require PED to exercise more oversight of the PDD process, including such components as the selection and training of PDD reviewers.</p>	Did not pass.
<p>SB 123, <i>Administrators in Accountability Reporting</i> (Sen. Kernan): amends statute to include academic and demographic data about candidates for administrative licensure in the Educator Accountability Reporting System.</p>	Signed 3/19/09; Chapter 20.
<p>SB 124, <i>Create School Leadership Institute</i> (Sen. Kernan): appropriates \$200,000 from the General Fund to HED for FY 09 and FY 10 to establish the School Leadership Institute; and provides salaries and benefits for up to three FTEs.</p>	Did not pass. HB 2 et al., as signed, includes \$200.0 to “develop a statewide instructional leadership institute.”
<p>SB 133a, <i>Teacher Licensure Changes</i> (Sen. Kernan): amends the <i>School Personnel Act</i> to remove the requirement that, to hold a Level 3-B license, an applicant must have been a Level 3-A teacher for at least one year; and to provide for a Provisional Level 3-B license under certain conditions.</p>	Signed 4/6/09; Chapter 117.
<p>SB 138, <i>Instructional Support Limited Reciprocity</i> (Sen. Nava): amends the <i>School Personnel Act</i> to provide conditions for reciprocity for school counselors and other instructional support providers licensed in other states.</p>	Did not pass.
<p>SB 145, <i>Eliminate End Date for Return to Work</i> (Sen. Nava): amends the <i>Educational Retirement Act</i> to eliminate the 2012 sunset date in the current “return to employment” provision.</p>	Did not pass.
<p>SB 146, <i>Change Mentorship Program Fund Distribution</i> (Sen. Nava): amends the <i>School Personnel Act</i> to require PED, by September 15 of each fiscal year, to allocate to school districts at least 50 percent of available mentorship program funds based on the estimated number of beginning Level 1 teachers on the 40th day of the school year and, by January 15, to allocate the balance of available funds based on the actual number of such teachers.</p>	Signed 4/6/09; Chapter 119.

TABLE 2
LEGISLATIVE EDUCATION STUDY COMMITTEE
EDUCATION-RELATED ISSUES ENDORSED FOR THE 2009 LEGISLATIVE SESSION
FINAL DISPOSITION

ITEM	FINAL DISPOSITION (INCLUDING FUNDING IN THOUSANDS)
SB 193, <i>School Personnel Reports to Legislature</i> (Sen. M. J. García): amends the Professional Development Framework to require PED, in conjunction with public school districts and charter schools, to provide the Legislative Education Study Committee (LESC) and the Legislative Finance Committee (LFC) with an annual report of all professional development activities, regardless of funding source; and to make any changes to the system of accounting and budgeting for public schools and school districts necessary to fulfill this requirement.	Pocket vetoed.
FAMILY AND YOUTH RESOURCE ACT	
SB 153a, <i>Continue Family & Youth Resources Program</i> (Sen. Nava): amends the <i>Family and Youth Resource Act</i> to enable a school that met the poverty level eligibility criteria at the time of its program approval by PED to continue receiving funding so long as its poverty level does not drop below an average of 80 percent over any three-year period.	Signed 4/6/09; Chapter 118. HB 2 et al., as signed, includes \$597.7 for the <i>Family & Youth Resource Act</i> .
LESC ENABLING LEGISLATION	
SB 154, <i>Expand Authority of LESC</i> (Sen. Nava): amends statute to include higher education in the LESC's study of all education in New Mexico.	Did not pass.
P-20 INITIATIVE	
SB 152a, <i>Require Freshman Year Outcomes Reports</i> (Sen. Nava): requires New Mexico public postsecondary institutions, upon request from a New Mexico public high school or superintendent, to provide a report of first year outcomes of students enrolled within three years of graduating or leaving the high school, including advanced placement, remedial courses, credits earned, grade point averages, and fall-to-spring retention; and requires that HED receive copies of the reports.	Signed 3/18/09; Chapter 7.
PRE-APPRENTICESHIP PROGRAMS	
HB 44a, <i>Running Start for Careers Act</i> (Rep. Berry): enacts the <i>Running Start for Careers Act</i> to create a pilot project, directed by the Public Education Commission, to provide industry-led or -guided pre-apprenticeship opportunities to high school students; to create the non-reverting Running Start for Careers Fund; and to make an appropriation to the fund for FY 09 and subsequent fiscal years for contracts for partial reimbursement of industry training costs. (For the Economic and Rural Development Committee)	Did not pass.
SB 46a, <i>High School Pre-Apprenticeship Programs</i> (Sen. B. Sanchez): allows school districts to offer industry-led or -guided pre-apprenticeship programs as electives for qualified high school students; and provides for approval of the programs, providers, and industry instructors. (For the Economic and Rural Development Committee)	Signed 4/8/09; Chapter 256.

TABLE 2
LEGISLATIVE EDUCATION STUDY COMMITTEE
EDUCATION-RELATED ISSUES ENDORSED FOR THE 2009 LEGISLATIVE SESSION
FINAL DISPOSITION

ITEM	FINAL DISPOSITION (INCLUDING FUNDING IN THOUSANDS)
PUBLIC SCHOOL FUNDING FORMULA	
<p>HB 331, <i>Public School Funding Formula</i> (Rep. Stewart): amends the <i>Public School Code</i> to phase in a new public school funding formula that:</p> <ul style="list-style-type: none"> • incorporates four measures of student need, namely poverty, English language learners, special education, and mobility; • recognizes costs associated with school district size and school size; • is based on the concept of educational sufficiency in that it enables schools and districts to provide a comprehensive instructional program designed to meet the needs of all students; and • is conditional on the identification of appropriate revenue sources. 	<p>Did not pass. Related, non-LESC-endorsed measures did not pass: CS/HB 346, <i>Education Gross Receipts Surtax</i>, and SB 412, <i>Education Gross Receipts Surtax</i>.</p>
REGIONAL EDUCATION COOPERATIVES	
<p>HB 197, <i>Regional Education Cooperative Programs</i> (Rep. T. García): amends the <i>Regional Cooperative Education Act</i> to authorize a Regional Education Cooperative (REC), on behalf of its members and in cooperation with PED, to accept and expend state, federal, local, and private funds that are available for programs of educational benefit; and to provide and be reimbursed for revenue-generating education-related services to non-members so long as doing so does not detract from the REC's fulfillment of responsibilities to its members.</p>	<p>Signed 4/2/09; Chapter 64.</p>
SCHOOL TRANSPORTATION	
<p>HB 191a, <i>Interim School Transportation Task Force</i> (Rep. Gonzales): creates a school transportation task force to examine provisions in current state and federal laws and regulations governing public school transportation in New Mexico, including the transportation funding formula; the personnel costs to school districts and school bus contractors; the costs of fuel, equipment, and maintenance; and the administration of the public school transportation program; and carries an emergency clause.</p>	<p>Vetoed 3/26/09.</p>
SCHOOL ACCOUNTABILITY	
<p>SB 156, <i>Alternative School Accountability Pilot</i> (Sen. Nava): creates a six-year voluntary school accountability pilot project based on a student growth model for grades 4 through 8 that is separate from but complementary to the existing school accountability system, and phases in the project over two years.</p>	<p>Signed 4/7/09; Chapter 189.</p>

TABLE 2
LEGISLATIVE EDUCATION STUDY COMMITTEE
EDUCATION-RELATED ISSUES ENDORSED FOR THE 2009 LEGISLATIVE SESSION
FINAL DISPOSITION

ITEM	FINAL DISPOSITION (INCLUDING FUNDING IN THOUSANDS)
SPECIAL EDUCATION	
CS/HB 199, <i>School District & Training Center Agreements</i> (Rep. T. García): amends statute relating to the placement of a student in a residential treatment center (RTC) to clarify the state’s responsibility to provide a free and appropriate public education (FAPE) to students, including out-of-state students, who have been placed in a private RTC; requires PED to determine which New Mexico school district is responsible for providing FAPE to a qualified student who has been placed in an RTC located outside the student's home district; and provides for a reasonable reimbursement to the receiving district.	Signed 4/7/09; Chapter 162.
TRUANCY	
SB 189a, <i>School Attendance Notices & Absences</i> (Sen. M. J. García): among its provisions, amends the <i>Compulsory School Attendance Law</i> to establish a consistent method to count unexcused absences; to require PED to approve school district and charter school attendance policies, including provisions for parental notification and documentation of intervention efforts; to require PED to compile reports of absence rates; and to permit the juvenile probation office (JPO) to direct a parent and student to appear to discuss services for the student or family. Also, amends the <i>Children’s Code</i> to change the definition of a “family in need of court-ordered services” to mean one whose child has 10 or more unexcused absences in a school year rather than a semester.	Signed 4/7/09; Chapter 193.
LANGUAGE OR ITEMS IN THE <i>GENERAL APPROPRIATION ACT</i>	
21st Century Community Learning Centers: include language in the <i>General Appropriation Act</i> to require that a specified amount of the dollars from the FY 10 appropriation for the after-school enrichment program be allocated to the 21 st Century Community Learning Centers statewide that in school year 2007-2008 or 2008-2009 are in their final year of eligibility for federal funding.	HB 2 et al., as signed, includes \$1,000.0 for after-school enrichment, without language regarding 21 st Century Community Learning Centers.
Rural Literacy Initiative: the appropriation to PED for the <i>Indian Education Act</i> includes \$500,000 to provide a rural literacy initiative to support after-school and summer literacy block programs for students in kindergarten through eighth grade in schools with a high proportion of Native American students, contingent on receiving \$250,000 in matching funds from other than state sources no later than September 30, 2009.	HB 2 et al., as signed, includes \$2,250.0 to the Indian Education Fund with language identifying \$500.0 for the rural literacy initiative, contingent on \$500.0 in matching funds.

TABLE 2
LEGISLATIVE EDUCATION STUDY COMMITTEE
EDUCATION-RELATED ISSUES ENDORSED FOR THE 2009 LEGISLATIVE SESSION
FINAL DISPOSITION

ITEM	FINAL DISPOSITION (INCLUDING FUNDING IN THOUSANDS)
<p><i>New Mexico Pre-K:</i> the internal service funds/interagency transfers appropriations to PED include \$2,000.0 for the pre-kindergarten program from the Temporary Assistance for Needy Families (TANF) block grant to New Mexico.</p>	<p>HB 2 et al., as signed, transfers \$1,500.0 from TANF to PED for New Mexico PreK.</p>
HIGHER EDUCATION DEPARTMENT PRIORITIES	
<p>HB 73, <i>College Affordability Endowment Distribution</i> (Rep. B. Luján): amends current statute to ensure a predictable and orderly flow of base payout, modeled on the permanent fund payout method, to the College Affordability Scholarship Fund; and protects the ability of the Endowment Fund to support College Affordability Awards in the future.</p> <p>SB 317, <i>Use of Student ID Numbers on Transcripts</i> (Sen. Nava): requires high schools and PED to add the Student Teacher Accountability Reporting System student identifier to all student transcripts and GED diplomas.</p>	<p>Did not pass.</p> <p>Signed 4/7/09; Chapter 205.</p>

PASSED
PUBLIC SCHOOL-RELATED LEGISLATION
49TH LEGISLATURE, 1ST SESSION, 2009

HOUSE BILLS

- *H 1a** **FEED BILL [SGND (Jan. 23) Ch. 1]**, *Rep. W.K. Martinez* — funds the 2009 legislative session and other legislative activities, including the Legislative Education Study Committee (LESC) for FY 10.
- H 2** **GENERAL APPROPRIATION ACT OF 2009 [SGND (April 7) Ch. 124 (partial veto)]**,
CS/H 2a *Rep. Saavedra* — makes appropriations and authorizes expenditures by state agencies in
et al. FY 10, including: approximately \$2.37 billion in recurring funds from the General Fund for Public School Support and related appropriations; including \$164.7 million in federal fiscal stabilization funds for the State Equalization Guarantee (SEG) (or Public School Funding Formula) distribution; and \$10.25 million in nonrecurring special appropriations, including \$10.0 million in emergency supplemental funding. The SEG appropriation includes approximately \$2.6 million to provide a \$13,000 minimum annual salary for educational assistants; approximately \$12.0 million for a 0.75 percent increase in the employer contribution to the Educational Retirement Fund; and approximately \$1.0 million for school district assessment and test development costs. (CS/H 2, 3, 4, 5 & 6)
- *H 9** **CAPITAL OUTLAY CUTS & REAUTHORIZATIONS [SGND (Feb. 6) Ch. 5**
***CS/H 9a** **(partial veto)]**, *Rep. Sandoval* — voids \$94.2 \$91.8 million in capital projects funded with General Fund dollars and reverts these funds to the General Fund; voids approximately \$25.7 \$24.6 million in capital projects funded with severance tax bond proceeds; reauthorizes the voided severance tax bond proceeds plus an additional approximately \$23.0 million of FY 10 severance tax bonding capacity to continue viable General Fund projects; and authorizes the State Board of Finance to issue severance tax bonds in additional amounts if additional proceeds are needed to fund certain projects. (The bill addresses FY 09 General Fund solvency issues.)
- *H 10** **APPROPRIATION REDUCTION & BUDGET ADJUSTMENT [SGND (Feb. 6) Ch. 2**
***CS/H 10** **(partial veto)]**, *Rep. Varela* — reduces General Fund appropriations for FY 09 in Laws 2008, Chapter 3 (General Appropriation Act of 2008) in Section 4 by various amounts, including a 2.5 percent reduction to Public School Support and an additional \$4.0 million for public school transportation, ~~except appropriations to Department of Finance and Administration (DFA), Public Education Department and Higher Education Department that have been expended prior to January 1, 2009~~; provides authority for DFA to reduce other appropriations, including other state funds, internal service/interagency transfers, and federal funds as necessary to reflect the General Fund reductions; and provides state agencies with additional budget adjustment authority in FY 09. (The bill addresses FY 09 General Fund solvency issues.)
- H 15a** **STATE EMPLOYEE DISMISSAL ARBITRATION [SGND (April 3) Ch. 76]**,
Rep. B. Lujan — amends statute to authorize a state employee who has entered into a collective bargaining agreement to enter arbitration to resolve a contested dismissal, demotion, or suspension. (May affect the Public Education Department)

