

1 SENATE BILL 845
2 46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003
3 INTRODUCED BY
4

5 Ben D. Altamirano
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9 AN ACT
10

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

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
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15 Section 1. **SHORT TITLE.**--This act may be cited as the "Education Appropriation Act of 2003".
16

17 Section 2. **DEFINITIONS.**--As used in the Education Appropriation Act of 2003:
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19 A. "efficiency" means the measure of the degree to which services are efficient and
20 productive and is often expressed in terms of dollars or time per unit of output;
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22 B. "expenditures" means costs, expenses, encumbrances and other financing uses, other than
23 refunds authorized by law, recognized in accordance with generally accepted accounting principles for the
24 legally authorized budget amounts and budget period;
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C. "explanatory" means information that can help users to understand reported performance
measures and to evaluate the significance of underlying factors that may have affected the reported
information;

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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1 D. "federal funds" means any payments by the United States government to state government or
2 agencies except those payments made in accordance with the federal Mineral Lands Leasing Act;

3 E. "full-time equivalent" or "FTE" means one or more authorized positions that alone or
4 together receives or receive compensation for not more than two thousand ninety-six hours worked in fiscal
5 year 2004. The calculation of hours worked includes compensated absences but does not include overtime,
6 compensatory time or sick leave paid pursuant to Section 10-7-10 NMSA 1978;

7 F. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes federal
8 Mineral Lands Leasing Act receipts and those payments made in accordance with federal block grants and the
9 federal Workforce Investment Act, but excludes the general fund operating reserve and the appropriation
10 contingency fund;

11 G. "interagency transfers" means revenue, other than internal service funds, legally
12 transferred from one agency to another;

13 H. "internal service funds" means:

14 (1) revenue transferred to an agency for the financing of goods or services to another
15 agency on a cost-reimbursement basis; and

16 (2) unencumbered balances in agency internal service fund accounts appropriated by the
17 General Appropriation Act of 2003;

18 I. "other state funds" means:

19 (1) unencumbered, nonreverting balances in agency accounts, other than in internal
20 service funds accounts, appropriated by the Education Appropriation Act of 2003;

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

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

24 J. "outcome" means the measure of the actual impact or public benefit of a program;

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1 K. "output" means the measure of the volume of work completed, or the level of actual services
2 or products delivered by a program;

3 L. "performance measure" means a quantitative or qualitative indicator used to assess a
4 program;

5 M. "program" means a set of activities undertaken in accordance with a plan of action
6 organized to realize identifiable goals and objectives based on legislative authorization;

7 N. "quality" means the measure of the quality of a good or service produced and is often an
8 indicator of the timeliness, reliability or safety of services or products produced by a program;

9 O. "revenue" means all money received by an agency from sources external to that agency, net
10 of refunds and other correcting transactions, other than from issue of debt, liquidation of investments or
11 as agent or trustee for other governmental entities or private persons;

12 P. "target" means the expected level of performance of a program's performance measures; and

13 Section 3. **GENERAL PROVISIONS.**--

14 A. Amounts set out under column headings are expressed in thousands of dollars.

15 B. Amounts set out under column headings are appropriated from the source indicated by the
16 column heading. All amounts set out under the column heading "Internal Service Funds/Interagency
17 Transfers" are intergovernmental transfers and do not represent a portion of total state government
18 appropriations. All information designated as "Total" or "Subtotal" is provided for information and
19 amounts are not appropriations.

20 C. Amounts set out in Section 4 of the Education Appropriation Act of 2003, or so much as may
21 be necessary, are appropriated from the indicated source for expenditure in fiscal year 2004 for the
22 objects expressed.

23 Section 4. **FISCAL YEAR 2004 APPROPRIATIONS.**--The appropriation for public school support in fiscal
24 year 2004 shall be:

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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1 Except as otherwise provided, balances of appropriations made in this subsection shall not revert at the
2 end of fiscal year 2004.

3 PUBLIC SCHOOL SUPPORT:

4 (1) State equalization guarantee distribution:

5 Appropriations:	1,719,936.2	2,000.0		1,721,936.2
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6 Prior to the approval of school district and charter school budgets for fiscal year 2004, the state
7 superintendent shall verify that each local school board is providing a six percent salary increase for
8 teachers and instructional support providers, except educational assistants, no later than the last pay
9 period of December, 2003 and a three percent salary increase for all other certified and noncertified
10 school employees, effective July 1, 2003, and a minimum salary of thirty thousand dollars (\$30,000) for
11 teachers, effective July 1, 2003.

