
Public School Finance

Public school funding typically represents about 44 percent of all general fund appropriations. In the past two years, the state of New Mexico has seen significant decreases in recurring general fund revenue, from \$6.2 billion in FY15 to an estimated \$5.6 billion in FY17, a decrease of nearly \$600 million. Because of this drastic reduction in recurring revenues, FY17 public education appropriations were cut during the October 2016 special session and again during the first weeks of the regular 2017 legislative session to ensure the state maintained its constitutionally mandated balanced budget. During the 2017 legislative session, the Legislature passed an FY18 budget that prioritized appropriations to public education; while funding from many government agencies was cut, funding for public schools increased slightly.

Fiscal Year 2017 Shortfall

The August 2016 consensus revenue estimate projected the state would exhaust reserves and end FY17 with a \$326 million deficit, necessitating a special session. The size of the deficit and large percentage of revenue allocated to public schools meant education was not immune from FY17 budget cuts. During the October 2016 special session, the FY17 general fund appropriation to the state equalization guarantee (SEG) funding distributed to school districts and charter schools through a weighted student formula was reduced by \$37.8 million, or 1.5 percent, and the Public Education Department (PED) was given authority to allocate \$30 million in cuts across six other categorical appropriations; PED allocated \$12.5 million to transportation and \$17.5 to instructional materials. To offset the \$30 million cut, the Legislature appropriated \$12.5 million in public school capital outlay fund revenue to the instructional material fund.

For FY17, more than \$111 million in general fund revenue was available for related recurring initiatives, program funding appropriated to PED to be distributed at its discretion. This included \$16.5 million in unspent FY16 appropriations reauthorized by the Legislature. Because of this large increase in available funds, the Legislature included a \$22 million reduction to initiative appropriations in Laws 2016 (2nd Special Session), Chapter 6 (Senate Bill 9) and gave the department broad authority to determine how to implement the cuts to programs other than early childhood education initiatives; however, the governor vetoed this reduction.

Despite October 2016 special session reductions, the December 2016 consensus revenue estimate projected recurring FY17 revenue would be down by another \$131 million, leaving a \$69.1 million deficit to address during the 2017 legislative session.

**Reductions to FY17 Related
Recurring Initiatives**
(in thousands)

Initiative	Reduction
\$2 Million Reduction to All Appropriations	
K-3 Plus	(\$1,066)
Early Reading Initiative	(\$934)
TOTAL	(\$2,000)
\$6 Million Reduction to Non-Early Childhood Education Appropriations	
Interventions & Supports	(\$2,306)
Pay for Performance	(\$826)
STEM Initiative	(\$604)
Teacher and School Leader Preparation	(\$492)
Parent Portal	(\$431)
Teachers Pursuing Excellence	(\$426)
Elementary Breakfast	(\$384)
College Prep & Dropout Prevention	(\$185)
Hard-to-Staff Stipends	(\$134)
NM-Grown Fruits & Veg	(\$132)
Advanced Placement	(\$51)
After School & Summer Enrichment	(\$25)
NM Cyber Academy	(\$3)
GRADS Program	(\$1)
Evaluation System	(\$1)
TOTAL	(\$6,000)

Source: PED and LESC

Numbers do not sum exactly due to rounding.

Related Recurring Initiative Reduction. In the first weeks of the 2017 regular session, Chapter 2 (Senate Bill 113) was enacted to reduce initiative appropriations by \$8 million in total. Of the \$8 million reduction, \$6 million could come from any appropriation other than the K-3 Plus extended school year program, the early reading initiative, or prekindergarten, while the remaining \$2 million reduction had no limitations. Within those parameters, PED had broad authority to determine which initiative appropriations to reduce. PED allocated the limited \$6 million reduction across 15 appropriations and allocated the entire \$2 million reduction to two early literacy appropriations (K-3 Plus and the early reading initiative).

School District and Charter School Cash Balance Credit. During the October 2016 special session, the Legislature considered taking credit for a portion of the estimated \$250 million in cash balances held by school districts and charter schools. Initially, the Legislature considered taking credit for cash balances through a model that took a percentage of all school districts' and charter schools' cash balances and took an additional credit from school districts and charter schools that had larger accumulated balances in relation to their program cost. At the time, the superintendent's association stated a majority of school districts did not support this methodology and preferred a methodology that took credit for cash balances proportionately across school districts and charter schools independent of actual cash balances.

Although the Legislature decided against taking credit for school district cash balances during the October special session, when faced with further declining FY17 revenue estimates, the Legislature revisited the cash balance credit in the first weeks of the 2017 legislative session. The executive proposed sweeping approximately \$120 million of school district and charter school cash balances, with credits targeted to school districts and charter schools with cash reserves over 5 percent of program cost. Reflecting conversations from the 2016 special session, Chapter 3 (Senate Bill 114) was enacted to take credit for school district cash balances proportionately. However, the bill provided that no school district's or charter school's credit could leave the FY16 audited cash balance below 3 percent of FY16 program cost and that no credit would be taken from school districts receiving emergency supplemental funding in FY17. Legislative staff estimated credits would total \$46.1 million, but total credits of \$40.9 million were ultimately calculated by PED.

