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SENATE BILL 317

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

PAULINE B. EISENSTADT

AN ACT

RELATING TO EDUCATION; AMENDING CERTAIN SECTIONS OF THE PUBLIC SCHOOL FINANCE ACT TO ALLOW CERTAIN SCHOOL DISTRICTS TO CALCULATE THE TEACHING AND EXPERIENCE INDEX USING THE OCTOBER PAYROLL OF THE YEAR IN WHICH GRADE LEVELS ARE ADDED.

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

Section 1. Section 22-8-24 NMSA 1978 (being Laws 1974, Chapter 8, Section 15, as amended by Laws 1993, Chapter 91, Section 1 and also by Laws 1993, Chapter 237, Section 3) is amended to read:

"22-8-24. INSTRUCTIONAL STAFF TRAINING AND EXPERIENCE INDEX-- DEFINITIONS-- FACTORS-- CALCULATIONS. --

A. For the purpose of calculating the instructional staff training and experience index, the following definitions and limitations shall apply:

Underscored material = new
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Underscored material = new
[bracketed material] = delete

1 (1) "instructional staff" means the personnel
2 assigned to the instructional program of the school district,
3 excluding principals, substitute teachers, instructional aides,
4 secretaries and clerks;

5 (2) the number of instructional staff to be
6 counted in calculating the instructional staff training and
7 experience index is the actual number of full-time equivalent
8 instructional staff on the October payroll;

9 (3) the number of years of experience to be
10 used in calculating the instructional staff training and
11 experience index is that number of years of experience allowed
12 for salary increment purposes on the salary schedule of the
13 school district; and

14 (4) the academic degree and additional credit
15 hours to be used in calculating the instructional staff training
16 and experience index is the degree and additional semester
17 credit hours allowed for salary increment purposes on the salary
18 schedule of the school district.

19 B. The factors for each classification of academic
20 training by years of experience are provided in the following
21 table:

22 Years of Experience

23 Academic

24 <u>Classification</u>	0 - 2	3 - 5	6 - 8	9 - 15	Over 15
25 Bachelor's degree					

Underscored material = new
[bracketed material] = delete

1	or less	. 75	. 90	1. 00	1. 05	1. 05
2	Bachelor' s degree plus					
3	15 credit hours	. 80	. 95	1. 00	1. 10	1. 15
4	Master' s degree or					
5	bachelor' s degree					
6	plus 45 credit					
7	hours	. 85	1. 00	1. 05	1. 15	1. 20
8	Master' s degree plus					
9	15 credit hours	. 90	1. 05	1. 15	1. 30	1. 35
10	Post-master' s degree					
11	or master' s degree					
12	plus 45 credit					
13	hours	1. 00	1. 15	1. 30	1. 40	1. 50.

14 C. The instructional staff training and experience
15 index for each school district shall be calculated in
16 accordance with instructions issued by the state
17 superintendent. The following calculations shall be computed:

18 (1) multiply the number of full-time
19 equivalent instructional staff in each academic classification
20 by the numerical factor in the appropriate "years of
21 experience" column provided in the table in Subsection B of
22 this section;

23 (2) add the products calculated in Paragraph
24 (1) of this subsection; and

25 (3) divide the total obtained in Paragraph

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1 (2) of this subsection by the total number of full-time
2 equivalent instructional staff.

3 D. In the event that the result of the calculation
4 of the training and experience index is 1.0 or less, the
5 district's factor shall be no less than 1.0.

6 E. In the event that a new school district is
7 created, the training and experience index for that district is
8 1.12.

9 F. In the event that additional grade levels are
10 authorized by the state superintendent for a school district,
11 the training and experience index for the school district shall
12 be calculated to include instructional staff added for the
13 additional grade levels in the October payroll of the year in
14 which the grade levels are added."

15 Section 2. Section 22-8-25 NMSA 1978 (being Laws 1981,
16 Chapter 176, Section 5, as amended by Laws 1993, Chapter 226,
17 Section 23 and also by Laws 1993, Chapter 231, Section 14) is
18 amended to read:

19 "22-8-25. STATE EQUALIZATION GUARANTEE DISTRIBUTION--
20 DEFINITIONS-- DETERMINATION OF AMOUNT. --

21 A. The state equalization guarantee distribution is
22 that amount of money distributed to each school district to
23 ensure that the school district's operating revenue, including
24 its local and federal revenues as defined in this section, is
25 at least equal to the school district's program cost.