12 Prior to the approval of a school district or charter school's budget for fiscal year 2004, the state
13 superintendent shall verify that an amount equal to or more than one percent of a school district's or
14 charter school's approved fiscal year 2003 operating budget has been reallocated to direct instruction for
15 expenditure in fiscal year 2004.

16 Prior to the approval of a school district and charter school budget for fiscal year 2004, the state
17 superintendent must certify to the secretary of finance and administration and the legislative finance
18 committee that the general fund appropriation in the state equalization guarantee distribution reflects
19 the deduction of sixteen million four hundred thousand dollars (\$16,400,000) in school districts' and
20 charter schools' unrestricted and unreserved cash balances.

21 In developing fiscal year 2004 operating budgets, school districts and charter schools shall not
22 budget June 30, 2003 cash balances without the approval of both the superintendent of public instruction
23 and the secretary of finance and administration.

24 Six million dollars (\$6,000,000) is appropriated from the general fund to the state department of
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<u>Item</u>	<u>General Fund</u>	<u>Other State Funds</u>	<u>Intrnl Svc Funds/Inter- Agency Trnsf</u>	<u>Federal Funds</u>	<u>Total/Target</u>
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1 public education for distribution through the state equalization guarantee in fiscal year 2004 to fund the
2 first year implementation of the three-tier licensure structure for teachers and to bring all teachers to
3 a minimum salary of thirty thousand dollars (\$30,000). Any unexpended or unencumbered balance remaining
4 at the end of fiscal year 2004 shall revert to the general fund.

5 Thirty-seven million nine hundred seventy seven thousand three hundred dollars (\$37,977,300) is
6 appropriated from the general fund to the state department of public education for distribution through
7 the state equalization guarantee in fiscal year 2004 for a six percent salary increase for teachers and
8 instructional support providers except educational assistants. Any unexpended or unencumbered balance
9 remaining at the end of fiscal year 2004 shall revert to the general fund.

10 Eleven million five hundred three thousand one hundred dollars (\$11,503,100) is appropriated from the
11 general fund to the state department of public education for distribution through the state equalization
12 guarantee in fiscal year 2004 for a three percent salary increase for all other certified and noncertified
13 employees. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert
14 to the general fund.

15 Twenty-five million dollars (\$25,000,000) is appropriated from the general fund to the state
16 department of public education for distribution through the state equalization guarantee to school
17 districts in fiscal year 2004 for the employers' portion of the increase in insurance costs. Any
18 unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general
19 fund.

20 Performance measures for academic achievement:

21 (a) Outcome: Percent of students whose national percentile rank for
22 norm-referenced tests is at or above the fortieth
23 percentile in reading

24 (b) Outcome: Percent of schools where the national percentile score for
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
1					
2					
3	(c) Outcome:				
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5					
6	(d) Outcome:				
7					
8					
9	(e) Outcome:				
10					
11					
12	(f) Outcome:				
13					
14					
15	(g) Outcome:				
16					
17	(h) Outcome:				
18					
19	(i) Outcome:				
20					
21	(j) Outcome:				
22					
23	(k) Outcome:				
24					
25					

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
1 (1) Outcome:					
2 Percent of schools where ninety percent of kindergarten					
3 students meet language arts performance standards for					
4 reading readiness					
5 Performance measures for quality teachers, principals, administrators and educational support					
6 personnel:					
7 (a) Quality:					
8 Percent of teachers licensed or endorsed in the subject					
9 they teach					
10 (b) Quality:					
11 Percent of schools where ninety-five percent of the					
12 teachers are licensed or endorsed by the subject they teach					
13 Performance measures for accountability, choice and technology: earning public trust:					
14 (a) Quality:					
15 Percent of schools where eighty percent of their teachers					
16 express confidence in the use of new classroom technologies					
17 Performance measures for safe schools and respectful learning environment:					
18 (a) Explanatory:					
19 Number of incidents of violence, weapon violations and					
20 harassment on the bus, on campus and at school-sponsored					
21 events					
22 Performance measures for equitable access and opportunity:					
23 (a) Outcome:					
24 Percent of school facilities that attain a					
25 facility-condition index equal to or greater than the					
public school capital outlay council established level					
Performance measures for return of financial investment:					
(a) Explanatory:					
Percent of operating general fund resources spent on					
instruction					
Performance measures for constructive engagement with our partners:					