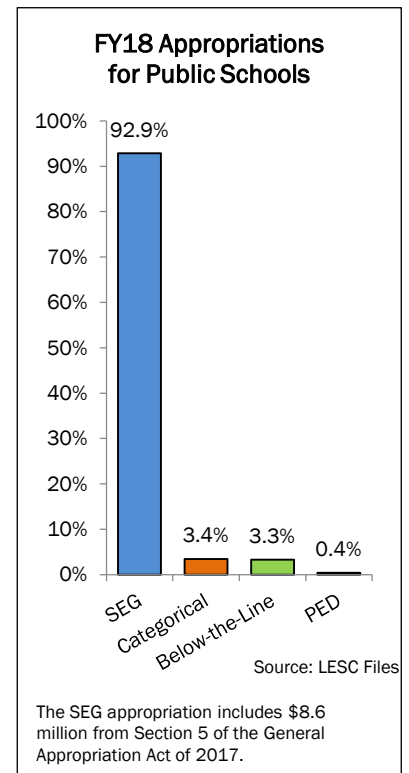
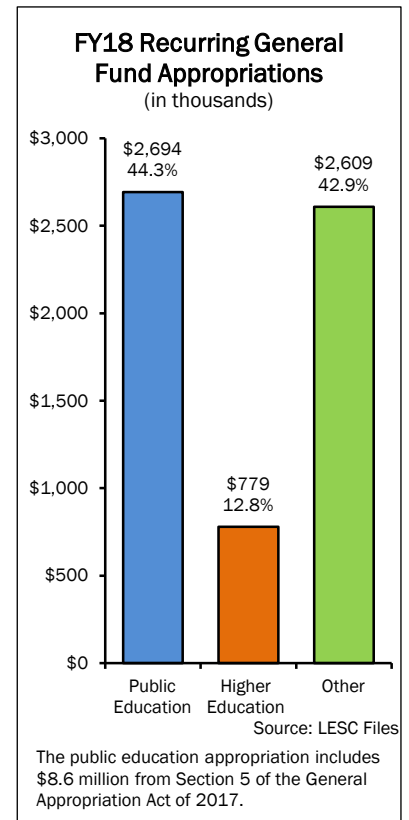
Fiscal Year 2017 Reversions. Laws 2016 (2nd Special Session), Chapter 6 (Senate Bill 9) required PED to set the FY17 final unit value 1.5 percent lower than the preliminary unit value to account for the \$37.8 million reduction to the SEG appropriation during the 2016 special session. The unit value is determined by

dividing the number of program units generated by school districts and charter schools through the funding formula by total statewide program cost, the amount made available to school districts and charter schools for operational expenses, which includes the SEG appropriation and 75 percent of certain federal and local revenues. Historically, when setting the preliminary unit value, PED withholds a portion of the SEG appropriation to account for enrollment growth program units, new formula-based program units, and fluctuations in federal revenues received by school districts. PED generally withholds more than necessary to ensure the final unit value is not reduced. By requiring PED to set the unit value 1.5 percent lower than the preliminary unit value, the Legislature forced funds that would have been used to increase the final unit value to revert. This reduction is estimated to result in a reversion of almost \$40 million at the end of FY17.

FY18 Public Education Appropriations

For FY18, most state agencies saw further reductions from adjusted FY17 appropriations, with cuts ranging from 6.7 percent for general government agencies to less than 0.1 percent for health, hospitals, and human services. Despite the tight fiscal environment projected for FY18, the Legislature prioritized funding for public schools. Recurring general fund appropriations totaled \$2.694 billion, an increase of \$11.1 million or 0.4 percent from adjusted FY17 appropriations (see Appendix 2, “Public School Support and Related Appropriations for FY18”). For FY18, appropriations for public education accounted for 44.3 percent of all recurring general fund appropriations.

Program Cost and State Equalization Guarantee Distribution. In developing the FY18 budget, the Legislature assumed a program cost – the amount school districts and charter schools need to operate in FY18 – of \$2.568 billion. This amount represents \$57 million more than the total program cost actually distributed to school districts and charter schools in FY17 – a \$17.4 million increase from assumed FY17 program cost plus the forced reversion from FY17, which is included in the FY18 base.



The appropriation for the SEG distribution did not include additional funds for insurance increases.

- Albuquerque Public Schools avoided premium increases through plan design changes.
- The New Mexico Public School Insurance Authority coupled plan design changes with premium increases of between 1.8 percent to 4 percent. The estimated cost of increased premiums is \$5.2 million, significantly lower than the initial request of \$19 million.

The SEG appropriation assumes \$60.8 million in credits for local and federal revenue, down from \$64 million in FY17, and \$5 million in driver’s license fees received by PED for distribution to school districts, flat with FY17. Assumed credits for

federal Impact Aid, federal revenue received by school districts and charter schools to cover increased costs due to federal activities, decreased due to uncertainty surrounding federal Impact Aid payments.

In previous years, school districts have been receiving undistributed, prior-year Impact Aid payments, which have increased the amount of credits taken. PED indicates the federal government has largely caught up on prior-year payments and school districts may only receive current year payments in FY18. This reduction was partially offset by Chapter 78 (Senate Bill 135), LESC-endorsed legislation that requires PED to take credit for 75 percent of federal Impact Aid payments made to state-chartered charter schools in the same manner that PED takes credit for Impact Aid payments made to school districts. Additionally, federal appropriations for forest reserve funds are uncertain and could be greatly reduced from previous years.

