

1 HOUSE BILL 3
2 **50th LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**
3 INTRODUCED BY
4 **Rick Miera**
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10 AN ACT
11 RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

14 SECTION 1. SHORT TITLE.--This act may be cited as the "Education Appropriation Act".

15 SECTION 2. DEFINITIONS.--As used in the Education Appropriation Act:

16 A. "federal funds" means any payments by the United States government to state
17 government or state agencies for specific purposes or in lieu of taxes, including grants,
18 reimbursements and payments made in accordance with contracts or cooperative agreements, and
19 shared revenue except those payments made in accordance with the federal Mineral Lands Leasing
20 Act (30 USCA 181, et seq.) and the State and Local Fiscal Assistance Act of 1972 (31 USCA
21 1221-1264), as amended;

22 B. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes
23 federal Mineral Lands Leasing Act receipts; and

24 C. "other state funds" means:

25 (1) unencumbered nonreverting balances in state agency accounts, other than in

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total
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1 internal service funds accounts, appropriated by the Education Appropriation Act;
2 (2) all revenue available to state agencies from sources other than the general
3 fund, internal service funds, interagency transfers and federal funds; and
4 (3) all revenue, the use of which is restricted by statute or agreement.

5 **SECTION 3. FORMAT.**--The general format of the appropriations set forth in the Education
6 Appropriation Act with respect to symbols used, column headings and amounts stated are those used
7 in the General Appropriation Act of 2011.

8 **SECTION 4. APPROPRIATIONS.**--
9 PUBLIC SCHOOL SUPPORT:

10 Except as otherwise provided, unexpended balances of appropriations made in this subsection
11 shall not revert at the end of fiscal year 2012.

12 (1) State equalization guarantee: 2,229,024.7 850.0 2,229,874.7

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

16 The rate of distribution of the state equalization guarantee distribution shall be based on
17 a program unit value determined by the secretary of public education. The secretary shall
18 establish a preliminary unit value to establish budgets for the 2011-2012 school year and, upon
19 verification of the number of units statewide for fiscal year 2012 but no later than January 31,
20 2012, the secretary may adjust the program unit value.

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

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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1 The secretary of public education, in collaboration with the office of education
2 accountability of the department of finance and administration, shall ensure that all principals
3 and assistant school principals have been evaluated under the highly objective uniform statewide
4 standard of evaluation and have the professional competencies to serve as a principal or
5 assistant principal. The secretary shall withhold from the public school distribution funding
6 for the minimum salary of any principal or assistant principal who has not been evaluated.

7 The general fund appropriation to the state equalization guarantee distribution includes a
8 reduction that is contingent on the passage of legislation that amends the Educational Retirement
9 Act to extend the one and one-half percent employer-to-employee contribution swap and includes a
10 reduction that is contingent on passage of legislation that amends the Educational Retirement Act
11 to increase the swap by an additional one and three-fourths percent.

12 The general fund appropriation to the state equalization guarantee distribution contains
13 sufficient funding to provide a one-fourth percent increase in the employer contribution to the
14 educational retirement fund. The general fund appropriation to the state equalization guarantee
15 distribution includes a reduction that is contingent on the passage of legislation that amends
16 the Educational Retirement Act to delay the prescribed three-fourths percent increase in employer
17 contributions.

18 The general fund appropriation to the state equalization guarantee distribution includes a
19 reduction that is contingent on the passage of legislation that amends the Educational Retirement
20 Act to require return-to-work employees to pay their share of the contributions.

21 The general fund appropriation to the state equalization guarantee distribution includes a
22 reduction equal to the cost of one full professional development day.

23 The general fund appropriation to the state equalization guarantee distribution includes a
24 reduction that is contingent on the passage of legislation that caps the number of ancillary
25 service full-time-equivalents based on the public education department's guidelines.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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1 The general fund appropriation to the state equalization guarantee distribution includes a
2 reduction that is contingent on the passage of legislation that suspends for one year the
3 graduation requirement that students pass a standards-based high school exit exam.

4 For the 2011-2012 school year, the state equalization guarantee distribution contains
5 sufficient funding for school districts and charter schools to implement a formula-based program
6 for the first time. Those districts and charter schools shall use current year membership in the
7 calculation of program units for the new formula-based program.

8 The general fund appropriation to the state equalization guarantee distribution reflects the
9 deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA
10 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701, et
11 seq., and formerly known as "PL 874 funds".

12 In the event that federal revenue pursuant to Paragraph (2) of Subsection C of Section
13 22-8-25 NMSA 1978 or other revenues for which the state takes credit fall short of projected
14 amounts, the public education department may request from the state board of finance a transfer
15 from the general fund operating reserve in the amount of the shortfall.

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

19 Any unexpended balances in the authorized distributions remaining at the end of fiscal year
20 2012 from appropriations made from the general fund shall revert to the general fund.

21 (2) Transportation distributions:

22 Appropriations: 93,475.7 93,475.7

23 The general fund appropriation to the transportation distribution includes a reduction that
24 is contingent on the passage of legislation that amends the Educational Retirement Act to extend
25 the one and one-half percent employer-to-employee contribution swap and includes a reduction that

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1 is contingent on passage of legislation that amends the Educational Retirement Act to increase
2 the swap by an additional one and three-fourths percent.