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
1 (a) Quality: Percent of stakeholders and partners who rate their					
2 involvement with public schools as positive					
3 (2) Transportation distribution:					
4 Appropriations:	95,314.8				95,314.8
5 (3) Supplemental distribution:					
6 Appropriations:					
7 (a) Out-of-state tuition	495.0				495.0
8 (b) Emergency supplemental	2,600.0				2,600.0
9 The rate of distribution of the state equalization guarantee distribution shall be based on a program unit					
10 value determined by the superintendent of public instruction. The superintendent of public instruction					
11 shall establish a preliminary unit value to establish budgets for the 2003-2004 school year and then upon					
12 verification of the number of units statewide for fiscal year 2004 but no later than January 31, the					
13 superintendent of public instruction may adjust the program unit value.					
14 The general fund appropriation in the state equalization guarantee distribution reflects the					
15 deduction of federal revenues pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 that					
16 includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701 et seq., formerly known					
17 as "PL874 funds".					
18 The general fund appropriation to the public school fund shall be reduced by the amounts transferred					
19 to the public school fund from the current school fund and from the federal Mineral Lands Leasing Act					
20 receipts otherwise unappropriated.					
21 Any unexpended or unencumbered balance in the distributions authorized remaining at the end of fiscal					
22 year 2004 from appropriations made from the general fund shall revert to the general fund.					
23 Subtotal	[1,818,346.0]	[2,000.0]			1,820,346.0
24 FEDERAL FLOW THROUGH:					
25					

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
1 Appropriations:				300,000.0	300,000.0
2 Subtotal				[300,000.0]	300,000.0
3 INSTRUCTIONAL MATERIAL FUND:					
4 Appropriations:	32,700.0				32,700.0
5 The appropriation to the instructional material fund is made from the federal Minerals Lands Leasing Act					
6 receipts.					
7 Subtotal	[32,700.0]				32,700.0
8 EDUCATIONAL TECHNOLOGY FUND:					
9 Appropriations:	5,000.0				5,000.0
10 Subtotal	[5,000.0]				5,000.0
11 INCENTIVES FOR SCHOOL IMPROVEMENT FUND:					
12 Appropriations:	1,900.0				1,900.0
13 Subtotal	[1,900.0]				1,900.0
14 THREE TIERED SYSTEM IMPLEMENTATION:					
15 Appropriations:	1,000.0				1,000.0
16 Subtotal	[1,000.0]				1,000.0
17 TOTAL PUBLIC SCHOOL SUPPORT	1,858,946.0	2,000.0		300,000.0	2,160,946.0
18 STATE DEPARTMENT OF PUBLIC EDUCATION:					
19 Appropriations:					
20 (a) Personal services and					
21 employee benefits	8,735.9	193.4	104.9	4,355.6	13,389.8
22 (b) Contractual services	308.0	55.0	200.0	6,347.8	6,910.8
23 (c) Other	419.3	348.2	91.6	1,456.5	2,315.6
24 (d) Other financing uses	84.0		2,111.0	176.2	2,371.2
25 Authorized FTE: 177.20 Permanent; 80.00 Term					

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target	
1	Performance measures for academic achievement:					
2	(a) Explanatory: Number of state assessments aligned with standards					
3	(b) Quality: Percent of districts "satisfied" with state department of					
4	public education technical assistance services for improved					
5	student achievement					
6	(c) Outcome: Percent of students, parents, educators and community					
7	members who understand the alignment of student					
8	expectations, teaching and assessment					
9	(d) Quality: Percent of stakeholders who perceive the accountability					
10	system as credible and fair					
11	(e) Outcome: Percent of public school performance measures met					
12	Performance measures for quality teachers, principals, administrators and educational support					
13	personnel:					
14	(a) Outcome: Percent of districts and schools implementing professional					
15	development activities that align with their locally					
16	developed educational plan for student success					
17	(b) Outcome: Percent of districts that implement state board of					
18	education policies and competencies for the education					
19	profession					
20	(c) Quality: Percent of districts rating New Mexico's system of educator					
21	development as "excellent"					
22	Subtotal	[9,547.2]	[596.6]	[2,507.5]	[12,336.1]	24,987.4
23	Unexpended or unencumbered balances in the state department of public education remaining at the end of					
24	fiscal year 2004 from appropriations made from the general fund shall revert.					
25	APPRENTICESHIP ASSISTANCE:	650.0				650.0