PASSED
PUBLIC SCHOOL-RELATED LEGISLATION
49TH LEGISLATURE, 1ST SESSION, 2009

- H 50 **AMERICAN INDIAN POST-SECONDARY EDUCATION ACT [SGND (April 2)**
CS/H 50a **Ch. 60]**, *Rep. Begaye* — enacts the American Indian Post-Secondary Education Act; creates the American Indian Post-Secondary Education Division in the Higher Education Department (HED) and prescribes its duties; requires HED to consult with and enter into memoranda of agreement with tribes in implementing the act; and creates a non-reverting American Indian Post-Secondary Education Fund and provides for the awarding of grants.
- *H 76a **NMFA PUBLIC PROJECT FUND LOANS [SGND (April 7) Ch. 148]**, *Rep. Varela* — authorizes the New Mexico Finance Authority to make loans for public projects from the Public Project Revolving Fund; names qualifying entities and allowable purposes, including equipment, building, and road projects; infrastructure projects; refinancing; solid waste projects; water and waste water projects; and declares an emergency. (May affect public schools)
- *H 154 **SEVERANCE TAX BOND PROJECTS [SGND (April 7) Ch. 125]**, *Rep. Sandoval* —
CS/H 154 authorizes the issuance of severance tax bonds; authorizes expenditures from certain funds and balances; clarifies conditions for the issuance of bonds; establishes conditions for the expenditure of severance tax bond proceeds; establishes the conditions for the reversion of unexpended balances; makes multiple appropriations, including \$2.0 million to the Public Education Department (PED) to construct pre-kindergarten classrooms statewide and \$5.0 million to PED to purchase and equip school buses statewide.
- H 174a **SCHOOL EVENT SERVICE GROSS RECEIPTS [SGND (April 2) Ch. 62]**, *Rep. Roch* — adds a new section of the Gross Receipts and Compensating Tax Act to exempt from gross receipts tax the receipts from refereeing, umpiring, scoring, or other officiating at school events sanctioned by the New Mexico Activities Association.
- H 188 **EDUCATOR LICENSURE FUND PURPOSES [SGND (April 2) Ch. 63]**, *Rep. Hall* — amends statute to clarify that money in the Educator Licensure Fund is subject to the annual legislative appropriation process and that the money in the fund may be used to cover costs of licensing educators, including: costs associated with evaluating and processing licensing applications and professional development dossiers, conducting background checks, and enforcing educator ethics requirements. (For the LESC)
- *H 189 **ALTERNATE DEAF TEACHER LICENSE ASSESSMENT [SGND (Mar. 18) Ch. 10]**,
Rep. Gonzales — amends the School Personnel Act to provide for an appropriate alternative to passage of all or part of the New Mexico Teacher Assessment for teacher candidates who are deaf or hard of hearing; requires the Public Education Department to promulgate rules; and allows an eligible deaf or hard-of-hearing applicant with an appropriate degree to be issued a temporary teaching license for no more than two years. (For the LESC)
- *H 191a **INTERIM SCHOOL TRANSPORTATION TASK FORCE [VETOED (Mar. 26)]**,
Rep. Gonzales — ~~creates a school transportation task force, appointed by the Legislative Council, to examine provisions in current state and federal laws and regulations governing public school transportation in New Mexico, including: the transportation funding formula; the personnel costs to school districts and school bus contractors; the costs of fuel, equipment, and maintenance; and the administration of the public school transportation program; and appropriates \$20,000 from legislative cash balances to the Legislative Council Service for FY 10 for the expenses of the task force.~~ (For the LESC)

PASSED
PUBLIC SCHOOL-RELATED LEGISLATION
49TH LEGISLATURE, 1ST SESSION, 2009

- H 197 REGIONAL EDUCATION COOPERATIVE PROGRAMS [SGND (April 2) Ch. 64],**
Rep. T. Garcia — amends the Regional Education Cooperative Act to: authorize a regional education cooperative (REC), on behalf of its members and in cooperation with the Public Education Department (PED), to apply for, accept, and expend state, federal, local, and private funds that are available for programs of educational benefit; allow an REC to provide and be reimbursed for revenue-generating education-related services to non-members, so long as services provided do not detract from the cooperative's ability to fulfill its responsibilities to its members; require each REC to submit to PED, on a schedule to be determined by the department, a report and evaluation of the technical assistance and other services provided by the cooperative; and make these reports available upon request to the LESC and the Legislative Finance Committee. (For the LESC)
- H 199 SCHOOL DISTRICT & TRAINING CENTER AGREEMENTS [SGND (April 7)**
CS/H 199 Ch. 162], *Rep. T. Garcia* — amends the Public School Code to clarify the responsibility of public school districts, the state, the Public Education Department (PED), and parents for special education services provided in private training and residential treatment centers (RTCs); among its provisions, amends sections of the Public School Code that address the education of students in private nonsectarian, nonprofit RTCs, and adds definitions specific to the section; clarifies that, for a qualified student placed in an RTC other than by a school district or a due process decision, PED shall determine which district is responsible for the cost of educating the qualified student and the reasonable reimbursement owed to the receiving district; and amends the Children's Code to require that the Children, Youth and Families Department standards for RTCs include space provisions where school districts may provide the required free appropriate public education. (Previously for the LESC)
- H 237a CHANGE REPORT CARD PUBLICATION DATE [VETOED (Mar. 25)],**
Rep. Barreras — ~~amends statute to change the annual school district report card publication date to a date determined by the Public Education Department; and requires that school districts publish a notice in a newspaper of general circulation informing readers that the report card is available, explaining how and where copies may be obtained, and listing the topics covered in the report card.~~
- H 289a CHARTER SCHOOL AUTHORITY SUBCOMMITTEES [SGND (Mar. 18) Ch. 12],**
Rep. Roch — amends the Public School Code to allow chartering authorities to designate subcommittees for public hearings on charter school applications; and requires other committee members who were not present at the public hearing to receive the transcript of the hearing and related documents prior to ruling on an application.
- H 321a SCHOOL FINANCE AUDIT REPORT REQUIREMENTS [SGND (April 9) Ch. 273],**
Rep. Varela — amends statute to establish sanctions against school districts and charter schools for not submitting timely audit reports to the Public Education Department (PED); requires the state auditor to notify PED of the failure to submit an audit; and provides for the temporary withholding of up to 7.0 percent of a district's current-year State Equalization Guarantee distribution and possible suspension of the local school board or governing body of a charter school.

PASSED
PUBLIC SCHOOL-RELATED LEGISLATION
49TH LEGISLATURE, 1ST SESSION, 2009

- H 322 INCREASE TEACHER LICENSE MATH REQUIREMENT [SGND (April 9) Ch. 272]**, *Rep. Arnold-Jones* — amends the Public School Code to require nine hours of postsecondary course credit in mathematics for persons seeking licensure or reciprocity in elementary education.
- H 330a UNIFORM ATHLETE AGENTS ACT [SGND (April 7) Ch. 169]**, *Rep. Maestas* — creates the Uniform Athlete Agents Act to provide standards for representation of student athletes eligible for any inter-collegiate sport by an athlete agent; defines the term “athlete agent”; establishes procedures for athlete agents; and prescribes penalties for violations of certain provisions of the act.
- *H 333a CHANGING THE WAY GRADUATION RATES ARE CALCULATED [SGND (April 8) Ch. 268]**, *Rep. Miera* — amends the Public School Code to allow a school system to count as a high school graduate any student who completes all requirements for graduation within five years of entering grade 9.
- H 336a INCREASE PUBLIC EMPLOYEE PER DIEM & MILEAGE [SGND (April 7) Ch. 170]**, *Rep. Miera* — amends the New Mexico Per Diem and Mileage Act to reimburse public officers and employees for their use of private vehicles on state business according to the Internal Revenue Service mileage standard set on January of the previous year.
- H 342a PUBLIC SCHOOL MEDIA LITERACY CLASSES [SGND (April 8) Ch. 267]**, *Rep. Maestas* — amends the Public School Code to allow, beginning with school year 2010-2011, that media literacy be offered as an elective for public school students in grades 6 through 12.
- H 349 ELIMINATE CERTAIN STANDARDIZED SCHOOL TESTS [POCKET VETO]**,
CS/H 349 *Rep. Rodefer* — ~~amends the Public School Code to require the Public Education Department to report to the LESC by October 1 each of year a comparison of the assessments required pursuant to the statewide assessment and accountability system and provisions of the federal government, to identify standardized tests that are not required pursuant to the federal No Child Left Behind Act, to identify testing and other state mandated assessment requirements that could be abolished without loss of federal funds, and to recommend statutory changes to minimize testing and state mandated assessments.~~
- H 351 RETIREE HEALTH CARE FUND CONTRIBUTIONS [SGND (April 10) Ch 287]**, *Rep. Varela* — amends statute to make a tax distribution of \$250,000 to the Retiree Health Care Fund; and increases employer and employee contributions to the fund.
- H 432 SCHOOL ATHLETICS EQUITY ACT [SGND (April 7) Ch. 178]**, *Rep. Picraux* — adds
CS/H 432a a new section to the Public School Code enacting the School Athletics Equity Act to ensure gender equity in sports; requires reporting of certain data by all public schools that have an athletics program for grades 7-12; requires written assurance of compliance with the federal Title 9 by school districts and charter schools; and requires annual reports on the act from the Public Education Department to the Governor and the Legislature, including a summary of the data received from public schools.

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- H 466a PUBLIC SCHOOL LEASE PURCHASE [SGND (April 7) Ch. 132]**, *Rep. Miera* — amends and enacts sections of the Public School Lease Purchase Act to prohibit the issuance of General Obligation bonds for property acquired through a lease-purchase agreement.
- H 485 CONTRACTOR-OWNED SCHOOL BUS LIENS [SGND (April 6) Ch. 92]**, *Rep. King*
CS/H 485 — amends the School Finance Act relating to school transportation equipment to require a school district to file a lien on every contractor-owned school bus on which the contractor owes money, to record the lien on the title of the school bus, and to prohibit a school bus contractor from refinancing or using a school bus as collateral for any other loan without prior written permission from the Public Education Department (PED); requires a school district to release the lien upon authorization from the PED based on a replacement or contractor reimbursement to the school district upon termination or non-renewal of a contract; allows PED to deduct amounts owed on a contractor-owned school bus from a school district’s transportation distribution; requires school bus contracts to include school district documentation that a lien on every contractor-owned school bus has been filed; and establishes that provisions of the bill apply to contracts and contract renewals entered into on or after June 19, 2009.
- H 489 EMPLOYEE PROTECTION FROM RETALIATION [SGND (April 6) Ch. 104]**,
CS/H 489 *Rep. M.P. Garcia* — amends statute to extend the period to begin a civil action to enforce wage and hour laws to within three years after a violation occurs; adds a new section of law to provide employees protection from retaliation for asserting a claim or right pursuant to the Minimum Wage Act or assisting another person to do so; increases liability for failure to pay wages; and provides penalties.
- H 508 SCHOOL LIBRARY MATERIAL DISTRIBUTION [SGND (April 7) Ch. 134]**,
Rep. Madalena — amends the School Library Material Act to provide for distribution of school library materials to governmentally controlled schools; and defines “governmentally controlled school” to mean a governmentally owned or controlled Bureau of Indian Education school located in New Mexico that provides instruction for grades 1-12 and is not sectarian or denominational. [Identical to S 323, which was pocket-vetoed]
- H 534a ELECTRONIC PUBLIC RECORDS REQUESTS [POCKET VETO]**, *Rep. El. Chavez*
— ~~amends statute to allow electronic requests for public records. (May affect public schools)~~—[Similar to H 598]
- H 552 INFRASTRUCTURE DEVELOPMENT ACT [SGND (April 7) Ch. 136]**, *Rep. B. Lujan*
CS/H 552a — creates the Infrastructure Development Zone Act; provides for the creation of infrastructure development zones and for an elected board; authorizes infrastructure zones to provide services, including public educational or cultural facilities pursuant to an approved service plan; authorizes boards to issue bonds, to enter into other debt obligations, to levy property taxes and assessments, fees, tolls, and other charges; and provides that, except as otherwise provided, bonds issued under the act are not obligations of the state.
- H 554a SPECIAL FUEL FROM VEGETABLE OIL TAX DEDUCTION [SGND (April 6) Ch. 99]**, *Rep. Gonzales* — adds a new section of the Gross Receipts and Compensating Tax Act to provide a deduction from special fuel excise tax and gross receipts paid for special fuel consisting of vegetable oil or animal fat; and specifies deductions for special fuel sold for use in contracted public school buses.