After accounting for assumed credits, the Legislature appropriated \$2.502 billion in general fund revenue, including \$8.6 million in nonrecurring revenue, to the state equalization guarantee distribution, an increase of \$20.6 million, or 0.8 percent, from adjusted FY17 appropriations.

Special Education Maintenance of Effort. As a condition of receiving federal Individuals with Disabilities Education Act (IDEA-B) funds, states may not reduce the level of support made available for special education below the amount made

available in the previous year unless the state can demonstrate a precipitous decline in financial resources or that all children with disabilities have been provided a free and appropriate public education. Allegations the state fell short of meeting maintenance of effort (MOE) from FY11 through FY14 remain unresolved and, while the state met the requirement in FY15, it may have missed the mark in FY16.

Special Education MOE Targets
(in thousands)

	Total Spending	Alleged Shortfall
FY09	\$435,197.3	\$0.0
FY10 ¹	\$388,891.4	(\$46,305.9)
FY11	\$400,001.2	(\$35,196.1)
FY12	\$405,826.4	(\$29,370.9)
FY13	\$426,819.6	(\$8,377.7)
FY14	\$422,524.5	(\$12,672.8)
FY15	\$445,213.3	\$0.0

Source: LFC and PED

¹New Mexico was granted a waiver.

The Supplemental General Appropriation Act of 2017 included language that allows PED to increase the preliminary FY18 unit value by up to \$16 per unit. Allowing PED to increase the unit value earlier in the school year will provide school districts and charter schools an opportunity to budget and spend these funds in FY18. Large unit value increases received by school districts and charter schools after the final unit value is set in January often end the year as cash balances.

PED has informed superintendents it will not increase the preliminary unit value before it receives 40 day enrollment data in October 2017.

Reductions to the final unit value in FY17 will likely lead to an MOE shortfall for FY17. To meet MOE requirements in FY17 and future years, the state must make available at least the amount made available in FY15 or FY16, whichever is higher. For FY17, the Legislature also included language in Laws 2016 (2nd Special Session), Chapter 6, (Senate Bill 9) that allowed PED to reduce and redistribute FY17 SEG distributions to meet MOE requirements. In the past, the U.S. Department of Education counted 100 percent of separate appropriations for special education distributed in the same manner and proportion as the SEG toward the state's MOE requirements. Although the initial FY18 unit value was set higher than the final FY15 unit value, potential reductions in the number of program units generated by special education programs, particularly reductions in the number of units generated by special education ancillary service providers, could lead to an MOE shortfall in FY18. The General Appropriation Act of 2017 contains similar language as Senate Bill 9 but requires PED to reduce and redistribute FY18 SEG distributions to meet MOE requirements.

FY18 Preliminary Unit Value. PED set the initial FY18 unit value at \$4,053.55, an increase of 1.9 percent from the FY17 final unit value but only a 0.3 percent increase from the FY17 preliminary unit value (see

Appendix 5, “Unit Value History”). This increase reflects increased program cost assumed by the Legislature and the distribution of SEG dollars that were held back in FY17 to maintain solvency. When setting the initial unit value, PED projected an increase of roughly 1,400 program units from final FY17 units. According to second reporting date data received from PED, school districts and charter schools are generating fewer program units than in FY17, particularly in the area of special education ancillary services, bilingual program units, and units generated by the training and experience index (T&E index). Data from the second reporting date, December 1, 2016, is averaged with data from the third reporting date, February 8, 2017, to generate most FY17 program units. Although the second reporting date data does not account for any changes to some funding formula components including size adjustment, at-risk units, or enrollment growth, these factors would need to significantly increase from final FY17 totals to meet PED projections and, on average, the at-risk index has decreased and could generate fewer units in FY18.

For FY18, new charter schools and charter schools phasing in new grades should generate fewer program units. Two charter schools, the Uplift Academy and Sage Montessori, are closing in FY17 and only one charter school is scheduled to open, likely resulting in a net reduction of units. Additionally, language historically included in the general appropriation act allowing funding for “new formula-based programs” – programs without prior-year enrollment – was eliminated after repeated attempts to close a loophole that resulted in the double funding of certain students. Although most formula funding is generated based on prior-year enrollment, language historically included in the general appropriation act has made exceptions for formula-funded programs without prior year data. Since at least 2009, PED has considered a new grade level being “phased-in” by a charter school to qualify, and charter schools have been allowed to generate basic program units for these new grades based on current year membership. In addition, charter schools are generating enrollment growth program units for these same students, creating inequity between school districts and charter schools. Because all school districts enroll students at all grade levels, school districts opening a new school to account for increased enrollment are only eligible to receive enrollment growth program units. For FY18, charter schools phasing-in new grade levels will not receive basic program units for newly phased in grades, resulting in fewer program units in FY18.

