

HOUSE BILL 3
50th LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

..... INTRODUCED BY Rick Miera

AN ACT
RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

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

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

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

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

C. "other state funds" means:

(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
------	--------------	-------------------	-------------------------------------	---------------	-------

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 2012.

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 2013.

12 (1) State equalization guarantee: 2,276,086.2 850.0 2,276,936.2

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 of public
18 education shall establish a preliminary unit value to establish budgets for the 2012-2013 school
19 year and then, on verification of the number of units statewide for fiscal year 2013, but no
20 later than January 31, 2013, the secretary of public education 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 of public education shall withhold from the
25 public school distribution funding 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
------	--------------	-------------------	-------------------------------------	---------------	-------

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 standards of evaluation and have the professional competencies to serve as a principal or
5 assistant principal. The secretary of public education shall withhold from the public school
6 distribution funding the minimum salary of any principal or assistant principal who has not been
7 evaluated.

8 After considering those elementary physical education programs eligible for state financial
9 support and the amount of state funding available for elementary physical education, the
10 secretary of public education shall annually determine the programs and the consequent numbers of
11 students in elementary physical education that will be used to calculate the number of elementary
12 physical education program units.

13 For the 2012-2013 school year, the state equalization distribution includes sufficient
14 funding for school districts to implement a new formula-based program. Those districts shall use
15 current year membership in the calculation of program units for the new formula-based program.

16 The general fund appropriation to the state equalization guarantee distribution reflects the
17 deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA
18 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701 et
19 seq., and formerly known as "PL874 funds".

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

23 Any unexpended balances in the authorized distributions remaining at the end of fiscal year
24 2013 from appropriations made from the general fund shall revert to the general fund.

25 (2) Transportation distributions:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 Appropriations:	96,897.3				93,897.3
2 (3) Supplemental distributions:					
3 (a) Out-of-state tuition	346.0				346.0
4 (b) Emergency supplemental	4,500.0				4,500.0
5 Subtotal	4,846.0				4,846.0

6 Prior to the distribution of emergency supplemental funds to any public school district or
7 charter school, the secretary of public education shall verify with the state auditor that the
8 school district or charter school is in compliance with all the provisions of Section 12-6-12
9 NMSA 1978. No emergency supplemental distributions shall be made to any school district or
10 charter school not current with its audits.

11 Prior to the distribution of any emergency supplemental funds, the secretary of public
12 education shall provide the legislative finance committee and the legislative education study
13 committee with a report outlining: (1) the criteria used to qualify for funds; (2) the financial
14 status of recipients, including the status of recipients' financial audits; and (3) any cost
15 savings measures recipients implemented before applying funds. In no event shall money be
16 distributed to any school district or charter school having cash and invested reserves, or other
17 resources or any combination thereof, equaling five percent or more of its operating budget.

18 Any unexpended balances in the authorized distributions remaining at the end of fiscal year
19 2013 from appropriations made from the general fund shall revert to the general fund.

20 Any unexpended or unencumbered balance in the supplemental distributions to the public
21 education department remaining at the end of fiscal year 2013 from appropriations made from the
22 general fund shall revert to the general fund.

23 INSTRUCTIONAL MATERIAL FUND: 28,502.6 28,502.6

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

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 DUAL CREDIT INSTRUCTIONAL MATERIALS:	857.0				857.0
2 INDIAN EDUCATION FUND:	1,824.6				1,824.6
3 The general fund appropriation to the public education department for the Indian Education					
4 Act includes four hundred thousand dollars (\$400,000) for a nonprofit organization that provides					
5 teaching support in schools with a high proportion of Native American students.					
6 FEDERAL FLOW THROUGH:				414,202.3	414,202.3
7 TOTAL PUBLIC SCHOOL SUPPORT:	2,409,013.7	850.0		414,202.3	2,824,066.7
8 PUBLIC EDUCATION DEPARTMENT:					
9 (1) Administration:					
10 (a) Personal services					
11 and employee benefits	9,384.2	1,543.8		7,206.8	18,134.8
12 (b) Contractual services	450.0	442.0		16,547.9	17,439.9
13 (c) Other	905.4	504.4		3,248.5	4,658.3
14 Subtotal	10,739.6	2,490.2		27,003.2	40,233.0
15 Authorized FTE: 158.2 Permanent; 97.6 Term; 1.0 Temporary					
16 PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:					
17 (a) Advanced placement	541.8				541.8
18 (b) Apprenticeship assistance	192.4				192.4
19 (c) Breakfast for					
20 elementary students	1,924.6				1,924.6
21 (d) Early reading initiative	7,500.0				7,500.0
22 (e) Teaching support in schools					
23 with a high proportion					
24 of low-income students	500.0				500.0
25 (f) Mock trial	87.1				87.1