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- H 573 **ADJUSTMENT OF RETIREMENT PLANS [SGND (April 10) Ch. 288]**, *Rep. Heaton* —
*CS/H 573 amends and adds new sections to three statutes governing various aspects of retirement for
*CS/CS/H573a public employees. Among its provisions, the bill amends the Public Employees Retirement
Act (PERA) and the Educational Retirement Act (ERA) to change, effective July 1, 2011, the
retirement eligibility requirements and benefits, age limits, and years of service for certain
new members employed on or after July 1, 2010. The bill also amends the Retiree Health
Care Act (RHCA) to change, effective July 1, 2009, the contributions to the fund of eligible
participating retirees; and to increase the employer and employee contributions to the fund
effective July 1, 2010. The bill also amends the Tax Administration Act to remove the June
30, 2010 expiration date for an annual distribution of \$250,000 to the fund from the Tax
Administration Suspense Fund. Finally, the bill creates a 25-member Retirement Systems
Solvency Task Force to study the actuarial soundness and solvency of the PERA, ERA, and
RHCA retirement plans; to prepare a solvency plan for each entity; and to submit the
solvency plans and task force recommendations to the Investments and Pensions Oversight
Committee or other appropriate interim committee, the Legislative Finance Committee, and
the Governor no later than October 1, 2010.
- H 583a **SMALL PRECINCT ABSENTEE VOTING [SGND (April 9) Ch. 274]**, *Rep. Rodella* —
adds a new section of the Election Code to provide for absentee voting in lieu of establishing
a polling place in small, isolated precincts. (May affect public schools and school boards)
- H 598 **ELECTRONIC PUBLIC RECORD INSPECTION REQUESTS [SGND (April 3)
Ch. 75]**, *Rep. Cervantes* — amends the Inspection of Public Records Act to allow a written
request for public records to include an electronic communication, including email and
facsimile. (May affect public schools) [Similar to H 534a]
- H 603 **PUBLIC FACILITY CUMULATIVE COST SAVINGS [SGND (April 7) Ch. 138]**,
CS/H 603 *Rep. Park* — amends the Public Facility Energy Efficiency and Water Conservation Act;
among its provisions, defines “energy conservation measure” to include solar energy
generating or heating and cooling systems and defines “governmental unit” to include school
districts, among others; allows a governmental unit to enter into a Guaranteed Utility Savings
Contract under certain circumstances; extends to 25 years the maximum term for contracts
pursuant to the act; and clarifies types of renewable energy systems and sources of funding
authorized by the act.
- H 622a **GREEN JOBS BONDING ACT [SGND (April 9) Ch. 275]**, *Rep. B. Lujan* — creates the
CS/H 622 Green Jobs Bonding Act; provides for green jobs training programs; creates a fund; and
provides procedures for implementing grants to postsecondary institutions for green jobs
training programs.
- H 631a **EDUCATIONAL RETIREMENT ELIGIBILITY [SGND (April 10) Ch. 286]**, *Rep. King*
— amends the Educational Retirement Act to change retirement eligibility for members first
employed on or after July 1, 2010 as follows: to be eligible for retirement the member must
be any age and have 30 or more years of service credit, or be at least 67 years of age and
have five or more years of service, or the sum of the member’s age and years of earned
service credit must equal at least 80; provides for reductions in benefits for members retiring
before 60 years of age; and excludes lump-sum payments of sick or annual leave made after
July 1, 2010 from the calculation of a member’s salary for retirement benefits.

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- H 691a PUBLIC SCHOOL YEAR & LENGTH OF DAY [SGND (April 9) Ch. 276], *Rep. King*** — amends the Public School Code to require, effective school year 2010-2011, a school year to consist of 180 full instructional days for a regular school year calendar and 150 full instructional days for a variable school year, excluding release time for in-service training; to require that time lost due to weather, in-service training, or other events be made up; to allow school boards to set a longer school year; and to allow the Secretary of Public Education to waive the minimum length or number of school days in districts so long as the school year is adjusted to ensure that students receive the same instructional time as other students in the state.
- H 704a HOME SCHOOL STUDENTS IN DISTRICT ACTIVITIES [SGND (April 6) Ch. 93], *Rep. Strickler*** — amends the Public School Code to increase the number of school district athletic activities in which a home school student may participate from one athletic activity to as many as three at the public school in the attendance zone in which the student resides.
- H 722a DISCLOSURE OF EDUCATIONAL RETIREMENT INFO [SGND (April 7) Ch. 248], *Rep. J. Thomas*** — adds a new section of the Educational Retirement Act; among its provisions, specifies member or retired member information that may be disclosed; and prohibits disclosure of other information except to the member, retired member or the spouse, and certain other designated parties. [Similar to S 490a]
- H 729a INFORMATION TECHNOLOGY COMMISSION & DUTIES [SGND (April 7) Ch. 146], *Rep. Varela*** — amends statute to make changes in statewide information technology organization and administration; among its provisions, requires compliance with federal guidelines for rate-setting; revises the membership of the Information Technology Commission; provides for payment of agencies to the Department of Information Technology (DoIT); changes the due date for equipment replacement plans; and clarifies telecommunications duties of the DoIT. (May affect public schools)
- H 766 HIGHER EDUCATION ENDOWMENT FUND DISTRIBUTION [SGND (April 6) Ch. 91], *Rep. Saavedra*** — amends statute to change the distribution of the Higher Education Endowment Fund appropriations based on certain distribution percentages and fund matching requirements.
- *H 780a SCHOOL FOR THE BLIND DEFICIENCY CORRECTIONS [SGND (Mar. 31) Ch. 37], *Rep. Miera*** — amends the Public School Code to include the New Mexico School for the Blind and Visually Impaired and the New Mexico School for the Deaf in the Public School Capital Outlay Act provisions for correction of outstanding deficiencies in school districts.
- H 854a PERA MEMBER & STATE CONTRIBUTION CHANGES [SGND (April 7) Ch. 127], *Rep. Saavedra*** — amends statute related to public employee retirement; among its provisions, during the period July 1, 2009 through June 30, 2011, increases employee contribution rates of general members, state police and adult correctional officer members, state hazardous duty members, and members while in office; and provides a corresponding temporary decrease in the employer contribution rates.

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- H 928 **QUALIFIED SCHOOL CONSTRUCTION BONDS [SGND (April 7) Ch. 154],**
*CS/H 928 *Rep. Miera* — adds a new section of the Public School Code to create the Qualified School Construction Bonds Act; among its provisions, authorizes the designation of bonds as qualified school construction bonds if certain criteria are met; exempts from the application process school districts that receive a direct allocation under the federal American Recovery and Reinvestment Act of 2009 (ARRA); and amends statute to allow bonds that are designated as Build America Bonds authorized under the ARRA and bonds issued pursuant to the Qualified School Construction Bonds Act to be sold at a public or private sale to eligible taxpayers.

HOUSE JOINT MEMORIALS

- HJM 27** **“ENLACE NEW MEXICO DAY,”** *Rep. Miera* — recognizes February 6, 2009 as “ENLACE New Mexico Day” at the New Mexico State Legislature.
- HJM 35** **“COMMUNITY SCHOOLS DAY,”** *Rep. Hall* — recognizes the efforts of the Albuquerque-Bernalillo County Community School Partnership by declaring February 12, 2009 “Community Schools Day” at the Legislature.
- HJM 42** **NORTHERN NM COLLEGE 100 YEARS, CONGRATS,** *Rep. Salazar* — congratulates Northern New Mexico College on its 100 years of operation.
- HJM 43a** **INCLUDE DYSLEXIA IN DISABILITIES,** *Rep. B. Lujan* — requests that the Public Education Department (PED) include dyslexia in the state definition of disabilities for the purpose of interpreting the federal Individuals with Disabilities Education Improvement Act; requests that PED identify effective interventions for students with dyslexia and establish certification criteria for specialists who assist students with dyslexia; and requests a report to the LESC by August 2009.
- HJM 56** **“FFA & 4-H DAY,”** *Rep. Hall* — declares February 19, 2009 as “FFA and 4-H Day” at the Legislature. [Identical to SJM 43]
- HJM 81** **GEOSPATIAL INFO SHARING TASK FORCE,** *Rep. Arnold-Jones* — requests that the Secretary of Information Technology, in cooperation with the Office of the Governor and the New Mexico Legislative Council, convene a task force to study the sharing of geospatial information and data analysis to consider how a center for data analysis and management can improve policy and decision-making at all levels; and requests that task force members include public and private sector leaders including the Public Education Department, the Public School Facilities Authority, and the Higher Education Department.
- HJM 82** **“BETTER HEARING & SPEECH MONTH,”** *Rep. Wallace* — requests that the Governor designate the month of May as “Better Hearing and Speech Month.”

HOUSE JOINT RESOLUTION

- HJR 11a** **WAR VETERAN COLLEGE SCHOLARSHIP, CA**, *Rep. Sandoval* — proposes an amendment to Article 9, Section 14 of the Constitution of New Mexico to permit the establishment of a college scholarship program for New Mexico military war veterans.

HOUSE MEMORIALS

- HM 3** **STUDY WHITE SANDS MISSILE RANGE SIZE INCREASE**, *Rep. Cote* — requests that the New Mexico Legislative Council assemble a task force to study the impact of an expected doubling of the size of White Sands Missile Range on local school districts, transportation corridors, and other state services and to report to the appropriate interim committee by October 2009.
- HM 12** **“BOYS STATE & GIRLS STATE DAY,”** *Rep. Roch* — proclaims February 24, 2009 as “Boys State and Girls State Day” at the House of Representatives.
- HM 15** **“SCHOOLS ON THE RISE DAY,”** *Rep. Miera* — proclaims February 11, 2009 as “Schools on the Rise Day” at the House of Representatives. [Similar to SM 11a]
- HM 16** **ADOLESCENT PREVENTATIVE HEALTH & WELL-BEING**, *Rep. Chasey* — requests that the Department of Health collaborate with the Public Education Department to examine the adequacy of current practices for ensuring the preventive health and well-being of adolescents in New Mexico.
- HM 17** **EMPHASIZE CERTAIN COLLEGE DEGREE PROGRAMS**, *Rep. Hall* — requests that the New Mexico Legislative Council assign a study to encourage state universities to emphasize degree programs in those professional disciplines that are in short supply in the state.
- HM 20** **USE OF CERTAIN VACCINES FOR CHILDREN**, *Rep. Park* — requests that the Department of Health consider whether the pneumococcal conjugate vaccine and the meningococcal conjugate vaccine should be required for children.
- HM 22** **“NEW MEXICO MESA DAY,”** *Rep. Sandoval* — declares March 9, 2009 as “New Mexico MESA Day” at the House of Representatives. [Similar to SM 10]
- HM 31** **“YMCA DAY,”** *Rep. Wallace* — declares February 23, 2009 as “YMCA Day” at the House of Representatives.
- HM 41** **WILSON MIDDLE SCHOOL, CONGRATS**, *Rep. Stapleton* — congratulates Wilson Middle School students on their campaign to help solve local and school-based hunger problems.