Proposed Funding Formula Changes. The Legislature considered several bills to adjust the public school funding formula during the 2017 session. Senate Bill 30, legislation jointly endorsed by LESC and the Legislative Finance Committee and passed by the Legislature, would have updated the funding formula to enact changes proposed by a 2011 joint study of the funding formula, including aligning the current T&E index with the three-tiered licensure system and increasing the weight of the factor for “at-risk” students. Opposition to the original bill centered around charter school funding. The original bill would have made charter schools

The Legislature has made several attempts to close the double-funding loophole for phased-in grades:

- The General Appropriation Act of 2015 prohibited membership in new formula-based programs from being included in enrollment growth calculations, but PED did not implement the language as drafted.
- The General Appropriation Act of 2016 authorized funding for new formula-based programs only if legislation was enacted to close the double-funding loophole, but the governor line-item vetoed the contingency.
- During the 2017 legislative session, the Legislature passed Senate Bill 30 and Senate Bill 39, both of which would have closed the double-funding loophole, but both bills were vetoed by the governor.

The Legislature may need to consider changes to select formula-based programs to ensure school districts and charter schools may receive first-year funding.

eligible for size adjustment program units — additional program units for schools with low enrollment — but at a lower rate than school district schools, reflecting the fact that charter schools are schools of choice that are largely in densely populated areas, rather than the rural areas of the state unable to take advantage of economies of scale but are still required to educate all school-age children. Statute currently prohibits charter schools from generating size adjustment program units; however, the current and previous administrations have allowed charter schools to generate these units, inconsistent with current statute. Although the bill was amended to remove changes to these units, the governor vetoed the bill because of a change intended to eliminate double-funding for certain charter school students.

Other funding formula changes considered by the Legislature included legislation to allow licensed school employees other than teachers to receive a salary differential for national board certification (Senate Bill 200). Although this bill passed the Legislature, it was vetoed by the governor. As part of the Legislature’s focus on early childhood education, the Legislature considered two bills, House Bill 354 and Senate Bill 323, that would have allowed formula funding for students under the age of 5 who enroll early in kindergarten programs, but neither bill passed the Legislature.

Categorical Appropriations

For FY18, the Legislature appropriated a total of \$117.5 million in general fund and public school capital outlay fund revenue, up \$5.9 million from adjusted FY17 appropriations to six categorical appropriations. Categorical appropriations are made by the Legislature for a specific purpose. Appropriations for out-of-state tuition, dual credit instructional materials, the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments, and Indian education fund remained flat with FY17 appropriations.

Transportation Appropriations and Spending (in millions)

Year	Appropriation	Spending	Diff.
FY13	\$96.7	\$101.7	(\$5.0)
FY14	\$100.3	\$104.3	(\$4.0)
FY15	\$101.7	\$108.2	(\$6.5)
FY16	\$97.8	\$104.3	(\$6.6)
FY17	\$85.3		
FY18	\$96.8		

Source: LESC

Transportation. For FY18, the appropriations for school districts and state-chartered charter school transportation total \$96.8 million, an increase of \$11.6 million, or 14 percent, from adjusted FY17 appropriations, but still slightly below the FY16 appropriation. The FY18 appropriations for school transportation include \$14.5 million in public school capital outlay fund revenue authorized by Subsection N of Section 22-24-4 NMSA 1978. In recent years, some school districts and state-chartered charter schools have needed to supplement the amount of funding provided by the state for to-and-from transportation with operational funds. In FY16, school districts and state-chartered charter schools spent \$6.6 million more than appropriations to the transportation distribution; the use of operational funds will likely increase in FY17 because of the \$12.5 million reduction to transportation funding.

In recent years, state-chartered charter schools have reverted a significant amount of transportation funding while school districts have needed to supplement their transportation funds. To right-size appropriations to school districts and state-chartered charter schools, the Legislature attempted to reduce the amount of transportation funding reverted by state-chartered charter schools by appropriating

separate distributions for school districts and state-chartered charter schools. For both FY17 and FY18, the Legislature appropriated separate transportation distributions for school districts and state-chartered charter schools; however, the governor vetoed language establishing separate appropriations, effectively combining the two transportation distributions. The General Appropriation Act of 2017 still includes language to require state-chartered charter schools to revert all unspent transportation funds to the transportation emergency fund.

The Legislature considered other proposals to provide school districts flexibility and allow school districts to lower expenses. Chapter 94 (Senate Bill 381) allows school districts to transport one to six students located more than 5 miles from the school in a school-owned sports utility vehicle rather than on a school bus. LESC-endorsed legislation to increase the school bus replacement cycle from 12 to 15 years (House Bill 47) and to allow Albuquerque Public Schools and Los Alamos Public Schools to pilot a program providing high school students with public transit passes (House Bill 178) did not pass the Legislature.

Instructional Material Fund. The FY18 appropriation to the instructional material fund totals \$10.5 million from the public school capital outlay fund, down \$5.2 million, or 33 percent from adjusted FY17 appropriations. The instructional materials adoption cycle for FY18 includes social studies, reference, and New Mexico Native American art and culture, which may be a less costly adoption cycle than others, such as math or English language arts.