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	Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
1	Subtotal	[650.0]				650.0
2	REGIONAL EDUCATION COOPERATIVES:					
3	Appropriations:					
4	(a) Northwest:		85.0		1,247.8	1,332.8
5	(b) Northeast:				2,098.0	2,098.0
6	(c) Lea county:		87.0		2,197.7	2,284.7
7	(d) Pecos valley:		1,550.7		1,476.8	3,027.5
8	(e) Southwest:		245.0		2,740.2	2,985.2
9	(f) Central:		1,703.0		2,006.0	3,709.0
10	(g) High plains:		1,465.2		1,767.7	3,232.9
11	(h) Clovis:		25.8		1,298.7	1,324.5
12	(i) Ruidoso:		3,850.0		1,750.0	5,600.0
13	Subtotal		[9,011.7]		[16,582.9]	25,594.6
14	STATE DEPARTMENT OF PUBLIC EDUCATION SPECIAL APPROPRIATIONS:					
15	Appropriations:					
16	(a) Advanced placement framework	500.0				500.0
17	(b) Beginning teacher induction	1,000.0				1,000.0
18	(c) Re: Learning	1,300.0				1,300.0
19	(d) Performance-based budgeting					
20	--support for districts	1,000.0				1,000.0
21	(e) Charter schools stimulus fund	200.0				200.0
22	(f) Enrollment growth legislation	6,300.0				6,300.0
23	(g) World class teachers	300.0				300.0
24	(h) Indian Education Act	2,200.0				2,200.0
25						

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
1 (i) Office of education					
2 accountability	500.0				500.0
3 (j) Regional education technology					
4 assistance	550.0				550.0
5 (k) Service learning	300.0				300.0
6 (l) Strengthening quality in					
7 schools	1,300.0				1,300.0
8 Subtotal	[15,450.0]				15,450.0
9 ADULT BASIC EDUCATION:	5,000.0				5,000.0
10 Subtotal	[5,000.0]				5,000.0
11 DEFICIENCIES CORRECTION UNIT:					
12 Appropriations:					
13 (a) Personal services and					
14 employee benefits		1,746.5			1,746.5
15 (b) Contractual services		255.0			255.0
16 (c) Other		547.8			547.8
17 Authorized FTE: 26.00 Permanent					
18 Subtotal		[2,549.3]			2,549.3
19 TOTAL OTHER EDUCATION	30,647.2	12,157.6	2,507.5	28,919.0	74,231.3
20 GRAND TOTAL FISCAL YEAR 2004					
21 APPROPRIATIONS	1,889,593.2	14,157.6	2,507.5	328,919.0	2,235,177.3
22 Section 5. SPECIAL APPROPRIATIONS. --The following amounts are appropriated from the general fund or					
23 other funds as indicated for the purposes specified. Unless otherwise indicated, the appropriations may					
24 be expended in fiscal years 2003 and 2004. Unless otherwise indicated, any unexpended or unencumbered					
25 balance of the appropriations remaining at the end of fiscal year 2004 shall revert to the general fund.					

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
1 (a) Save-harmless for districts					
2 to offset 1% reallocation of					
3 program cost	250.0				250.0
4 (b) State student identification					
5 number	300.0				300.0
6 (c) Funding formula study	300.0				300.0
7 TOTAL SPECIAL APPROPRIATIONS	850.0				850.0

8 Section 6. **SUPPLEMENTAL APPROPRIATION.**--The following amount is appropriated from the general fund
9 for the purpose specified. Disbursement of this amount shall be subject to certification by the agency to
10 the department of finance and administration and the legislative finance committee that no other funds are
11 available in fiscal year 2003 for the purpose specified and approval by the department of finance and
12 administration. Any unexpended or unencumbered balances remaining at the end of fiscal year 2003 shall
13 revert to the appropriate fund.

14 (a) Restore unit value support	3,600.0				3,600.0
15 TOTAL SUPPLEMENTAL APPROPRIATION	3,600.0				3,600.0

16 Section 7. **SEVERABILITY.**--If any part or application of this act is held invalid, the remainder or
17 its application to other situations or persons shall not be affected.

18 Section 8. **EMERGENCY.**--It is necessary for the public peace, health and safety that this act take
19 effect immediately.
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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