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- HM 43** **“STAND UP FOR SANTA FE PUBLIC SCHOOLS DAY,”** *Rep. Trujillo* — proclaims February 25, 2009 as “Stand Up for Santa Fe Public Schools Day” in the House of Representatives. [Similar to SM 47]
- HM 50** **“AFTER-SCHOOL FOR ALL DAY,”** *Rep. T. Garcia* — proclaims February 24, 2009 as “After-School for All Day” at the House of Representatives. [Similar to SM 43]
- HM 51** **NM SPEECH-LANGUAGE & HEARING ASSOCIATION DAY,** *Rep. Wallace* — proclaims March 13, 2009 as “New Mexico Speech-Language and Hearing Association Day” at the House of Representatives. [Similar to SM 53]
- HM 53** **PREVENTION OF TEEN DATING VIOLENCE,** *Rep. Crook* — requests that the Public Education Department and the Department of Health convene a work group to study and develop recommendations regarding prevention of teen dating violence in New Mexico and report to the Governor, Lieutenant Governor, and the LESC by October 1, 2009.
- HM 58** **BREASTFEEDING STUDENT MOTHER NEEDS,** *Rep. El. Chavez* — requests that the Governor’s Women’s Health Advisory Council convene a task force to assess the level of support for breastfeeding student-mothers and make recommendations; and requests that the advisory council collaborate with the Public Education Department and others and report its findings to the LESC and the Legislative Health and Human Services Committee by December 1, 2009.
- HM 70a** **FINANCIAL LITERACY SCHOOL CURRICULA,** *Rep. Lundstrom* — requests that the Indian Education Division of the Public Education Department (PED) review financial literacy content standards and benchmarks and model curricula; that PED consult with school districts, financial institutions, and other experts; and that PED report to the LESC by October 31, 2009.
- HM 73** **“ST. MICHAELS HIGH 150TH ANNIVERSARY DAY,”** *Rep. Trujillo* — declares March 5, 2009 as “St. Michael’s High School 150th Anniversary Day” at the House of Representatives. [Similar to SM 37]
- HM 75** **STUDY EDUCATION ACCESS IN RAMAH,** *Rep. Alcon* — requests that, no later than
CS/HM 75 July 1, 2009, the Indian Education Division of the Public Education Department convene a task force to study access to public education in the Ramah area of New Mexico; and that the task force report its findings to the appropriate interim legislative committees and the Governor no later than December 1, 2009.
- HM 90** **DEVELOPMENT DISTRICT STUDY TASK FORCE,** *Rep. Barela* — requests that the New Mexico Legislative Council assemble a task force to study the status and impact of districts created to encourage development in the state; and that copies of the memorial be transmitted to the co-chairs of the Legislative Council and others, including the Secretary of Public Education. (May affect public schools)

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- HM 98 ALLEN & VIRGINIA CRANE’S READING TECHNIQUES**, *Rep. Steinborn* — honors Allen and Virginia Crane; and requests that the Public Education Department evaluate and consider the adoption of the vision and reading techniques developed by the Cranes to improve reading for students in grades K-12; and provide a report to the LESC by November 1, 2009.
- HM 103 TEACHING LICENSE GIFTED EDUCATION ENDORSEMENT**, *Rep. Stewart* — requests that the Public Education Department collaborate with state postsecondary education institutions, gifted education organizations, and the LESC to determine the requirements for a gifted education endorsement on teaching licenses. [Identical to SM 81]
- HM 107 SCHOOL & PRIMARY HEALTH CLINIC FUNDING**, *Rep. Varela* — requests that the Interagency Behavioral Health Purchasing Collaborative convene a stakeholder team to find ways to sustain funding for the screening, brief intervention, and referral to treatment model for use in integrated primary care and school-based health clinics; and that the findings and recommendations of the team be presented to the interim Legislative Health and Human Services committee by August 1, 2009.
- HM 110 EXPAND UNM NATIVE AMERICAN STUDIES**, *Rep. Jeff* — requests that the Board of Regents of the University of New Mexico (UNM) and the Higher Education Department recognize the need for expansion of the Native American Studies Program at UNM to include a master’s degree program.
- HM 117 STIMULUS MONEY ON AMERICAN PRODUCTS**, *Rep. Giannini* — requests that the legislative and executive branches of state government work to restore economic growth and opportunity by spending economic recovery plan funds on American products and services that create American jobs and help keep Americans employed; and requests that copies of the memorial be transmitted to the Governor, the President Pro Tempore of the New Mexico Senate, and cabinet secretaries, including the Secretary of Public Education.
- HM 119 “CERTIFIED ATHLETIC TRAINERS MONTH,”** *Rep. Gardner* — declares March as “Certified Athletic Trainers Month” in New Mexico.
- HM 127 STUDY HEALTH EDUCATION SCHOOL REQUIREMENT**, *Rep. M.H. Garcia* — requests that the Public Education Department convene a work group to determine whether there is a need to include health education as a requirement for graduation from public schools; to consider creative alternatives for the delivery of health education content standards; and to report the work group’s findings and recommendations to the LESC by January 2010.
- CS/HM 127**
- HM 131 SCHOOL SIZE STUDY**, *Rep. Miera* — requests that the Public School Capital Outlay Oversight Task Force study the relationship between school size and student success and determine the impact of reducing school size on capital and operational costs; and requests a report to the LESC, the Legislative Finance Committee, and the Governor prior to the 2nd Session of the 49th Legislature.

SENATE BILLS

- S 21a **HISPANIC AFFAIRS DEPARTMENT ACT [VETOED (April 10)]**, *Sen. M. Sanchez* — ~~creates the Hispanic Affairs Department Act; creates the Hispanic Affairs Department as a cabinet department under the Secretary of Hispanic Affairs; creates the Hispanic Affairs Commission and prescribes its membership and duties; prescribes duties of the secretary; and prescribes duties of the department, which include studying such issues as education. (May affect public schools)~~
- S 27a **CHARTER SCHOOL APPLICATION TIME PERIOD [SGND (Mar. 18) Ch. 6]**, *Sen. M.J. Garcia* — amends the Charter Schools Act to require applications for charters to be submitted to the chartering authority between June 1 and July 1 to be considered for the following fiscal year.
- S 28a **CERTAIN COLLEGE SCHOLARSHIPS BASED ON NEED [SGND (Mar. 31) Ch. 47]**, *Sen. M.J. Garcia* — amends statute to change the proportions of the gratis scholarships at public postsecondary educational institutions that are granted based on financial need.
- S 33a **PUBLIC WORK PROJECT PREVAILING WAGE [SGND (April 7) Ch. 206]**, *Sen. Cisneros* — amends the Public Works Minimum Wage Act to provide for the determination of prevailing wage rates and prevailing fringe benefit rates; and requires payment of the prevailing rates on public works projects. (May affect public schools)
- S 38a **SCHOOL DISTRICT REVENUE FOR ACTIVITY BUSES [SGND (Mar. 24) Ch. 25]**, *Sen. Harden* — amends the Public School Buildings Act to allow school districts with student membership of less than 60,000 to use tax revenue to purchase activity buses for extracurricular school activities.
- S 39 **INSURANCE COVERAGE FOR AUTISM TREATMENT [SGND (April 2) Ch. 74]**,
CS/S 39a *Sen. Harden* — adds a new section of the Insurance Code to require health insurance
FL/CS/S 39 coverage for diagnosis and treatment of autism spectrum disorder for an eligible individual who is either 19 years of age or younger or, if enrolled in high school, is 22 years of age or younger, provided that such coverage may be limited to exclude coverage for services received under the federal Individuals with Disabilities Education Improvement Act of 2004 and related state laws; establishes other limits and potential exclusions of coverage; requires the maximum benefit to be adjusted annually beginning January 1, 2011; defines “autism spectrum disorder” and other terms; and requires coverage for certain required treatment.
- S 46a **HIGH SCHOOL PRE-APPRENTICESHIP PROGRAMS [SGND (April 8) Ch. 256]**, *Sen. B. Sanchez* — amends the Public School Code to allow school districts to offer industry-led or industry-guided pre-apprenticeship programs as electives for qualified high school students; to provide for approval of the programs, providers, and industry instructors; and to exempt industry instructors from teacher licensure requirements but to require criminal background checks. (For the LESC)
- S 56 **EXEMPT BORDER AUTHORITY FROM PROPERTY CONTROL [SGND (Mar. 31) Ch. 45]**, *Sen. Papen* — amends statute to exempt certain agencies from the jurisdiction of the Property Control Division of the General Services Department, including regional education cooperatives.

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- S 68a DOMESTIC ABUSE VICTIM FINANCIAL INDEPENDENCE [SGND (Mar. 19) Ch. 14]**, *Sen. Ortiz y Pino* — enacts the Promoting Financial Independence for Victims of Domestic Abuse Act to require employers, including school districts, to provide domestic abuse leave for employees under certain conditions.
- *S 79 FUND TRANSFERS & APPROPRIATION CUTS [SGND (Feb. 6) Ch. 3 (partial veto)]**,
***CS/S 79** *Sen. Smith* — reduces certain appropriations from the General Fund, including a 2.5 percent reduction of FY 09 appropriations for the legislative branch (including legislative agency compensation appropriations); allows the Legislative Council Service, before June 30, 2009, to reduce appropriations for session expenses, not to exceed 2.5 percent of the total appropriation for that section; authorizes the Department of Finance and Administration to reduce allotments of funds to state agencies that have been allotted in excess of the reduced appropriations; reduces appropriations in Laws 2008, Chapter 6 (“HB 2 Jr.”); reduces appropriations enacted in the 2008 special session; transfers money from other state funds to the General Fund; distributes payments from participating tobacco manufacturers to the Tobacco Settlement Program Fund and dollars from the Tax Stabilization Reserve to the General Fund appropriation account; and appropriates \$35.8 million from the appropriation contingency fund (education lock box) to the State Equalization Guarantee distribution and appropriates Temporary Assistance for Needy Families (TANF) contingency funds to the Human Services Department ~~for transfer to the Tax Administration Suspense Fund~~ for the Working Families Tax Credit. (The bill addresses FY 09 General Fund solvency issues.)
- *S 80a CORPORATE INCOME TAX REPORTING DATES [SGND (Feb. 6) Ch. 4]**, *Sen. Smith* — amends the Corporate Income and Franchise Tax Act to require four, rather than three, payments of estimated corporate income tax (CIT); and requires that, for estimated payments due on or before April 15, 2009, the payments be one-eighth, rather than one-fourth, of the annual CIT liability, and that the remainder of the annual estimated first quarter CIT liability be paid in addition to the taxpayer’s second-quarter payment. The emergency clause makes the Corporate Income Tax payment change effective in tax year 2009. (The bill addresses FY 09 General Fund solvency issues.) (May affect public schools)
- S 123 ADMINISTRATORS IN ACCOUNTABILITY REPORTING [SGND (Mar. 19) Ch. 20]**, *Sen. Kernan* — amends statute to include academic and demographic data about candidates for administrative licensure in the Educator Accountability Reporting System. (For the LESC)
- S 133a TEACHER LICENSURE CHANGES [SGND (April 6) Ch. 117]**, *Sen. Kernan* — amends the School Personnel Act to remove the requirement that, to hold a Level 3-B license, an applicant must have been a Level 3-A teacher for at least one year; and to provide for a Provisional Level 3-B license under certain conditions. (For the LESC)
- S 146 CHANGE MENTORSHIP PROGRAM FUND DISTRIBUTION [SGND (April 6) Ch. 119]**, *Sen. Nava* — amends the School Personnel Act to require the Public Education Department, on or before September 15 of each fiscal year, to allocate to school districts no less than 50 percent of the available funds for mentorship programs based on the estimated number of beginning Level 1 teachers on the 40th day of the school year and, on or before January 15 of each fiscal year, to allocate the balance of the available funds based on the actual number of beginning teachers on the 40th day of the school year, adjusted for any over- or under-estimation made in the first allocation. (For the LESC)

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- S 148 **CHARTER SCHOOL GOVERNING BODY TRAINING [SGND (Mar. 19) Ch. 18]**, *Sen. Boitano* — adds a new section to the Charter Schools Act to require training for charter school governing body members.
- S 152a **REQUIRE FRESHMAN YEAR OUTCOMES REPORTS [SGND (Mar. 18) Ch. 7]**, *Sen. Nava* — amends statute to require New Mexico public postsecondary institutions, upon request from a public high school or school district superintendent in New Mexico, to provide a report of students who enroll in the institution within three years of graduating or leaving the high school without enrolling in another high school or earning a General Educational Development certificate; requires the reports to include advanced placement by subject, total credits earned, grade point averages, retention from fall to spring semester of the first year in college, and frequency and patterns of remedial or developmental courses being taken; and requires that the Higher Education Department be provided with copies of the reports. (For the LESC)
- S 153a **CONTINUE FAMILY & YOUTH RESOURCES PROGRAM [SGND (April 6) Ch. 118]**, *Sen. Nava* — amends the Family and Youth Resource Act to enable a school that met the poverty level eligibility criteria at the time of its application and program approval by the Public Education Department to continue to receive funding so long as its poverty level does not drop below an average of 80 percent over any three-year period. (For the LESC)
- S 156a **ALTERNATIVE SCHOOL ACCOUNTABILITY PILOT [SGND (April 7) Ch. 189]**, *Sen. Nava* — creates a six-year voluntary school accountability pilot project based on a student growth model for grades 4 through 8 that is separate from but complementary to the existing school accountability system; and phases in the project over two years. (For the LESC)
- S 167a **PRE-KINDERGARTEN PROGRAM DISTRIBUTION [VETOED (Mar. 19)]**, *Sen. Beffort* — ~~adds a new section of the Pre-Kindergarten Act, effective through July 1, 2014, to require that appropriations for pre-kindergarten programs be divided equally between the Public Education Department and the Children, Youth and Families Department.~~
- S 172 **INTERIM HUMAN SERVICES COMMITTEE [POCKET VETO]**, *Sen. Lopez* —
CS/S 172a ~~creates the Legislative Health Committee as a permanent joint interim committee of the
et al. Legislature; among its provisions: requires that the committee be composed of 10 members, five from each house, including representation from the House Health and Government Affairs Committee and the Senate Public Affairs Committee; requires the committee to conduct a continuing study of the programs, agencies, policies, issues, and needs relating to health; creates the Human Services Committee as a temporary committee until December 15 prior to the 1st Session of the 49th Legislature; requires the Human Services Committee to conduct a continuing study of the programs, agencies, policies, issues, and needs relating to human services in New Mexico; requires the committee to hear testimony from state departments including the Higher Education Department and the Public Education Department; and requires staff to be provided by the Legislative Council Service. (CS/S-172 & S-242)~~