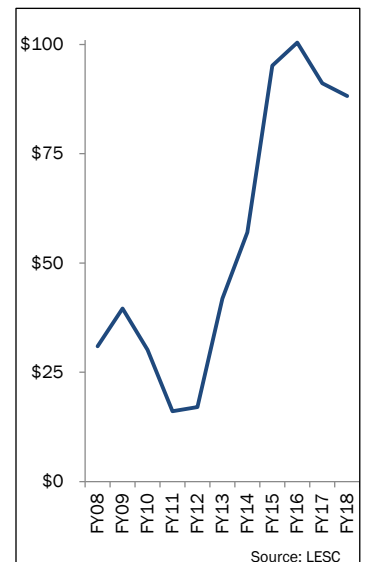
Instructional Materials Adoption Cycle

Year	Subjects
FY18	Social Studies, Reference, Native American Art and Culture
FY19	Health, Physical Education
FY20	Science, Arts
FY21	Math, Career Technical Education, Driver Education
FY22	9-12 Reading, Modern, Classical and Native Languages
FY23	K-8 Reading, Modern, Classical and Native Languages

Source: PED and LESC

Emergency Supplemental Funding. With reductions to FY17 SEG distributions and the credit for school district and charter school cash balances, PED anticipated increased demand for emergency supplemental funding in FY18. For FY18, the Legislature appropriated \$1 million in recurring and \$3 million in nonrecurring general fund revenue for emergency supplemental distributions, up \$500 thousand from FY17, although up to \$1 million of that may be allocated to school districts and charter schools in FY17. Language included in the General Appropriation Act of 2017 allowing PED to use funding from certain related recurring initiatives for additional emergency supplemental distributions was vetoed by the governor.

Initiative Appropriations FY08 to FY18
(in millions)



Source: LESC

Related Recurring Initiatives

For FY18, the Legislature appropriated \$88.2 million in recurring general fund revenue for related recurring initiatives, down \$2.9 million from adjusted FY17 appropriations. In addition, the Legislature reauthorized unspent FY17 appropriations to initiatives that were discontinued in FY18 – merit pay, teaching support for low-income students, the New Mexico Cyber Academy, and parent portal – and one initiative – stipends for teachers in hard-to-staff areas – continued with a reduced appropriation.

Early Childhood Initiatives. Much of the growth starts in FY12 in initiative program funding that is attributed to the increased need for early childhood

education programs. A majority of initiative funding is allocated to prekindergarten and K-3 Plus. While overall funding for initiatives has fallen, the Legislature continues to prioritize funding for these programs, in part because these programs have been shown by independent studies to produce results for students.

PED staff has indicated they would utilize \$509 thousand from the early reading initiative appropriation and \$431 thousand from the interventions and supports appropriation for summer 2017 K-3 Plus awards.

Senate Bill 206 was passed by the Legislature and would have made changes to the Early Learning Advisory Council (ELAC), including extending ELAC's sunset date to July 1, 2023; however, the governor vetoed the bill. ELAC will sunset July 1, 2017, but will continue until July 1, 2018 through provisions of the Sunset Act.

House Joint Resolution 1 (HJR1) passed the House 37-32 and would have increased permanent fund distributions by \$153.4 million in FY20, \$158.3 million in FY21, and \$163.1 million in FY22. Another proposal would have created a new top personal income tax bracket and limited the deduction for capital gains to fund early learning. This proposal would have generated \$20 million in FY18, \$78 million in FY19, and \$101.2 million in FY20.

For FY18, the Legislature appropriated \$23.7 million to K-3 Plus, up \$1.1 million, or 4.7 percent, from adjusted FY17 appropriations, but flat with FY16 appropriations. However, for summer 2017 programs, PED adjusted K-3 Plus allocations because of increased demand and cuts to FY17 funding. PED reduced total awards 28 percent to \$18 million, and reduced the number of funded students by 25 percent.

To continue supporting the demand for K-3 Plus, Chapter 19 (Senate Bill 32) will allow students in grade-specific schools that feed into K-3-Plus-eligible schools participating in the program to apply for K-3 Plus. The bill requires PED to prioritize K-3 Plus funding to school districts and charter schools that maintain the same teacher and student cohort from the summer program into the school year.

For state-funded prekindergarten, the Legislature appropriated \$21 million in general fund revenue and \$3.5 million in federal Temporary Assistance for Needy Families revenue, flat with FY17.

Because these programs have demonstrated they close the achievement gap, multiple bills were introduced that would have created new funding mechanisms for early learning programs. Proposed legislation to create new distributions from the land grant permanent fund (LGPF) and the severance tax permanent fund (STPF) would have generated between \$38.4 million and \$201.5 million annually. Concerns that an increase from the LGPF would diminish the corpus of the LGPF, as well as skepticism that Congress would approve the proposed uses, resulted in failure to pass the bills. The bill to create a STPF distribution for early learning did not receive a hearing, though it provided a second approach to funding early childhood programs with distribution from a permanent fund; while amending the state constitution needs voter approval, it does not require congressional approval.

The appropriation for the department's early reading initiative was reduced by \$2.5 million. In previous years, PED allocated early reading initiative funding to all school districts and charter schools that submitted a valid reading plan, based on student membership. Because of concerns the appropriation was not improving student outcomes, PED made the program a competitive grant program in FY17. Only school districts and charter schools that demonstrated high reading growth for students in kindergarten through third grade or submitted a strong application were awarded funding. PED is maintaining this allocation methodology for FY18.