Underscored material = new
[bracketed material] = delete

1 B. "Local revenue", as used in this section, means
2 ninety-five percent of receipts to the school district derived
3 from that amount produced by a school district property tax
4 applied at the rate of fifty cents (\$.50) to each one thousand
5 dollars (\$1,000) of net taxable value of property allocated to
6 the school district and to the assessed value of products
7 severed and sold in the school district as determined under the
8 Oil and Gas Ad Valorem Production Tax Act and upon the assessed
9 value of equipment in the school district as determined under
10 the Oil and Gas Production Equipment Ad Valorem Tax Act.

11 C. "Federal revenue", as used in this section,
12 means ninety-five percent of receipts to the school district,
13 excluding amounts [~~which~~] that, if taken into account in the
14 computation of the state equalization guarantee distribution,
15 result, under federal law or regulations, in a reduction in or
16 elimination of federal school funding otherwise receivable by
17 the school district, derived from the following:

18 (1) the school district's share of forest
19 reserve funds distributed in accordance with Section 22-8-33
20 NMSA 1978; and

21 (2) grants from the federal government as
22 assistance to those areas affected by federal activity
23 authorized in accordance with Sections 236 through 240 of Title
24 20 of the United States Code (commonly known as "PL 874 funds")
25 or an amount equal to the revenue the district was entitled to

1 receive if no application was made for such funds but deducting
2 from those grants the additional amounts to which school
3 districts would be entitled because of the provisions of
4 Subparagraph (D) of Paragraph (2) of Subsection (d) of Section
5 238 of Title 20 of the United States Code.

6 D. To determine the amount of the state
7 equalization guarantee distribution, the state superintendent
8 shall:

9 (1) calculate the number of program units to
10 which each school district is entitled using the membership of
11 the fortieth day of the school year, except for school
12 districts with a MEM of 200 or less where the number of program
13 units shall be calculated on the fortieth day membership of
14 either the prior year or the current year, whichever is
15 greater, for all programs except special education, which shall
16 be calculated by using the membership on December 1 of the
17 school year; or

18 (2) calculate the number of program units to
19 which a school district operating under an approved year-round
20 school calendar is entitled using the membership on an
21 appropriate date established by the state board;

22 (3) using the results of the calculations in
23 Paragraph (1) or (2) of this subsection and the instructional
24 staff training and experience index from the October report of
25 the prior school year establish a total program cost of the

1 school district provided that, in the event additional grade
2 levels are authorized by the state superintendent for a school
3 district, that portion of the training and experience index
4 reflecting instructional staff for the additional grade levels
5 shall be calculated from the October payroll of the current
6 year;

7 (4) calculate the local and federal revenues
8 as defined in this section;

9 (5) deduct the sum of the calculations made
10 in Paragraph (4) of this subsection from the program cost
11 established in Paragraph (3) of this subsection; and

12 (6) deduct the total amount of guaranteed
13 energy savings contract payments that the state superintendent
14 determines will be made to the school district from the public
15 school energy efficiency fund during the fiscal year for which
16 the state equalization guarantee distribution is being
17 computed.

18 E. The amount of the state equalization guarantee
19 distribution to which a school district is entitled is the
20 balance remaining after the deductions made in Paragraphs (5)
21 and (6) of Subsection D of this section.

22 F. The state equalization guarantee distribution
23 shall be distributed prior to June 30 of each fiscal year. The
24 calculation shall be based on the local and federal revenues
25 specified in this section received from June 1 of the previous

Underscored material = new
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1 fiscal year through May 31 of the fiscal year for which the
2 state equalization guarantee distribution is being computed.
3 In the event that a district has received more state
4 equalization guarantee funds than its entitlement, a refund
5 shall be made by the district to the state general fund.