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- S 189a SCHOOL ATTENDANCE NOTICES & ABSENCES [SGND (April 7) Ch. 193],**
Sen. M.J. Garcia — amends the Compulsory School Attendance Law to establish a consistent method to count unexcused absences; requires the Public Education Department (PED) to approve school district and charter school attendance policies; changes the term “truant” to “student in need of early intervention”; requires schools to notify parents by regular mail rather than certified mail; requires schools to document attempts to provide parental notice and to intervene; requires PED to compile and verify absence rates; permits the juvenile probation office (JPO) to send a notice to a parent directing the parent and student to report to the JPO to discuss student or family services; and amends the Children’s Code to change the definition of a “family in need of court-ordered services.” (For the LESC)
- S 193 SCHOOL PERSONNEL REPORTS TO LEGISLATURE [POCKET VETO],**
Sen. M.J. Garcia — ~~amends the Professional Development Framework to require the Public Education Department, in conjunction with public school districts and charter schools, to provide an annual report to the LESC and the Legislative Finance Committee regarding all professional development activities, regardless of funding source; and to make any changes to the system of accounting and budgeting for all public schools and school districts necessary to fulfill this requirement. (For the LESC)~~
- S 212 EXPAND DEFINITION OF NEPOTISM IN SCHOOLS [SGND (April 7) Ch. 195],**
Sen. Asbill — amends the Public School Code to expand the definition of nepotism to prohibit a school superintendent and a head administrator of a charter school from employing, in addition to other relatives named in the code, a brother, brother-in-law, sister, or sister-in-law of a member of the local school board, a member of the charter school governing board, or the local superintendent or the head administrator of a charter school.
- S 217a UNM GEOGRAPHIC INFORMATION SYSTEM [SGND (April 6) Ch. 115],** *Sen. Nava* — appropriates \$575,000 from the Public School Capital Outlay Fund to the Public School Facilities Authority for FY 10 through FY 12 to develop a geographic information system to be used by executive and legislative agencies.
- S 226a SCHOOL FACILITY PRIVATE USE LIABILITY [SGND (April 7) Ch. 198],**
Sen. Keller — adds a new section of the Public School Code and amends the Public School Insurance Authority Act to provide for the adoption of policies relating to volunteers and the private use of school facilities; and provides for limited insurance coverage for liability related to the private use of school facilities.
- S 227a FAMILY INFANT TODDLER PROGRAM FUNDING FORMULA [POCKET VETO],** *Sen. Ortiz y Pino* — ~~creates the Family Infant Toddler program funding formula; requires the Department of Health to devise a funding formula to ensure the successful operation of the program; and provides a procedure for developing the budget for the program, including allowing the Public Education Department’s pupil unit value as a baseline cost per child served.~~

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- S 248a CHILDREN’S CODE REVISIONS [SGND (April 7) Ch. 239]**, *Sen. Ortiz y Pino* — amends provisions of the Children’s Code, including the Delinquency Act, the Family in Need of Court-Ordered Services Act, the Abuse and Neglect Act, the Adoption Act, the Juvenile Parole Board Act, the Emancipation of Minors Act, the Juvenile Community Corrections Act; the Motor Vehicle Code; and other state laws relating to the involvement of children in the juvenile justice system. Among its provisions, the bill replaces the Juvenile Parole Board with a Public Safety Advisory Board; outlines functions of the Juvenile Justice Advisory Board; amends the purpose of the Children’s Code to reduce overrepresentation of minority children and families in the juvenile justice, family services, and abuse and neglect systems; requires a predisposition report and educational plan for children determined by the courts to be neglected or abused; and provides certain requirements for disclosure and sealing of records.
- S 317 USE OF STUDENT ID NUMBERS ON TRANSCRIPTS [SGND (April 7) Ch. 205]**, *Sen. Nava* — requires high schools and the Public Education Department to add the New Mexico public schools student identifier to all student transcripts and General Educational Development diplomas. (For the LESC)
- S 323 SCHOOL LIBRARY MATERIAL DONATION [POCKET VETO]**, *Sen. Lovejoy* — ~~amends the School Library Material Act to provide for distribution of school library materials to governmentally controlled schools; and defines “governmentally controlled school” to mean a governmentally owned or controlled Bureau of Indian Education school located in New Mexico that provides instruction for grades 1–12 and is not sectarian or denominational.~~ [Identical to H 508, which was signed by the Governor]
- S 336a TIERED FINANCIAL REPORTING FOR STATE ENTITIES [SGND (April 9) Ch. 283]**, *Sen. Sapien* — amends the Audit Act to establish a tiered system of financial reporting for a public body based on its annual revenue each year; among its provisions, provides a new definition of a public body that includes incorporated municipalities and other specified entities and that excludes certain other entities, among them school districts.
- *S 378 PUBLIC SCHOOL CAPITAL OUTLAY AMENDMENTS [SGND (April 8) Ch. 258 (partial veto)]**, *Sen. Nava* — amends the Charter Schools Act to extend to 2015 the deadline by which charter schools must be located in public buildings; amends the Public School Capital Outlay Act to: (1) provide that \$10.0 million may be awarded for expenditure in FY 10 to FY 12 for roof repair and replacement projects; (2) limit lease payment assistance for lease-purchase arrangements to charter school facilities; (3) remove the limit on the amount of lease payment assistance funds that may be awarded; (4) authorize grants for projects, including lights and bleachers for athletic fields at certain rural high schools; (5) authorize an increase in a grant assistance award to certain school facilities in rural areas; and (6) require federal funds received by a school district or charter school for non-operating purposes pursuant to the federal American Recovery and Reinvestment Act of 2009 to be included in the district’s or charter school’s offset; and amends the Public School Capital Improvements Act to: (1) expand the definition of “capital improvement”; (2) require bond resolutions to include charter school capital improvements; and (3) require distributions of bond proceeds and state match dollars to charter schools.
- *CS/S 378**

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- S 399a LOCAL EDUCATIONAL RETIREMENT UNIT AUDITS [SGND (April 7) Ch. 209],**
Sen. Morales — amends the Educational Retirement Act to provide for audits of local administrative units.
- *S 443 CAPITAL OUTLAY PROJECT REAUTHORIZATIONS [SGND (April 7) Ch. 128],**
***CS/S 443** *Sen. Cisneros* — reauthorizes or reappropriates unexpended fund balances from the proceeds of severance tax bonds to the Severance Tax Bonding Fund; reauthorizes or reappropriates balances in the General Fund and the Capital Projects Fund; extends the time period that funds may be expended on certain projects; and expands or changes purposes, and changes agencies for capital projects, including certain education-related projects.
- S 450a CORPORATE FUEL ECONOMY STANDARD VEHICLES [SGND (April 6) Ch. 110],**
Sen. Ortiz y Pino — amends statute to provide for the purchase of vehicles that meet corporate average fuel economy standards issued by the federal government; and requires agencies and departments of state government and educational institutions to report annually the number of vehicles that meet these requirements. (May affect public schools)
- S 454a CHARTER SCHOOL T & E INDEX CALCULATION [SGND (April 7) Ch. 213],**
CS/S 454 *Sen. Jennings* — amends the Public School Code to require that the calculation of the Training and Experience (T&E) Index of a locally chartered charter school and a state-chartered charter school be based on its own T&E Index; and holds harmless from the T&E calculation for FY 10 and FY 11 each charter school that was in existence in FY 09.
- S 460a ADDITIONAL INVESTMENT COUNCIL APPOINTEES [POCKET VETO],**
Sen. Neville — ~~amends statute to provide for additional appointees to the State Investment Council including the chief financial officer of a state institution of higher education; among its provisions, requires that council members have no less than 10 years experience in the field of investment or finance; and prohibits a member of the council from having contracts to do business with certain state agencies, including the Educational Retirement Board, for a period of two years prior to and two years after the end of the member's term.~~
- S 464 RELEASE OF PUBLIC SCHOOL STUDENT INFO [POCKET VETO],** *Sen. Ortiz y Pino*
CS/S 464a — ~~adds a new section of the Public School Code to require high schools to provide written notices to students and parents prior to releasing student personal information to postsecondary recruiters; requires high schools to maintain a record of students who have reached the age of majority and parents of minor students who choose to withhold personal information from recruiters; limits access of recruiters to high schools; requires advance notification by postsecondary recruiters; and requires written permission of parents before allowing minor students to leave campus with a postsecondary recruiter.~~
- *S 467a WINROCK TAX INCREMENT DEVELOPMENT PROJECT [SGND (April 1) Ch. 58],** *Sen. Ortiz y Pino* — authorizes the issuance of bonds secured by tax increments authorized pursuant to the Tax Increment for Development Act, including a state gross receipts tax increment for the Winrock/Quorum Town Center Redevelopment Tax Increment Development Project; among its other provisions, imposes requirements on the authorization of projects; and prohibits certain capital projects except state-owned buildings, public school buildings or facilities, and others.

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- S 484 **MARRIAGE & FAMILY THERAPISTS IN SCHOOLS [SGND (April 7) Ch. 217]**, *Sen. McSorley* — amends the Public School Code to include marriage and family therapists as instructional support providers; and requires marriage and family therapists to be licensed by the Public Education Department in order to work in public schools.
- S 490a **EDUCATIONAL RETIREMENT INFO DISCLOSURE [SGND (April 7) Ch. 240]**, *Sen. Fischmann* — adds a new section of the Educational Retirement Act; among its provisions, specifies member or retired member information that may be disclosed; and prohibits disclosure of other information except to the member, retired member or the spouse, and certain other designated parties. [Similar to H 722a]
- S 531 **LFC REVIEW OF STATE FUNDING RECIPIENTS [POCKET VETO]**, *Sen. Keller*
FL/S 531 — ~~adds a new section of statute that requires the Legislative Finance Committee (LFC) to establish a program evaluation division to conduct program evaluations, information technology evaluations, and special reviews of any department, agency, institution, or instrumentality of the state or a political subdivision thereof; among its provisions, requires the program evaluation division to report results of work performed to the LFC and to make final reports available to the Legislature and the public; and requires that information provided by an agency that is confidential by law or exempt from public inspection not be disclosed by members of the LFC or its staff.~~
- S 553 **COUNTY CATTLE GUARDS NEAR SCHOOL BUS ROUTES [SGND (Mar. 31) Ch. 49]**, *Sen. Ulibarri* — amends statute to require counties, with the consent of property owners, to construct cattle guards where privately owned fences intersect school bus routes on county roads; and requires the cost of construction to be paid from county road funds.
- *S 572a **ALTERNATIVE EDUCATIONAL RETIREMENT PLANS [SGND (Mar. 18) Ch. 9]**, *Sen. M.J. Garcia* — amends statute to place conditions on the time in which an employee may elect to participate in an alternative retirement plan of a qualifying state educational institution; provides a one-time option for an employee who has made contributions in an alternative retirement plan for a certain period to become a regular member; changes the benefits available under alternative retirement plans; and, upon termination of employment, allows transfer of a retirement account balance to another eligible retirement plan or withdrawal of the balance.
- S 575a **INSTRUCTIONAL MATERIAL PURCHASES [SGND (April 7) Ch. 221]**, *Sen. Nava* — amends statute to transfer responsibility for instructional materials for adult basic education (ABE) from the Public Education Department to the Higher Education Department (HED); provides for the transfer of the allocation for ABE instructional materials from the Instructional Material Fund to the ABE Fund each year; requires HED to include funding for instructional materials for ABE students in its formula for equitable distribution from the ABE Fund; requires HED to promulgate rules on the purchase and provision of instructional materials for the free use of ABE students; allows private schools to expend up to 50 percent of their instructional material funds for items that are not on the multiple list, provided that the funds are not spent for religious, sectarian, or non-secular materials; and requires private schools to purchase all instructional materials from an in-state depository.

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- *S 583a **FREEZE PRECINCT BOUNDARIES FOR REDISTRICTING [SGND (April 7) Ch. 222]**, *Sen. Lopez* — adds a section to the Election Code to temporarily freeze precinct boundaries for redistricting purposes; provides for adjustment of precinct boundaries prior to the federal 2010 census including federal, state, and county political boundaries, municipal boundaries, and school district boundaries; provides that precincts shall be composed of certain boundaries whenever possible, including school district and other political boundary lines; and provides for delayed repeal effective January 31, 2012.
- S 593 **MEDICAL STUDENT CONDITIONAL TUITION WAIVER [SGND (April 7) Ch. 225]**, *Sen. Feldman* — creates the Conditional Tuition Waiver for Primary Care Medical Students Act; provides conditional tuition waivers for up to 10 medical students each year who choose primary care practice in underserved areas of the state; stipulates that qualifying medical students must be New Mexico residents and graduates of a New Mexico high school or a New Mexico college or university; and creates a self-sustaining fund.
- CS/S 593
CS/CS/S 593a
- S 626 **CHARTER SCHOOL STUDENT ACTIVITIES WITHIN ZONE [VETOED (Mar. 26)]**, *Sen. Morales* — ~~amends the Public School Code to limit charter school students' participation in student activities to schools in their attendance zone.~~
- S 627 **EXPAND NMMI SCHOLARSHIPS [SGND (April 7) Ch. 228]**, *Sen. Jennings* — amends statute to allow, in the event that no applicant is available from a legislator's district or a contiguous legislative district, the legislative scholarships to the New Mexico Military Institute to be awarded to any qualified nominee from any legislator's district.
- S 649a **CRIMINAL RECORDS EXPUNGEMENT ACT [VETOED (April 6)]**, *Sen. M. Sanchez*
CS/S 649a — ~~creates the Criminal Record Expungement Act; among its provisions, gives a court the authority to order that criminal and public records be expunged upon identity theft or upon wrongful arrest, indictment, or charge; allows, under certain conditions, a person released without a conviction and a person convicted of no more than one misdemeanor or violation of a municipal ordinance to petition district court for an order to expunge arrest records and public records; and excludes from "public records" certain records kept by the Public Education Department and other departments, as well as records received pursuant to a background check as authorized by law.~~

SENATE JOINT MEMORIALS

- SJM 1 **HEALTH CARE SERVICES COMMON INTEREST MEETING**, *Sen. Feldman* — requests that the New Mexico Health Policy Commission convene a meeting of public entities engaged in the administration, delivery, and payment of health care services to help identify areas of common interest and opportunities for consolidation; and that recommendations be reported to the Legislative Health and Human Services Committee during its November meeting. (May affect public schools)
- SJM 43 **"FFA & 4-H DAY,"** *Sen. P. Griego* — declares February 19, 2009 as "FFA and 4-H Day" at the Legislature. [Identical to HJM 56]

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SJM 51 **“READ ACROSS AMERICA DAY,”** *Sen. Nava* — congratulates Senator Mary Jane M. Garcia as the Honorary Chair of the National Education Association-New Mexico Read Across America Campaign for school year 2008-2009; and declares March 2, 2009 as “Read Across America Day” in the Legislature.