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 (g) Graduation, reality and					
2 dual-role skills	200.0				200.0
3 (h) Regional education					
4 cooperative operations	834.0				834.0
5 (i) Kindergarten-three plus	11,000.0				11,000.0
6 (j) New Mexico cyber academy	890.0				890.0
7 (k) Operating budget and management					
8 system and student, teacher					
9 accountability and reporting					
10 system	750.0				750.0
11 (l) Pre-kindergarten	11,000.0				11,000.0
12 Subtotal	35,419.9				35,419.9

13 The general fund appropriation to the public education department for the pre-kindergarten
14 program and the kindergarten-three plus program shall be used only for direct instruction,
15 transportation and approved administrative costs.

16 The general fund appropriation to the public education department for teaching assistance
17 for low-income students includes five hundred thousand dollars (\$500,000) for a nonprofit
18 organization that provides teaching support in schools with at least sixty percent of the
19 enrolled students eligible for free or reduced-fee lunch, with a priority for schools with
20 eighty-five percent or more of the students enrolled in the school eligible for free or reduced-
21 fee lunch.

22 The appropriation for the operating budget management system and student teacher
23 accountability reporting system is contingent on the public education department granting the
24 legislative finance committee and the legislative education study committee access to these
25 systems.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
------	--------------	-------------------	-------------------------------------	---------------	-------

1 A regional education cooperative may submit an application to the public education
 2 department for an allocation from the eight-hundred-thirty-four-thousand-dollar (\$834,000)
 3 appropriation. The public education department may allocate amounts to one or more regional
 4 education cooperatives provided that the regional education cooperative's application has
 5 adequately justified a need for the allocation and that the department finds that the regional
 6 education cooperative has submitted timely quarterly financial reports, is in compliance with
 7 state and federal reporting requirements, including annual audit requirements pursuant to the
 8 Audit Act, and is otherwise financially stable. Prior to making an allocation to a regional
 9 education cooperative, the public education department shall provide a detailed report to the
 10 legislative education study committee and the legislative finance committee on the effectiveness
 11 of the technical assistance and other services provided to members of the regional education
 12 cooperative and any nonmember public and private entities to which the cooperative provided
 13 educational services. An allocation made to a regional education cooperative may only be used
 14 for current year operating expenses.

15 Any unexpended or unencumbered balance in the authorized distributions remaining at the end
 16 of fiscal year 2013 from appropriations made from the general fund shall revert to the general
 17 fund.

18 REGIONAL EDUCATION COOPERATIVES:

19 (1) Northwest 2 (Gallina)		681.1			681.1
20 (2) Northeast 4 (Las Vegas)				284.6	284.6
21 (3) Lea county 7 (Hobbs)		268.4		411.4	679.8
22 (4) Pecos valley 8 (Artesia)		1,673.9		613.2	2,287.1
23 (5) Southwest 10 (Truth or					
24 Consequences)		1,422.4			1,422.4
25 (6) Central 5 (Albuquerque)		2,574.0		295.3	2,869.3

.188286.1

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 (7) High plains 3 (Raton)		2,688.2		330.4	3,018.6
2 (8) Clovis 6 (Portales)		922.9		320.4	1,243.3
3 (9) Ruidoso 9 (Ruidoso)		2,341.1		1,017.9	3,359.0
4 Subtotal		12,572.0		3,273.2	15,845.2

5 SECTION 5. SEVERABILITY.--If any part or application of this act is held invalid, the
6 remainder or its application to other situations or persons shall not be affected.

7 SECTION 6. EMERGENCY.--It is necessary for the public peace, health and safety that this
8 act take effect immediately.