6 G. Notwithstanding the methods of calculating the
7 state equalization guarantee distribution in this section and
8 Laws 1974, Chapter 8, Section 22, if a school district received
9 funds under Section 2391 of Title 42 U.S.C.A. and if the
10 federal government takes into consideration grants authorized
11 by Sections 236 through 240 of Title 20 of the United States
12 Code and all other revenues available to the school district in
13 determining the level of federal support for the school
14 district for the sixty-fourth and succeeding fiscal years, the
15 state equalization guarantee distribution for school districts
16 receiving funds under this subsection shall be computed as
17 follows:

18	fiscal year program cost		prior fiscal year
19	excluding special education		state equalization
20	for the year for which the	x	guarantee distribution
21	state equalization guarantee		excluding special
22	<u>distribution is being computed</u>		education
23	prior fiscal year program cost		
24	excluding special education		
25	plus special education funding in accordance with Paragraphs (1)		

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1 or (2) and (3) of Subsection D of this section and Section 22-8-21
2 NMSA 1978 plus an amount that would be produced by applying a rate
3 of eight dollars forty-two and one-half cents (\$8.425) to each one
4 thousand dollars (\$1,000) of net taxable value of property as
5 defined in the Property Tax Code for property taxation purposes in
6 the school district and to each one thousand dollars (\$1,000) of
7 the assessed value of products severed and sold in the school
8 district as determined under the Oil and Gas Ad Valorem Production
9 Tax Act and upon the assessed value of equipment in the school
10 district as determined under the Oil and Gas Production Equipment
11 Ad Valorem Tax Act and then reduced by the total amount of
12 guaranteed energy savings contract payments, if any, that the
13 state superintendent determines will be made to the school
14 district from the public school energy efficiency fund during the
15 fiscal year for which the state equalization guarantee
16 distribution is being computed, equals the fiscal year state
17 equalization guarantee distribution for the year for which the
18 state equalization guarantee distribution is being computed.

19 If at any time grants from the federal government as
20 assistance to those areas affected by federal activity authorized
21 in accordance with Sections 236 through 240 of Title 20 of the
22 United States Code (commonly known as "PL 874 funds") are reduced
23 or are no longer available, the state equalization guarantee
24 distribution shall be computed by the formula contained in this
25 subsection plus an increase by fifty percent of the amount the

Underscored material = new
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1 prior year's PL 874 funds exceed PL 874 funds for the year for
2 which the state equalization guarantee distribution is being
3 computed. "

4 Section 3. EFFECTIVE DATE. --The effective date of the
5 provisions of this act is July 1, 1997.

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SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 317

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

RELATING TO EDUCATION; AMENDING CERTAIN SECTIONS OF THE PUBLIC SCHOOL FINANCE ACT TO ALLOW CERTAIN SCHOOL DISTRICTS TO CALCULATE THE TRAINING AND EXPERIENCE INDEX USING THE OCTOBER PAYROLL OF THE YEAR IN WHICH GRADE LEVELS ARE ADDED; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. Section 22-8-24 NMSA 1978 (being Laws 1974, Chapter 8, Section 15, as amended by Laws 1993, Chapter 91, Section 1 and also by Laws 1993, Chapter 237, Section 3) is amended to read:

"22-8-24. INSTRUCTIONAL STAFF TRAINING AND EXPERIENCE INDEX- - DEFINITIONS- - FACTORS- - CALCULATIONS. - -

A. For the purpose of calculating the instructional staff training and experience index, the following definitions

1 and limitations shall apply:

2 (1) "instructional staff" means the personnel
3 assigned to the instructional program of the school district,
4 excluding principals, substitute teachers, instructional aides,
5 secretaries and clerks;

6 (2) the number of instructional staff to be
7 counted in calculating the instructional staff training and
8 experience index is the actual number of full-time equivalent
9 instructional staff on the October payroll;

10 (3) the number of years of experience to be
11 used in calculating the instructional staff training and
12 experience index is that number of years of experience allowed
13 for salary increment purposes on the salary schedule of the
14 school district; and

15 (4) the academic degree and additional credit
16 hours to be used in calculating the instructional staff training
17 and experience index is the degree and additional semester
18 credit hours allowed for salary increment purposes on the salary
19 schedule of the school district.

20 B. The factors for each classification of academic
21 training by years of experience are provided in the following
22 table:

	<u>Years of Experience</u>				
Academic					
<u>Classification</u>	<u>0 - 2</u>	<u>3 - 5</u>	<u>6 - 8</u>	<u>9 - 15</u>	<u>Over 15</u>

Underscored material = new
[bracketed material] = delete

1	Bachelor' s degree					
2	or less	. 75	. 90	1. 00	1. 05	1. 05
3	Bachelor' s degree plus					
4	15 credit hours	. 80	. 95	1. 00	1. 10	1. 15
5	Master' s degree or					
6	bachelor' s degree					
7	plus 45 credit					
8	hours	. 85	1. 00	1. 05	1. 15	1. 20
9	Master' s degree plus					
10	15 credit hours	. 90	1. 05	1. 15	1. 30	1. 35
11	Post-master' s degree					
12	or master' s degree					
13	plus 45 credit					
14	hours	1. 00	1. 15	1. 30	1. 40	1. 50.