SENATE MEMORIALS

SM 10 **“NEW MEXICO MESA DAY,”** *Sen. Cravens* — declares March 9, 2009 as “New Mexico MESA Day” at the Senate. [Similar to HM 22]

SM 11a **“SCHOOLS ON THE RISE DAY,”** *Sen. Nava* — declares February 11, 2009 as “Schools On the Rise Day” at the Senate. [Similar to HM 15]

SM 15 **“NM FAMILY & PARENT INVOLVEMENT DAY,”** *Sen. B. Sanchez* — declares Thursday, February 12, 2009 as “New Mexico Family and Parent Involvement Day” at the Senate.

SM 21 **DRIVER & HIGHWAY SAFETY TASK FORCE,** *Sen. Wirth* — requests that the Attorney General create a driver and highway safety task force to study changes needed in the Motor Vehicle Code to address driver and highway safety and to propose legislation for changes and for addressing problems posed by loss of the driving privilege; and requests that representatives of the medical community, advocacy groups for retirees, young persons, and persons with disabilities be members of the task force. (May affect public schools)

SM 26 **CREATE PUBLIC SERVICE ACADEMY,** *Sen. Cisneros* — requests that the US Congress be urged to pass federal legislation to create a public service academy, the nation’s first national college devoted to public service outside of the military.

SM 37 **“ST. MICHAEL’S HIGH 150TH ANNIVERSARY DAY,”** *Sen. P. Griego* — declares March 5, 2009 as “St. Michael’s High School 150th Anniversary Day” at the Senate. [Similar to HM 73]

SM 41 **INTERIM DISABILITIES CONCERNS COMMITTEE,** *Sen. E. Griego* — requests that the New Mexico Legislative Council create an interim disabilities concerns committee that includes membership of individuals with expertise in disabilities law, health, education, and resources, including public members.

SM 43 **“AFTER-SCHOOL FOR ALL DAY,”** *Sen. E. Griego* — proclaims February 24 as “After-School for All Day” at the Senate. [Similar to HM 50]

SM 47 **“STAND UP FOR SANTA FE PUBLIC SCHOOLS DAY,”** *Sen. Rodriguez* — proclaims February 25, 2009 as “Stand Up for Santa Fe Public Schools Day” at the Senate. [Similar to HM 43]

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- SM 52** **“OIL & GAS INDUSTRY DAY,”** *Sen. Leavell* — declares February 28, 2009 as “Oil and Gas Industry Day” at the Senate.
- SM 53** **NM SPEECH-LANGUAGE & HEARING ASSOCIATION DAY,** *Sen. Harden* — proclaims March 13, 2009 as “New Mexico Speech-Language and Hearing Association Day” at the Senate. [Similar to HM 51]
- SM 56** **“LOIS OPAL WILKINSON ALDRICH DAY,”** *Sen. Adair* — recognizes Lois Opal Wilkinson Aldrich as an educator in New Mexico upon her 100th birthday; and proclaims March 4, 2009 “Lois Opal Wilkinson Aldrich Day” at the Senate.
- SM 71** **EVALUATE DRUG POLICY APPROACHES,** *Sen. B. Sanchez* — requests that the New Mexico Health Policy Commission create a task force to evaluate New Mexico’s current approaches to drug policy through the use of law enforcement, treatment, prevention, and harm reduction, including drug prevention strategies used by New Mexico teachers, prevention specialists, and school districts; to develop strategies for effective change; and to present findings and recommendations to more effectively address drug use to the interim Legislative Health and Human Services Committee and other appropriate interim committees by November 1, 2009.
- SM 75** **REVIEW BRANCH & COMMUNITY COLLEGE STATUTES,** *Sen. P. Campos* — requests that the Higher Education Department work with the Public Education Department to review the adequacy and appropriateness of branch and community college statutes and present recommendations to the 2nd Session of the 49th Legislature.
- SM 80** **SCHOOL DISTRICT EMPLOYEE SALARY INCREASES,** *Sen. Eichenberg* — requests that public school districts consider salary increases for clerks, secretaries, secretary-bookkeepers, and bookkeepers in school districts statewide.
- SM 81** **TEACHING LICENSE GIFTED EDUCATION ENDORSEMENT,** *Sen. Nava* — requests that the Public Education Department collaborate with state postsecondary education institutions, gifted education organizations, and the LESC to determine the requirements for a gifted education endorsement on teaching licenses. [Identical to HM 103]
- SM 83** **TOLERANCE CURRICULUM IN SCHOOLS,** *Sen. Lopez* — requests that the Public Education Department provide suggestions for interweaving a tolerance and diversity curriculum into the existing content standards for K-12; prepare and disseminate to all school districts a guide for inclusion of tolerance and diversity teaching; and present its report and guide to the LESC during the 2009 interim.
- SM 92** **NM CAREER & TECHNICAL STUDENT ORGANIZATIONS,** *Sen. Asbill* — requests that recognition be extended to the career and technical student organizations of New Mexico for their service to the residents of the state.

TABLE 3

**PUBLIC SCHOOL CAPITAL OUTLAY
49TH LEGISLATURE, 1ST SESSION, 2009**

CS/HB 154 [Laws 2009, Chapter 125]

SCHOOL DISTRICT	SCHOOL	PROJECT	AMOUNT (in thousands)	RECIPIENT	FUND
APPROPRIATIONS FOR PUBLIC SCHOOLS					
Statewide	Statewide	Renovate existing facilities and construct pre-kindergarten classrooms	\$2,000.0	GF	STB
Statewide	Statewide	Purchase and equip school buses	\$5,000.0	GF	STB

TOTAL PUBLIC SCHOOLS \$7,000.0

STATE SUPPORTED SCHOOLS	SCHOOL	PROJECT	AMOUNT (in thousands)	RECIPIENT	FUND
OTHER APPROPRIATIONS -- STATE SUPPORTED SCHOOLS					
Youth Diagnostic and Development Center (YDDC)	YDDC	Renovate and equip in accordance with Missouri model and implementation of Cambiar NM	\$400.0	CPF	STB
Sequoyah Adolescent Treatment Center (SATC)	SATC	Fire suppression	\$207.3	CPF	STB
New Mexico School for the Blind and Visually Impaired, Alamogordo	NMSBVI-Alamogordo Campus	Fire suppression upgrades and other infrastructure improvements	\$2,300.0	PSCOF	STB
New Mexico School for the Deaf	NMSD	Asbestos abatement, mold remediation, and other renovations	\$2,500.0	PSCOF	STB
New Mexico Military Institute	NMMI	Critical water supply infrastructure	\$2,200.0	NMMI Board of Regents	STB

TOTAL OTHER APPROPRIATIONS \$7,607.3

CS/HB 154 - TOTAL EDUCATION-RELATED \$14,607.3

KEY TO ABBREVIATIONS

- CPF -- Capital Program Fund
- GF -- General Fund
- PSCOF -- Public School Capital Outlay Fund
- STB -- Severance Tax Bonds

TABLE 4

**PUBLIC SCHOOL REAUTHORIZATIONS
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***All Appropriations to the Public Education Department Unless Other Agencies as Noted**

CS/SB 443, with emergency clause [Laws 2009, Chapter 128]

SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Statewide	PED School Transportation Bureau	Change purpose and extend time of expenditure through FY 11 of Subsection 171, Section 23, Chapter 110, Laws 2002 and Reauthorized in Laws 2004, Chapter 126, Section 101 to: purchase vehicle for bureau	\$14.0		STB
Statewide	PED School Transportation Bureau	Change purpose and extend time of expenditure through FY 11 of Subsection 126, Section 16, Chapter 2, Laws 2007 to: purchase and equip vehicles for bureau	\$10.0		GF
Statewide	From DFA to CYFD	Change agency of Subsection 1, Section 18, Chapter 42, Laws 2007 to: purchase and renovate pre-kindergarten classrooms statewide, including portables	\$2,500.0	CYFD	STB
Albuquerque Public Schools	La Promesa Early Learning Center CS	Change purpose of Subsection 162, Section 44, Chapter 92, Laws 2008 to: renovate a building	\$180.0		GF
Albuquerque Public Schools	From PED for Highland HS to LGD	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 166, Section 39, Chapter 111, Laws 2006 to: renovate county-owned Hiland Theater Complex in Albuquerque	\$600.0	LGD	GF
Albuquerque Public Schools	From DOE to CAD	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 79, Section 36, Chapter 347, Laws 2005 to: improve education center and campus at National Hispanic Cultural Center in Albuquerque	\$43.9	CAD	GF
Albuquerque Public Schools	From PED to LGD	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 178, Section 55, Chapter 42, Laws 2007 to: install public artwork in Albuquerque	\$30.0	LGD	GF
Albuquerque Public Schools	Manzano HS	Extend time of expenditure through FY 11 of Subsection 19, Section 118, Chapter 126, Laws 2004 to: athletic storage building	\$25.0		STB
Albuquerque Public Schools	Twenty-First Century CS	Change purpose of Subsection 9, Section 55, Chapter 42, Laws 2007 to: purchase property and a facility	\$140.0		GF
Albuquerque Public Schools	A. Montoya ES	Extend time of expenditure through FY 11 of Subsection 10, Section 55, Chapter 42, Laws 2007 to: purchase and install educational technology	\$50.0		GF
Albuquerque Public Schools	From LGD to PED for Adobe Acres ES	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 581, Section 68, Chapter 42, Laws 2007 to: purchase and install information technology	\$25.0		GF

TABLE 4

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***All Appropriations to the Public Education Department Unless Other Agencies as Noted**

CS/SB 443, with emergency clause [Laws 2009, Chapter 128]

SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Albuquerque Public Schools	ETDCF to PED for schools within House District 31, Eldorado HS, and La Cueva HS	Change purpose, agency, and extend time of expenditure through FY 11 of Section 17, Chapter 2, Laws 2007 to: purchase and install information technology	\$255.0		GF
Albuquerque Public Schools	ETDCF to PED, for Jackson MS, Acoma ES, Chelwood ES, Collet Park ES, McCollum ES, Oñate ES, and Southwest Secondary Learning Center CS	Change purpose, agency, and extend time of expenditure through FY 11 of Section 17, Chapter 2, Laws 2007 to: purchase and install information technology	\$255.0		GF
Albuquerque Public Schools	From LGD to PED for Amy Biehl Charter HS	Change purpose and agency of Subsection 28, Section 59, Chapter 92, Laws 2008 to: purchase and install energy efficiency improvements	\$25.0		GF
Albuquerque Public Schools	Apache ES	Extend time of expenditure through FY 11 of Subsection 6, Section 16, Chapter 2, Laws 2007 to: purchase and install educational technology	\$100.0		GF
Albuquerque Public Schools	From UNM Board of Regents to PED for Arroyo Del Oso ES	Change purpose and agency of Subsection 46, Section 83, Chapter 42, Laws 2007 to: purchase and install information technology	\$75.0		GF
Albuquerque Public Schools	Cibola HS	Change purpose of Subsection 56, Section 55, Chapter 42, Laws 2007 to: purchase and install information technology	\$25.0		GF
Albuquerque Public Schools	From NMHU Board of Regents to PED for Cibola HS	Change purpose, agency, and extend time of expenditure through FY 11 of Paragraph (7), Subsection C, Section 53, Chapter 347, Laws 2007 to: purchase and install information technology	\$30.0		GF
Albuquerque Public Schools	East Mountain HS	Extend time of expenditure through FY 11 of Subsection 72, Section 55, Chapter 42, Laws 2007 to: furnish and equip science department	\$150.0		GF
Albuquerque Public Schools	From CAD to PED for Edmund G. Ross ES	Change purpose and agency of Subsection 11, Section 7, Chapter 92, Laws 2008 to: purchase and install information technology	\$30.0		STB
Albuquerque Public Schools	From LGD to PED for Emerson ES	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 241, Section 134, Chapter 126, Laws 2004, reauthorized in Laws 2008, Chapter 83, Section 369 to: construct and purchase patio improvements	\$50.0		CPF