3 The general fund appropriation to the transportation distribution contains sufficient
4 funding to provide a one-fourth percent increase in the employer contribution to the educational
5 retirement fund. The general fund appropriation to the transportation distribution includes a
6 reduction that is contingent on the passage of legislation that amends the Educational Retirement
7 Act to delay the prescribed three-fourths percent increase in employer contributions.

8 (3) Supplemental distributions:

9 (a) Out-of-state tuition	346.0				346.0
10 (b) Emergency supplemental	1,924.6				1,924.6
11 Subtotal	2,270.6				2,270.6

12 Any unexpended or unencumbered balance in the supplemental distributions to the public
13 education department remaining at the end of fiscal year 2012 from appropriations made from the
14 general fund shall revert to the general fund.

15 INSTRUCTIONAL MATERIAL FUND: 15,092.8 15,092.8

16 The appropriation to the instructional material fund is made from the federal Mineral Lands
17 Leasing Act (30 USCA 181, et seq.) receipts.

18 In expending the general fund appropriation to the public education department for the
19 instructional material fund, school districts shall give priority to completing the fiscal year
20 2011 adoption for kindergarten through grade eight language arts-reading; kindergarten through
21 grade eight modern, classical and native languages; and kindergarten through grade eight reading
22 intervention programs.

23 DUAL CREDIT INSTRUCTIONAL MATERIALS:	812.3				812.3
24 INDIAN EDUCATION FUND:	1,924.6				1,924.6

25 The general fund appropriation to the public education department for the Indian Education

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1 Act includes four hundred thousand dollars (\$400,000) for providing teaching support for teach					
2 for America in schools with a high proportion of Native American students.					
3 The general fund appropriation to the public education department for the Indian Education					
4 Act includes four hundred thousand dollars (\$400,000) to provide a rural literacy initiative to					
5 support after-school and summer literacy block programs for students in kindergarten through					
6 eighth grade in schools with a high proportion of Native American students, contingent on receipt					
7 of four hundred thousand dollars (\$400,000) in matching funds from a nonprofit organization by					
8 September 30, 2011.					
9 FEDERAL FLOW THROUGH:				512,282.0	512,282.0
10 TOTAL PUBLIC SCHOOL SUPPORT:	2,342,600.7	850.0		512,282.0	2,855,732.7
11 PUBLIC EDUCATION DEPARTMENT:					
12 (1) Administration:					
13 (a) Personal services					
14 and employee benefits	10,770.0	1,242.2	38.0	6,736.3	18,786.5
15 (b) Contractual services	938.5	442.0		17,338.7	18,719.2
16 (c) Other	760.8	531.0		2,973.3	4,265.1
17 Subtotal	12,469.3	2,215.2	38.0	27,048.3	41,770.8
18 Authorized FTE: 196.2 Permanent; 91.0 Term; 4.60 Temporary					
19 PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:					
20 (a) Advanced placement	541.8				541.8
21 (b) After-school enrichment					
22 program	144.3				144.3
23 (c) Apprenticeship assistance	192.4				192.4
24 (d) Breakfast for					
25 elementary students	1,924.6				1,924.6

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 (e) Kindergarten-three					
2 plus	5,292.6				5,292.6
3 (f) New Mexico cyber academy	500.0				500.0
4 (g) Operating budget and management					
5 system and student, teacher					
6 accountability and reporting					
7 system	673.6				673.6
8 (h) Pre-kindergarten	6,292.6				6,292.6
9 (i) Summer reading, math and					
10 science institutes	100.0				100.0
11 Subtotal	15,661.9				15,661.9

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

Any unexpended or unencumbered balance in the authorized distributions remaining at the end of fiscal year 2012 from appropriations made from the general fund shall revert to the general fund.

REGIONAL EDUCATION COOPERATIVES:

18 (1) Northwest 2 (Gallina)	104.3			1,593.0	1,697.3
19 (2) Northeast 4 (Las Vegas)	104.3			2,415.4	2,519.7
20 (3) Lea county 7 (Hobbs)	104.3			3,900.0	4,004.3
21 (4) Pecos valley 8 (Artesia)	104.3	1,321.5		1,371.8	2,797.6
22 (5) Southwest 10 (Truth or	104.2	300.0		4,500.0	4,904.2
23 Consequences)					
24 (6) Central 5 (Albuquerque)	104.2	2,000.0		2,000.0	4,104.2
25 (7) High plains 3 (Raton)	104.2	3,357.5		2,854.8	6,316.5

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 (8) Clovis 6 (Portales)	104.2	335.7		1,700.0	2,139.9
2 (9) Ruidoso 9 (Ruidoso)	104.2	4,000.0		4,800.0	8,904.2
3 Subtotal	938.2	11,314.7		25,135.0	37,387.9
4 OTHER SPECIAL APPROPRIATIONS					
5 PUBLIC EDUCATION DEPARTMENT	6,000.0				6,000.0
6 For emergency support to school districts experiencing shortfalls. All requirements for					
7 distribution of supplemental funds shall be in accordance with Section 22-8-30 NMSA 1978.					
8 NEW MEXICO INSTITUTE OF	50.0				50.0
9 MINING AND TECHNOLOGY					
10 For the high school student summer science program.					
11 HIGHER EDUCATION DEPARTMENT	100.0				100.0
12 For the mathematics, engineering and science achievement program.					
13 SECTION 5. SEVERABILITY.--If any part or application of this act is held invalid, the					
14 remainder or its application to other situations or persons shall not be affected.					
15 SECTION 6. EMERGENCY.--It is necessary for the public peace, health and safety that this					
16 act take effect immediately.					
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