C. The instructional staff training and experience index for each school district shall be calculated in accordance with instructions issued by the state superintendent. The following calculations shall be computed:

(1) multiply the number of full-time equivalent instructional staff in each academic classification by the numerical factor in the appropriate "years of experience" column provided in the table in Subsection B of this section;

(2) add the products calculated in Paragraph (1) of this subsection; and

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Underscored material = new
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1 (3) divide the total obtained in Paragraph
2 (2) of this subsection by the total number of full-time
3 equivalent instructional staff.

4 D. In the event that the result of the calculation
5 of the training and experience index is 1.0 or less, the
6 district's factor shall be no less than 1.0.

7 E. In the event that a new school district is
8 created, the training and experience index for that district is
9 1.12.

10 F. In the event that additional grade levels are
11 authorized by the state superintendent for a school district,
12 the training and experience index for the school district shall
13 be calculated to include instructional staff added for the
14 additional grade levels in the October payroll of the year in
15 which the grade levels are added."

16 Section 2. Section 22-8-25 NMSA 1978 (being Laws 1981,
17 Chapter 176, Section 5, as amended by Laws 1993, Chapter 226,
18 Section 23 and also by Laws 1993, Chapter 231, Section 14) is
19 amended to read:

20 "22-8-25. STATE EQUALIZATION GUARANTEE DISTRIBUTION--
21 DEFINITIONS-- DETERMINATION OF AMOUNT. --

22 A. The state equalization guarantee distribution
23 is that amount of money distributed to each school district to
24 ensure that the school district's operating revenue, including
25 its local and federal revenues as defined in this section, is

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1 at least equal to the school district's program cost.

2 B. "Local revenue", as used in this section, means
 3 ninety-five percent of receipts to the school district derived
 4 from that amount produced by a school district property tax
 5 applied at the rate of fifty cents (\$.50) to each one thousand
 6 dollars (\$1,000) of net taxable value of property allocated to
 7 the school district and to the assessed value of products
 8 severed and sold in the school district as determined under the
 9 Oil and Gas Ad Valorem Production Tax Act and upon the assessed
 10 value of equipment in the school district as determined under
 11 the Oil and Gas Production Equipment Ad Valorem Tax Act.

12 C. "Federal revenue", as used in this section,
 13 means ninety-five percent of receipts to the school district,
 14 excluding amounts [~~which~~] that, if taken into account in the
 15 computation of the state equalization guarantee distribution,
 16 result, under federal law or regulations, in a reduction in or
 17 elimination of federal school funding otherwise receivable by
 18 the school district, derived from the following:

19 (1) the school district's share of forest
 20 reserve funds distributed in accordance with Section 22-8-33
 21 NMSA 1978; and

22 (2) grants from the federal government as
 23 assistance to those areas affected by federal activity
 24 authorized in accordance with Sections 236 through 240 of Title
 25 20 of the United States Code (commonly known as "PL 874 funds")

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1 or an amount equal to the revenue the district was entitled to
2 receive if no application was made for such funds but deducting
3 from those grants the additional amounts to which school
4 districts would be entitled because of the provisions of
5 Subparagraph (D) of Paragraph (2) of Subsection (d) of Section
6 238 of Title 20 of the United States Code.

7 D. To determine the amount of the state
8 equalization guarantee distribution, the state superintendent
9 shall:

10 (1) calculate the number of program units to
11 which each school district is entitled using the membership of
12 the fortieth day of the school year, except for school
13 districts with a MEM of 200 or less where the number of program
14 units shall be calculated on the fortieth day membership of
15 either the prior year or the current year, whichever is
16 greater, for all programs except special education, which shall
17 be calculated by using the membership on December 1 of the
18 school year; or

19 (2) calculate the number of program units to
20 which a school district operating under an approved year-round
21 school calendar is entitled using the membership on an
22 appropriate date established by the state board;

23 (3) using the results of the calculations in
24 Paragraph (1) or (2) of this subsection and the instructional
25 staff training and experience index from the October report of

1 the prior school year establish a total program cost of the
 2 school district provided that, in the event additional grade
 3 levels are authorized by the state superintendent for a school
 4 district, that portion of the training and experience index
 5 reflecting instructional staff for the additional grade levels
 6 shall be calculated from the October payroll of the current
 7 year;

8 (4) calculate the local and federal revenues
 9 as defined in this section;

10 (5) deduct the sum of the calculations made
 11 in Paragraph (4) of this subsection from the program cost
 12 established in Paragraph (3) of this subsection; and

13 (6) deduct the total amount of guaranteed
 14 energy savings contract payments that the state superintendent
 15 determines will be made to the school district from the public
 16 school energy efficiency fund during the fiscal year for which
 17 the state equalization guarantee distribution is being
 18 computed.