Teacher Quality Initiatives. Due to tight funding for FY18, the Legislature did not continue the department's merit pay initiative and maintained some initiatives at reduced funding levels. In general, FY18 appropriations to other areas of

government did not include money for additional compensation, but the Legislature appropriated \$1 million for stipends for teachers in hard-to-staff areas, and expanded the department’s interventions and supports initiative to allow for additional supports to teachers. The Legislature appropriated \$15 million for interventions and supports, up \$6.8 million from adjusted FY17 appropriations. PED has broad discretion over how to allocate funding to provide supports for teachers. The Legislature also continued the teacher and school leader preparation initiative with \$2.1 million in funding, down \$1.6 million from adjusted FY17 appropriations. As PED has noted, higher education institutions are expected to fund these programs over time. Additionally, both the teacher and school leader preparation initiative and Teachers Pursuing Excellence have had significant unspent balances in prior years and were reduced to account for these unspent balances.

School and Student Intervention Initiatives. For FY18, the Legislature maintained funding for initiatives for the elementary school breakfast program (\$1.6 million, up \$39 thousand from FY17); afterschool and summer enrichment programs (\$325 thousand, flat with FY17); a program to provide Advanced Placement course fee and test fee waivers (\$825 thousand, up \$1,000 from FY17); and the department’s science, technology, engineering, and math initiative (\$1.9 million, up \$104 thousand from FY17). In addition, the department’s interventions and support program funds, among other things, the Principals Pursuing Excellence program, which PED maintains has increased PARCC test scores, and a truancy and dropout prevention program, to which PED attributes a sizeable decrease in habitual truants at participating schools.

The Legislature did not appropriate new money for a program to provide New Mexico-grown fruits and vegetables in school meals, the New Mexico cyber academy, a grant for Teach for America, and the parent portal initiative. Unspent FY17 appropriations for these initiatives have been reauthorized for use in FY18.

The department will also use federal Title I funds for targeted supports for struggling schools. Provisions of the federal Every Student Succeeds Act (ESSA) require the department to withhold 7 percent of Title I awards for formula or competitive grants for school improvement. The department has indicated in its ESSA plan that it will award these funds on a competitive basis and that these funds may be in addition to or in support of initiatives such as the University of Virginia turnaround program for struggling schools, New Mexico Graduates Now, or Principals Pursuing Excellence. In addition, the department will withhold an additional 3 percent of Title I awards to provide direct student services. Under ESSA, the department has the option to withhold these funds, although it is not required. The department’s ESSA plan indicates PED will use these funds to provide AP course access through the New Mexico cyber academy, early childhood educational services, extended learning for students in need, and on transportation programs for schools of choice.

**Initiative Appropriations
Used by PED for Staff
Salaries and Benefits**
(in thousands)

Initiative	FY17 OpBud	FY18 OpBud
Interventions and Supports	\$203.4	\$445
K-3 Plus	\$220	\$220
New Mexico Cyber Academy*	\$200	\$0
Evaluation System	\$0	\$150
Parent Portal*	\$88	\$0
Prekindergarten	\$240	\$300
Teachers Pursuing Excellence	\$79	\$140
Total	\$1,030	\$1,255

Source: LESC

*Did not receive an FY18 appropriation.

PED Operating Budget

For FY18, appropriations for PED’s operating budget remained flat with FY17 adjusted appropriations, at \$43.3 million. This includes \$11.1 of general fund revenue, \$4.1 million in other state funds, \$36 thousand in Medicaid funding for the department’s behavioral health program, and \$28.1 million in federal funds. The department’s flat operating budget does not account for

increased use of initiative funding for staff salaries and benefits or a likely increase in the 2 percent of state-chartered charter school SEG distributions withheld by PED to support state-chartered charter schools.

In FY17, PED budgeted \$1 million in funds from initiatives to support PED staff. For FY18, PED has budgeted \$1.3 million from initiative appropriations for personal services and employee benefits, despite reduced initiative appropriations. Although administrative expenses for prekindergarten and K-3 Plus are allowed by statute, initiative appropriations are intended to fund direct student services, though there are very few restrictions on the use of many initiative appropriations.

**Administrative Support
Funds Withheld from
State-Chartered Charter
Schools**

(in thousands)

Year	Amount
FY11	\$1,037
FY12	\$1,286
FY13	\$1,681
FY14	\$1,936
FY15	\$2,210
FY16	\$2,591
FY17	\$2,627

Source: LESC

The Legislature appropriated \$4.1 million in other state funds for PED operations, flat with FY17. The department budgeted \$1.5 million from the educator licensure fund to support the Professional Licensure Bureau and \$2.6 million in funds withheld from state-chartered charter schools' SEG distributions to provide support to those schools. PED generally uses the 2 percent of state-chartered charter schools SEG payments to support the Public Education Commission and Charter Schools Division in addition to other divisions throughout the department. For FY17, PED received \$67 thousand more than budgeted and a likely increase in SEG distributions to state-chartered charter schools will increase the amount withheld by PED, although this additional revenue is not yet reflected in the department's budget.