TABLE 4

**PUBLIC SCHOOL REAUTHORIZATIONS
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***All Appropriations to the Public Education Department Unless Other Agencies as Noted**

CS/SB 443, with emergency clause [Laws 2009, Chapter 128]

SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Albuquerque Public Schools	From LGD to PED for Emerson ES	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 277, Section 16, Chapter 347, Laws 2005 to: construct and purchase patio improvements	\$25.0		STB
Albuquerque Public Schools	Governor Bent ES	Change purpose of Subsection 93, Section 55, Chapter 42, Laws 2007 to: improve cafeteria	\$165.0		GF
Albuquerque Public Schools	From LGD to PED for Hawthorne ES	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 279, Section 18, Chapter 111, Laws 2006 to: renovate kindergarten building	\$100.0		STB
Albuquerque Public Schools	From Tourism Department to PED for Highland HS	Change purpose and agency of Subsection 2, Section 29, Chapter 2, Laws 2007 to: purchase books, furniture, and information technology for library	\$50.0		GF
Albuquerque Public Schools	LGD to PED for Highland HS	Change purpose and agency of Subsection 125, Section 52, Chapter 111, Laws 2006 and reauthorized and reappropriated in Laws 2008, Chapter 83, Section 102 to: purchase and install equipment, including security cameras, relocating security monitors, mobile computer lab, and marquee	\$75.0		GF
Albuquerque Public Schools	From DOE to PED for Highland HS	Change purpose and agency of Subsection 4, Section 45, Chapter 111, Laws 2006 to: equip girls' basketball team, purchase library books, and upgrade media	\$25.0		GF
Albuquerque Public Schools	Highland HS	Extend time of expenditure through FY 11 of Subsection 84, Section 37, Chapter 126, Laws 2004 to: purchase and install speaker system in gymnasium	\$6.0		CPF
Albuquerque Public Schools	Highland HS	Change purpose of Subsection 111, Section 55, Chapter 42, Laws 2007 to: purchase library books, information technology, and portable computer laboratory	\$40.0		GF
Albuquerque Public Schools	Highland HS	Expand purpose of Subsection 117, Section 44, Chapter 92, Laws 2008 to: improve cafeteria to include: design and construction of storage area and equipment in cafeteria, including serving line entrance door and sound system	\$10.0		GF
Albuquerque Public Schools	Highland HS	Change purpose of Subsection 105, Section 39, Chapter 111, Laws 2006 to: install technological improvements in video production room, including information technology	\$25.0		GF

TABLE 4

**PUBLIC SCHOOL REAUTHORIZATIONS
49TH LEGISLATURE, 1ST SESSION, 2009**

***All Appropriations to the Public Education Department Unless Other Agencies as Noted**

CS/SB 443, with emergency clause [Laws 2009, Chapter 128]

SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Albuquerque Public Schools	Highland HS	Change purpose of Subsection 126, Section 44, Chapter 92, Laws 2008 to: install technological improvements in video production room, including information technology	\$10.0		GF
Albuquerque Public Schools	Jimmy E. Carter MS	Extend time of expenditure through FY 11 of Subsection 127, Section 55, Chapter 42, Laws 2007 to: purchase and install educational technology	\$50.0		GF
Albuquerque Public Schools	John Adams MS	Extend time of expenditure through FY 11 of Subsection 128, Section 55, Chapter 42, Laws 2007 to: purchase and install educational technology	\$100.0		GF
Albuquerque Public Schools	Kirtland ES	Expand purpose and extend time of expenditure through FY 11 of Subsection 88, Section 37, Chapter 126, Laws 2004 for: shade structures to include improvements to school grounds, landscaping, irrigation, and running track	\$30.0		CPF
Albuquerque Public Schools	Kirtland ES	Change purpose and extend time of expenditure through FY 11 of Subsection 135, Section 55, Chapter 42, Laws 2007 to: improve grounds, including landscaping, irrigation, and track	\$75.0		GF
Albuquerque Public Schools	From LGD to PED for La Cueva HS	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 23, Section 26, Chapter 2, Laws 2007 to: purchase and install storage units, lockers, and information technology	\$75.0		GF
Albuquerque Public Schools	From ETDCF to PED for La Cueva HS	Change purpose, agency, and extend time of expenditure through FY 11 of Laws 2007, Chapter 2, Section 17 to: purchase and install information technology	\$160.0		GF
Albuquerque Public Schools	La Mesa ES	Change purpose and extend time of expenditure through FY 11 of Subsection 157, Section 55, Chapter 42, Laws 2007 to: purchase library books and equipment	\$20.0		GF
Albuquerque Public Schools	From LGD to PED for La Mesa ES	Change purpose and agency of Subsection 8, Section 26, Chapter 2, Laws 2007 and reauthorized in Laws 2008, Chapter 83, Section 370 to: purchase library books and equipment	\$50.0		GF
Albuquerque Public Schools	Lavaland ES	Extend time of expenditure through FY 11 of Subsection 144, Section 55, Chapter 42, Laws 2007 to: purchase and install educational technology	\$100.0		GF

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CS/SB 443, with emergency clause [Laws 2009, Chapter 128]

SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Albuquerque Public Schools	Los Padillas ES	Change purpose of Subsection 178, Section 44, Chapter 92, Laws 2008 to: conduct study of wetlands at nature center, purchase and install equipment and infrastructure	\$35.0		GF
Albuquerque Public Schools	Manzano HS	Extend time of expenditure through FY 11 of Subsection 100, Section 37, Chapter 126, Laws 2004 for: athletic storage building	\$100.0		CPF
Albuquerque Public Schools	From LGD to PED for Manzano Mesa ES	Change purpose and agency of Subsection 605, Section 22, Chapter 429, Laws 2003 and reauthorized in Laws 2008, Chapter 83, Section 368 and extended time through FY 10 to: purchase and install library books and related equipment	\$90.0		STB
Albuquerque Public Schools	Matheson Park ES	Extend time of expenditure through FY 11 of Subsection 22, Section 118, Chapter 126, Laws 2004 to: purchase and install playground equipment	\$30.0		STB
Albuquerque Public Schools	McKinley MS	Extend time of expenditure through FY 11 of Subsection 170, Section 55, Chapter 42, Laws 2007 to: purchase and install educational technology	\$25.0		GF
Albuquerque Public Schools	From LGD to PED for Native American Community Academy CS	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 16, Section 18, Chapter 111, Laws 2006 to: construct and equip facility	\$30.0		STB
Albuquerque Public Schools	From CAD to PED for New Futures Education Complex	Change purpose and agency of Subsection 10, Section 41, Chapter 42, Laws 2007 to: purchase and install information technology	\$100.0		GF
Albuquerque Public Schools	Roosevelt MS	Extend time of expenditure through FY 11 of Subsection 217, Section 55, Chapter 42, Laws 2007 to: purchase and install educational technology	\$77.0		GF
Albuquerque Public Schools	From DOE to PED for Sandia Base ES	Change purpose and agency of Subsection 59, Section 12, Chapter 347, Laws 2005 to: purchase and install books and literacy resources for core reading program	\$75.0		STB
Albuquerque Public Schools	From LGD to PED for Sandia HS	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 15, Section 18, Chapter 111, Laws 2006 to: construct and equip facility for behavioral intervention program	\$70.0		STB

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***All Appropriations to the Public Education Department Unless Other Agencies as Noted**

CS/SB 443, with emergency clause [Laws 2009, Chapter 128]

SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Albuquerque Public Schools	From LGD to PED for Sandia HS	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 567, Section 52, Chapter 111, Laws 2006 to: construct and equip behavioral intervention program facility	\$25.0		GF
Albuquerque Public Schools	From LGD to PED for Sandia HS	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 604, Section 52, Chapter 111, Laws 2006 to: construct and equip behavioral intervention program facility	\$35.0		GF
Albuquerque Public Schools	From LGD to PED for Sandia HS	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 78, Section 18, Chapter 111, Laws 2006 to: construct and equip behavioral intervention program facility	\$50.0		STB
Albuquerque Public Schools	Sandia HS	Change purpose of Subsection 224, Section 55, Chapter 42, Laws 2007 to: improve school	\$410.0		GF
Albuquerque Public Schools	From CAD to PED for Sandia HS	Change purpose and agency of Subsection 9, Section 37, Chapter 92, Laws 2008 to: purchase and install computer-aided drafting information technology, and renovate computer-aided drafting laboratories	\$75.0		GF
Albuquerque Public Schools	Sandia HS	Change purpose and extend time of expenditure through FY 11 of Subsection 28, Section 118, Chapter 126, Laws 2004 to: improve school	\$50.0		STB
Albuquerque Public Schools	South Valley Academy CS	Change purpose of Subsection 193, Section 55, Chapter 42, Laws 2007 to: install shade structures	\$42.0		GF
Albuquerque Public Schools	Southwest Secondary Learning Center CS	Change purpose of Subsection 269, Section 44, Chapter 92, Laws 2008 to: purchase and install information technology	\$80.0		GF
Albuquerque Public Schools	Southwest Secondary Learning Center CS	Change purpose of Subsection 270, Section 44, Chapter 92, Laws 2008 to: purchase and install information technology	\$100.0		GF
Albuquerque Public Schools	From LGD to PED for Tomasita ES	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 277, Section 16, Chapter 347, Laws 2005 to: improve library	\$50.0		STB
Albuquerque Public Schools	From NMSU Board of Regents to PED for West Mesa HS	Change purpose and agency of Subsection 6, Section 67, Chapter 92, Laws 2008 to: purchase and install information technology	\$35.0		GF

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CS/SB 443, with emergency clause [Laws 2009, Chapter 128]

SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Albuquerque Public Schools	From NMHU Board of Regents to PED for Wherry ES	Change purpose, agency, and extend time of expenditure through FY 11 of Paragraph (12), Subsection B, Section 63, Chapter 111, Laws 2006 to: renovate gymnasium and artificial turf field	\$50.0		GF
Albuquerque Public Schools	From PED (South Valley Charter HS) to LGD	Change purpose and agency of Subsection 198, Section 23, Chapter 110, Laws 2002, reauthorized and reappropriated in Laws 2003, Chapter 429, Section 166, and again in Laws 2007, Chapter 341, Section 93 to: construct and equip judicial center in Colfax County	\$25.0	LGD-DFA	STB
Albuquerque Public Schools	From PED to LGD to NMSU Board of Regents	Change purpose and agency of Subsection 125, Section 52, Chapter 111, Laws 2006 and reauthorized and reappropriated in Laws 2008, Chapter 83, Section 102 to: purchase and install technology and equipment for training and facilities to support football student athletes	\$25.0	NMSU Board of Regents	GF
Aztec Municipal Schools	From IAD to UNM Board of Regents	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 94, Section 50, Chapter 111, Laws 2006 to: construct and renovate Pit Sports Arena in Albuquerque	\$700.0	UNM Board of Regents	GF
Aztec Municipal Schools	From PED to EDD	Change purpose and agency of Subsection 15, Section 11, Chapter 92, Laws 2008 to: improve and redevelop downtown infrastructure for economic development in Tucumcari	\$500.0	EDD	STB
Aztec Municipal Schools	From IAD to DOE	Change purpose and agency of Subsection 91, Section 66, Chapter 42, Laws 2007 to: construct water system improvements for North Star Domestic Water Consumers and Mutual Sewage Works Cooperative in Aztec	\$50.0	DOE	GF
Aztec Municipal Schools	From IAD to NMSU Board of Regents	Change purpose and agency of Subsection 91, Section 66, Chapter 42, Laws 2007 to: construct and renovate greenhouse at NMSU Farmington Branch Campus Agricultural Science Center	\$100.0	NMSU Board of Regents	GF
Aztec Municipal Schools	From Aztec HS to IAD	Change purpose of Subsection 94, Section 50, Chapter 111, Laws 2006 to: improve site and construct home for women and children in Shiprock	\$250.0	IAD	GF
Cloudcroft Municipal Schools	Cloudcroft HS	Change purpose of Subsection 382, Section 55, Chapter 42, Laws 2007 to: purchase and construct lift station for septic system	\$86.0		GF