19 E. The amount of the state equalization guarantee
 20 distribution to which a school district is entitled is the
 21 balance remaining after the deductions made in Paragraphs (5)
 22 and (6) of Subsection D of this section.

23 F. The state equalization guarantee distribution
 24 shall be distributed prior to June 30 of each fiscal year. The
 25 calculation shall be based on the local and federal revenues

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1 specified in this section received from June 1 of the previous
 2 fiscal year through May 31 of the fiscal year for which the
 3 state equalization guarantee distribution is being computed.
 4 In the event that a district has received more state
 5 equalization guarantee funds than its entitlement, a refund
 6 shall be made by the district to the state general fund.

7 G. Notwithstanding the methods of calculating the
 8 state equalization guarantee distribution in this section and
 9 Laws 1974, Chapter 8, Section 22, if a school district received
 10 funds under Section 2391 of Title 42 U.S.C.A. and if the
 11 federal government takes into consideration grants authorized
 12 by Sections 236 through 240 of Title 20 of the United States
 13 Code and all other revenues available to the school district in
 14 determining the level of federal support for the school
 15 district for the sixty-fourth and succeeding fiscal years, the
 16 state equalization guarantee distribution for school districts
 17 receiving funds under this subsection shall be computed as
 18 follows:

19	fiscal year program cost		prior fiscal year
20	excluding special education		state equalization
21	for the year for which the	x	guarantee distribution
22	state equalization guarantee		excluding special
23	<u>distribution is being computed</u>		education
24	prior fiscal year program cost		
25	excluding special education		

Underscored material = new
 [bracketed material] = delete

1 plus special education funding in accordance with Paragraphs (1)
 2 or (2) and (3) of Subsection D of this section and Section 22-8-21
 3 NMSA 1978 plus an amount that would be produced by applying a rate
 4 of eight dollars forty-two and one-half cents (\$8.425) to each one
 5 thousand dollars (\$1,000) of net taxable value of property as
 6 defined in the Property Tax Code for property taxation purposes in
 7 the school district and to each one thousand dollars (\$1,000) of
 8 the assessed value of products severed and sold in the school
 9 district as determined under the Oil and Gas Ad Valorem Production
 10 Tax Act and upon the assessed value of equipment in the school
 11 district as determined under the Oil and Gas Production Equipment
 12 Ad Valorem Tax Act and then reduced by the total amount of
 13 guaranteed energy savings contract payments, if any, that the
 14 state superintendent determines will be made to the school
 15 district from the public school energy efficiency fund during the
 16 fiscal year for which the state equalization guarantee
 17 distribution is being computed, equals the fiscal year state
 18 equalization guarantee distribution for the year for which the
 19 state equalization guarantee distribution is being computed.

20 If at any time grants from the federal government as
 21 assistance to those areas affected by federal activity authorized
 22 in accordance with Sections 236 through 240 of Title 20 of the
 23 United States Code (commonly known as "PL 874 funds") are reduced
 24 or are no longer available, the state equalization guarantee
 25 distribution shall be computed by the formula contained in this

1 subsection plus an increase by fifty percent of the amount the
2 prior year's PL 874 funds exceed PL 874 funds for the year for
3 which the state equalization guarantee distribution is being
4 computed. "

5 Section 3. APPROPRIATION. -- Four hundred thousand dollars
6 (\$400,000) is appropriated from the general fund to the state
7 department of public education in fiscal year 1997 for
8 distribution to the Rio Rancho school district for the purpose of
9 paying for the cost of instructional staff necessary for
10 additional grade levels. Any unexpended or unencumbered balance
11 remaining at the end of fiscal year 1997 shall revert to the
12 general fund.

13 Section 4. EMERGENCY. -- It is necessary for the public peace,
14 health and safety that this act take effect immediately.