In addition to state funds, PED receives a significant portion of its operating budget from federal funds. The General Appropriation Act of 2017 authorized \$28.1 million in federal funds for PED operations, flat with FY17 appropriations; however, this amount may not reflect actual revenue from federal funds. Uncertainty surrounding federal funds made available to New Mexico makes it difficult to predict federal funding for FY18.

Nonrecurring Appropriations

In addition to the emergency supplemental appropriation, the Legislature appropriated \$1.3 million in nonrecurring general fund revenue for use in FY17 and FY18 by PED to continue defending the state in two sufficiency lawsuits, which allege the state does not provide sufficient operational funding for public schools in New Mexico. Additionally, the Legislature authorized PED to use up to \$750 thousand of some FY17 initiative appropriations on lawsuit fees in FY17 and FY18. The trial for these lawsuits is scheduled to begin in June.

Two pieces of legislation that would have raised additional revenue for school districts through a property tax failed to pass the Legislature, along with a proposed constitutional amendment to limit the ability of a state agency to impose an unfunded mandate of a local government by administrative rule.

The lawsuits cite a 2008 American Institute for Research study that called for an additional \$334.7 million in public school funding. Additionally, the suits argue the current public school funding formula does not equitably distribute public school funding, and the expansion of initiative appropriations violates the constitutional requirement of a uniform system. Plaintiffs also argue the state should direct additional resources to at-risk students.

The Legislature considered several proposals that would address some of the concerns raised by the plaintiffs, though none were enacted. Senate Bill 30, which would have, among other things, increased the funding generated by at-risk students and aligned the T&E index to the three-tiered licensure system, was passed by the Legislature but vetoed by the governor. Plaintiffs argue the current T&E index disadvantages high-poverty schools and because these schools tend to have teaching staffs with less experience and fewer advanced degrees. Because the T&E index is applied as a multiplier to a large percentage of program units, a high T&E index can add significantly to a school district or charter school's total funding. Senate Bill 30 would have reduced the impact of the T&E index, potentially addressing the concerns of the plaintiffs.

Public School Capital Outlay

While the Legislature during the 2017 regular session did not consider any new public school projects funded with severance tax bond (STB) proceeds, public school capital outlay is primarily funded through the earmarked proceeds of supplemental severance tax bonds (SSTB), which are allocated by the Public School Capital Outlay Council and do not need legislative approval. Nevertheless, state lawmakers approved and the governor signed legislation to repurpose or reauthorize certain existing capital outlay appropriations for schools. Of note, legislators typically do not consider general obligation bonds during odd-year sessions because the bonds, also used for public schools and repaid with property taxes, must be approved by voters during a statewide general election.

Discussions about the use of the \$61.7 million in severance tax bond capacity available in FY18, primarily used for state agency and other statewide projects, centered on whether the funds should be used for projects or to shore up general fund reserves. While the executive proposed using the proceeds to shore up reserves, the Legislature ultimately passed Senate Bill 462 (SB462) that included a number of statewide projects – although no new projects for public schools – and used some capacity to replace the school district and charter school cash balance swept into the general fund under, Chapter 3 (Senate Bill 114) as part of the effort to balance the FY17 budget. The governor ultimately vetoed SB462.

The only action related to public school capital outlay funding enacted was the reauthorization of approximately \$7.3 million in previous STB appropriations, either repurposed or for which the time period for expending the appropriations was extended (see Appendix 6, “Public School Capital Outlay Reauthorizations”). The public school capital outlay reauthorizations contained in Chapter 133 (Senate Bill 362) primarily addressed construction and improvements to performing arts centers, multipurpose facilities, early learning centers, playgrounds, and school grounds, as well as the purchase of vehicles and installation of information technology equipment and infrastructure. The oldest projects were from 2013 and the newest were from 2016. Of the roughly \$7.3 million in reauthorizations, \$893.5 thousand went to school districts,

In an attempt to address the ongoing claims of the litigant school districts in the Zuni lawsuit, SB462 included \$4 million from the public school capital outlay fund for capital asset deficiencies and infrastructure improvements for the Zuni Public School District, Gallup-McKinley County Schools, and Grants-Cibola County Schools contingent on approval from the Public School Capital Outlay Council. However, the governor vetoed the bill.

Chapter 1 of the special session (Senate Bill 1) will shore up general fund reserves. The bill uses supplemental STB and SSTB capacity to increase general fund reserves by an estimated \$81.4 million. The amount of capital outlay funding available for the Public School Capital Outlay Council to support public schools in FY18 is not impacted by the bill; however, the funding source will be changed from SSTBs to STBs.

\$227.5 thousand went to charter schools, \$5.5 million went to New Mexico School for the Blind and Visually Impaired, and \$708 thousand went to Santa Fe Indian School.

Additionally, several substantive public-school-related capital outlay bills introduced during the 2017 legislative session broadly attempted to reduce the cost of public school construction projects, expand access to broadband and education technology, ensure more equitable distribution of public school capital outlay fund revenue, and address ongoing oversight issues.