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SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Cloudcroft Municipal Schools	Cloudcroft HS	Change purpose of Subsection 385, Section 55, Chapter 42, Laws 2007 to: construct roof for weight room	\$54.0		GF
Cloudcroft Municipal Schools	District-wide	Change purpose of Subsection 388, Section 44, Chapter 92, Laws 2008 to: prepare site for purchase and installation of playground equipment and fencing for schools and track facilities	\$50.0		GF
Cobre Consolidated Schools	District-wide	Change purpose of Subsection 106, Section 16, Chapter 2, Laws 2007 to: construct all-weather track facility	\$125.0		GF
Cobre Consolidated Schools	From CAD to PED for District-wide	Change purpose and agency of Subsection 17, Section 41, Chapter 42, Laws 2007 to: construct all-weather track facility	\$25.0		GF
Corona Public Schools	From DOE to PED for District-wide	Change purpose and agency of Subsection 6, Section 32, Chapter 2, Laws 2007 and reauthorized Subsection GG, Section 99, Chapter 42, Laws 2007 to: construct educational facility	\$12.0		GF
Corona Public Schools	From DGF to PED for District-wide	Change purpose and agency of Subsection 8, Section 59, Chapter 347, Laws 2005 to: construct education facilities	\$48.0		Game Protect ion Fund GF
Corona Public Schools	District-wide	Change purpose and extend time of expenditure through FY 11 of Subsection 235, Section 39, Chapter 111, Laws 2006 to: construct educational facility	\$40.0		GF
Des Moines Municipal Schools	District-wide	Extend time of expenditure through FY 11 of Subsection 448, Section 55, Chapter 42, Laws 2007 to: purchase equipment for industrial arts classes	\$25.0		GF
Des Moines Municipal Schools	District-wide	Change purpose and voiding Laws 2007 and 2008 of Subsection 153, Section 16, Chapter 2, Laws 2007 to: repay local match advance from PSCO Fund for roof replacements; and void Subsection I, Section 99, Chapter 42, Laws 2007 and Laws 2008, Chapter 83, Section 429	\$100.0		GF
Española Public Schools	From PED (Española Military Academy) to LGD	Change purpose and agency of Subsection 14, Section 11, Chapter 92, Laws 2008 to: renovate Hiland Theater in Albuquerque	\$100.0	LGD	STB
Española Public Schools	Cariños CS	Expand purpose of Subsection 396, Section 44, Chapter 92, Laws 2008 to: equip kitchen and playground, purchase and install portables to include: related site improvements	\$100.0		GF

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CS/SB 443, with emergency clause [Laws 2009, Chapter 128]

SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Española Public Schools	From PED to NNMSS Board of Regents	Change purpose and agency of Subsection 14, Section 11, Chapter 92, Laws 2008 to: replace sound and light system and remodel classrooms at Fine Arts Center	\$175.0	NNMSS Board of Regents	STB
Española Public Schools	From PED to NNMSS Board of Regents	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 152, Section 48, Chapter 347, Laws 2005 to: replace sound and light system and remodel classrooms at Fine Arts Center	\$75.0	NNMSS Board of Regents	GF
Española Public Schools	From PED to NNMSS Board of Regents	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 397, Section 44, Chapter 92, Laws 2008 to: replace sound and light system and remodel classrooms at Fine Arts Center	\$39.0	NNMSS Board of Regents	GF
Española Public Schools	From PED to NNMSS Board of Regents	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 319, Section 39, Chapter 111, Laws 2006 and Reauthorized in Laws 2008, Chapter 83, Section 313 to: replace sound and light system and remodel classrooms at Fine Arts Center	\$30.0	NNMSS Board of Regents	GF
Eunice Public Schools	From ETDCF to PED for District-wide	Change purpose, agency, and extend time of expenditure through FY 11 of Laws 2007, Chapter 2, Section 17 pursuant to Section 22-15A-11 NMSA 1978 to: purchase activity bus	\$100.0		GF
Gadsden Independent Schools	From DOE to PED for District-wide	Change purpose and agency of Subsection 94, Section 16, Chapter 2, Laws 2007, reauthorized and reappropriated in Subsection NN, Section 99, Chapter 42, Laws 2007 to: purchase and install information technology	\$100.0		GF
Gadsden Independent Schools	From LGD to PED for District-wide	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 147, Section 18, Chapter 111, Laws 2006 to: purchase and install information technology	\$75.0		STB
Gadsden Independent Schools	From PED to LGD	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 357, Section 44, Chapter 92, Laws 2008 to: renovate multipurpose center in La Union in Doña Ana County	\$30.0	LGD	GF
Gadsden Independent Schools	From PED to LGD	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 10, Section 11, Chapter 92, Laws 2008 to: purchase San Miguel ES in Gadsden Independent Schools for a community center	\$258.0	LGD	STB

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SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Gadsden Independent Schools	LGD	Change purpose of Subsection 35, Section 21, Chapter 92, Laws 2008 to: purchase San Miguel ES in Gadsden Independent Schools for a community center	\$300.0	LGD	STB
Gadsden Independent Schools	LGD	Change purpose of Subsection 186, Section 59, Chapter 92, Laws 2008 to: purchase San Miguel ES in Gadsden Independent Schools for a community center	\$25.0	LGD	GF
Loving Municipal Schools	Loving Municipal Schools	Expand purpose of Subsection 369, Section 44, Chapter 92, Laws 2008 for: building trades class to construct house to include: purchase of land	\$146.0		GF
Mora Independent Schools	From LGD to PED for District-wide	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 672, Section 52, Chapter 111, Laws 2006 to: purchase activity bus	\$20.0		GF
Mora Independent Schools	From State Auditor to PED for District-wide	Change purpose and agency of Laws 2007, Chapter 42, Section 37 to: install playground equipment	\$40.0		GF
Mora Independent Schools	From DOT to PED for District-wide	Change purpose and agency of Subsection 130, Section 61, Chapter 92, Laws 2008 to: equip and install staff wellness and exercise equipment	\$25.0		GF
Mora Independent Schools, West Las Vegas Public Schools, Las Vegas City Public Schools, Wagon Mound public schools	District-wide	Clarify project of Paragraph (10), Subsection B, Section 63, Chapter 111, Laws 2006 and reauthorized in Laws 2007, Chapter 341, Section 209 to: purchase and install automated phone system for Mora, West Las Vegas, Las Vegas City, and Wagon Mound school districts, and information technology in Mora Independent Schools	\$100.0		GF
Nonpublic School	From LGD (Holy Ghost School) to DFA	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 172, Section 68, Chapter 42, Laws 2007 to: purchase and install fire alarm system for Homeless Veterans' Transitional Assistance Housing Facility in Albuquerque	\$10.0	DFA	GF
Nonpublic School	From LGD (Our Lady's Assumption School) to DFA	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 188, Section 68, Chapter 42, Laws 2007 to: purchase and install fire alarm system for Homeless Veterans' Transitional Assistance Housing Facility in Albuquerque	\$10.0	DFA	GF

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SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Pojoaque Valley Public Schools	From Aging and Long-term Services Department to PED for Jacona Campus	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 37, Section 26, Chapter 111, Laws 2006 to: improve gymnasium, including a conditioning room	\$200.0		GF
Questa Independent Schools	La Cienega School Daycare	Change purpose and extend time of expenditure through FY 11 of Subsection 124, Section 8, Chapter 111, Laws 2006 to: construct and restore La Cienega School Daycare	\$60.0		STB
Questa Independent Schools	From Office of State Engineer to PED for Red River Valley CS	Change purpose and agency of Subsection 10, Section 58, Chapter 42, Laws 2007 to: purchase and equip buildings	\$250.0		GF
Rio Rancho Public Schools	District-wide	Change purpose of Subsection 143, Section 16, Chapter 2, Laws 2007 to: purchase sports equipment	\$25.0		GF
Rio Rancho Public Schools	District-wide	Change purpose of Subsection 421, Section 55, Chapter 42, Laws 2007 to: purchase sports equipment	\$10.0		GF
Rio Rancho Public Schools	From LGD to PED for Sue Cleveland HS	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 263, Section 18, Chapter 111, Laws 2006 to: capital expenditures related to opening of Sue Cleveland HS	\$100.0		STB
Rio Rancho Public Schools	From LGD to PED for Sue Cleveland HS	Change purpose and agency of Subsection 188, Section 26, Chapter 2, Laws 2007 to: capital expenditures related to opening of Sue Cleveland HS	\$300.0		GF
Rio Rancho Public Schools	From LGD to PED for Sue Cleveland HS	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 328, Section 34, Chapter 126, Laws 2004 to: capital expenditures related to opening of Sue Cleveland HS	\$100.0		CPF
Rio Rancho Public Schools	From DOT to PED for Sue Cleveland HS	Change purpose and agency of Subsection 198, Section 75, chapter 42, Laws 2007 to: capital expenditures related to opening of Sue Cleveland HS	\$200.0		GF
Roswell Independent Schools	Roswell HS	Expand purpose of Subsection 341, Section 44, Chapter 92, Laws 2008 to: purchase and install outdoor sign to include: indoor and two-sided signs	\$90.5		GF
Roswell Independent Schools	Roswell HS	Change purpose of Subsection 88, Section 16, Chapter 2, Laws 2007 to: construct surface area improvements, including asphalt, around gymnasium and field house	\$255.0		GF
Roswell Independent Schools	Goddard HS	Change purpose of Subsection 296, Section 55, Chapter 42, Laws 2007 to: improve band storage room	\$20.0		GF

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SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Roswell Independent Schools	Goddard HS	Change purpose and extend time of expenditure through FY 11 of Subsection 188, Section 37, Chapter 126, Laws 2004 to: renovate baseball field, including purchase of outdoor two-sided electronic sign	\$15.0		CPF
Roswell Independent Schools	From ETDCF to PED for Goddard HS	Change purpose, agency, and extend time of expenditure through FY 11 of Laws 2007, Chapter 2, Section 17 pursuant to Section 22-15A-11 NMSA 1978 to: improve baseball field including lights, locker rooms, gates, and ticket booths	\$255.0		GF
Roswell Independent Schools	Goddard HS	Change purpose of Subsection 331, Section 44, Chapter 92, Laws 2008 to: improve baseball field, including outdoor electronic two-sided sign	\$24.0		GF
Roswell Independent Schools	From ETDCF to PED for District-wide	Change purpose, agency, and extend time of expenditure through FY 11 of Laws 2007, Chapter 2, Section 17 to: purchase and install information technology	\$255.0		GF
Roswell Independent, Dexter Consolidated, Hagerman Municipal, and Lake Arthur Municipal school districts	From ETDCF to PED	Change purpose, agency, and extend time of expenditure through FY 11 of Laws 2007, Chapter 2, Section 17 pursuant to Section 22-15A-11 NMSA 1978 to: purchase information technology with appropriation divided equally among districts	\$180.0		GF
Santa Fe Public Schools	From DOT to PED for Academy for Technology and the Classics CS	Change purpose and agency of Subsection 106, Section 20, Chapter 347, Laws 2005 to: purchase equipment	\$50.0		STB
Santa Fe Public Schools	From LGD to PED for Academy for Technology and the Classics CS	Change purpose and agency of Subsection 252, Section 16, Chapter 347, Laws 2005 to: purchase equipment	\$50.0		STB
Santa Fe Public Schools	Santa Fe HS	Change purpose and extend time of expenditure through FY 11 of Subsection 369, Section 39, Chapter 111, Laws 2006 to: construct storage facility for junior wrestling program	\$25.0		GF
Santa Fe Public Schools	From PED to Governor's Commission on Disability	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 146, Section 136, Chapter 126, Laws 2004 to: purchase and equip vehicles for community outreach program for the deaf	\$30.0	Gov's Com. on Disability	CPF
Tularosa Municipal Schools	Tularosa HS	Change purpose of Subsection 13, Section 11, Chapter 92, Laws 2008 to: improve grounds	\$200.0		STB

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SCHOOL DISTRICT	SCHOOL/DEPARTMENT	PROJECT	AMOUNT (in thousands)	*OTHER AGENCY	FUND
Tularosa Municipal Schools	Tularosa HS	Change purpose of Subsection 116, Section 16, Chapter 2, Laws 2007 to: improve grounds	\$200.0		GF
Tularosa Municipal Schools	Tularosa HS	Change purpose and extend time of expenditure through FY 11 of Subsection 303, Section 48, Chapter 347, Laws 2005 to: improve grounds	\$200.0		GF
Wagon Mound Public Schools	From NMHU Board of Regents to PED for District-wide	Change purpose, agency, and extend time of expenditure through FY 11 of Paragraph (4), Subsection B, Section 63, Chapter 111, Laws 2006 to: purchase renovations, including removal of heating and cooling units in cafeteria and kitchen	\$40.0		GF
West Las Vegas Public Schools	From PED (Valley ES and MS) to Interstate Stream Commission	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 412, Section 55, Chapter 42, Laws 2007 to: improve Acequia Madre del Cerrito in San Miguel County	\$40.0	Interstate Stream Com.	GF
West Las Vegas Public Schools	From LGD to PED for District-wide	Change purpose, agency, and extend time of expenditure through FY 11 of Subsection 254, Section 45, Chapter 347, Laws 2005 to: purchase buses, shop equipment, and information technology	\$25.0		GF
West Las Vegas Public Schools	District-wide	Change purpose of Subsection 411, Section 44, Chapter 92, Laws 2008 to: purchase and install information technology	\$25.0		GF
West Las Vegas Public Schools	From PED to Interstate Stream Commission	Change purpose and agency of Subsection 411, Section 44, Chapter 92, Laws 2008 to: construct piping for Acequia Madre del Rio Grande, Taos County	\$10.0	Interstate Stream Com.	GF

KEY TO ABBREVIATIONS

CAD -- Cultural Affairs Department	IAD -- Indian Affairs Department
CPF -- Capital Program Fund	LGD -- Local Government Division
CS -- Charter School	MS -- Middle School
DOE -- Environment Department	NMHU -- New Mexico Highlands University
DOT -- Department of Transportation	NMSU -- New Mexico State University
EDD -- Economic Development Department	NNMSS -- Northern New Mexico State School
ES -- Elementary School	PED -- Public Education Department
ETDCF -- Educational Technology Deficiency Correction Fund	PSCOF -- Public School Capital Outlay Fund
GF -- General Fund	STB -- Severance Tax Bonds
HS -- High School	UNM -- University of New Mexico