Of the 17 public-school-related capital outlay bills LESC analyzed that impacted public school construction and capital outlay, four were sent to the governor for her approval and two were signed. Chapter 73 (Senate Bill 63), endorsed by LESC, expands the definition of education technology that can be purchased using property tax revenue generated under the Public School Capital Improvements Act (commonly referred to as Senate Bill 9 revenue) and Public School Buildings Act (commonly referred to as House Bill 33 revenue). This will provide another funding source for the purchase of education technology, particularly software licenses, some of which is currently funded with operational dollars. Chapter 7 (House Bill 113) requires the Department of Information Technology to coordinate and develop a statewide broadband network in conjunction with state agencies, educational institutions, and Indian nations, tribes, and pueblos.

The governor vetoed Senate Bill 64, which would have removed the FY19 sunset date for the education technology deficiency corrections initiative in the Public School Capital Outlay Act. However, Executive Message 18 from the governor did not provide her objection to the bill, as required by Article IV, Section 22, of the New Mexico Constitution, raising questions about the constitutionality of the governor's veto. The Legislative Council authorized staff to legally challenge the governor's veto.

The governor also vetoed Senate Bill 147 (SB147) that proposed to modify the current formula used to calculate the state and local funding match requirements for projects funded pursuant to the Public School Capital Outlay Act. The formula proposed in SB147 would have relied more heavily on a school district's ability to pay when calculating matching requirements and is the product of a study conducted by the Bureau of Business and Economic Research (BBER) at the University of New Mexico. BBER's assessment concluded, "While the formula is being correctly applied, there are reasonable concerns that the formula does not make the most effective use of state resources and does not provide predictability necessary for long-term planning."

The assessment identified two factors in the formula that could potentially be the source of the problems. First, property tax valuation may not be the best measure of a district's "ability to pay," as property valuations are subject to significant fluctuations when commodities such as oil and gas extraction comprise a large share of property valuation. Second, the formula does not account for differences in per-student facility construction and maintenance costs. The governor's veto message noted while "changes could lead to a cost savings for the state; they could also lead to deprivation of resources for those school districts still experiencing enough

growth to demand building projects.” She noted careful, unrushed consideration should be vetted by the Public School Capital Outlay Oversight Task Force.

2017 Public School-Related Legislation Highlights

Public education, representing the largest sector of the state budget at 44.3 percent, always generates a significant amount of legislation during a 60-day session, and the 2017 legislative session proved no exception. The Legislature introduced close to 200 pieces of legislation related to public education, nearly 13 percent of all measures introduced. Of these, 44 bills and 14 memorials were passed, and the governor vetoed 26 of these bills, enacting only 18 bills (see Appendix 7, “Legislation by Category,” and Appendix 8, “Legislation with Summaries”).

Successfully enacted bills addressed diverse issues, including limiting school use of restraint and seclusion as student disciplinary measures, requiring PED to take credit for federal impact aid at the same rate as is done for local school districts, guaranteeing the timely and smooth transfer of students living in foster care, and requiring the Department of Information Technology to develop a statewide broadband network in conjunction with other state agencies, educational institutions, and Indian tribes and pueblos.

Similarly, the governor vetoed bills across a range of topics. Vetoed measures included a number of changes to the Public School Code that would have expanded allowable instructional materials expenditures, directed PED to adopt academic standards and benchmarks for physical education, fine arts, and science, and permitted teachers to use 10 days of sick leave without the absences adversely affecting their teacher evaluation score. This last measure, HB241, was the subject of an attempt to override the governor’s veto. Two other bills that were vetoed, Senate Bill 64 and Senate Bill 134, were done so without the governor providing her objections to the bills, as required by Article IV, Section 22 of the New Mexico Constitution, raising questions about the constitutionality of the governor’s veto. Legislative Council authorized staff to legally challenge the governor’s veto.

Article IV, Section 22 of the New Mexico Constitution requires “every bill passed by the legislature shall, before it becomes a law, be presented to the governor for approval. If he approves, he shall sign it, and deposit it with the secretary of state; otherwise, he shall return it to the house in which it originated, with his objections, which shall be entered at large upon the journal . . .”

Governance and Administration. The Legislature considered a number of bills focusing on the governance and administration of both charter schools and traditional public schools. Recent reports from legislative staff and the National Association of Charter School Authorizers (NACSA) raised concerns about the academic, financial, and organizational performance of charter schools, and primed the Legislature to review their authorization and administration. Issues related to traditional public school districts were largely focused on the organization of school districts, with a number of bills related to school district elections.

In its report, NACSA noted a number of overriding concerns about the charter school authorizing practices of the Public Education Commission (PEC), such as an evaluation rubric that sets thresholds too low and includes ambiguous terms, inconsistent application of the rubric at all levels of the approval process, and a consistent level of tension between PEC and PED that hinders the authorization and oversight of good charter schools.

Despite the introduction of two joint resolutions, the Legislature declined to reopen the discussion of the structure of education administration in New Mexico. These joint resolutions, which would have returned oversight of primary and secondary education to an elected State Board of Education in lieu of the current cabinet-level

Public Education Department (PED) that was created in 2003, did not receive a committee hearing. Some legislators have been reluctant to consider such a fundamental change to the structure of public education in the state after only 13 years since the reforms of 2003, a length of time sufficient only to see one full cohort of students' move through the public education system.

A bill to prohibit authorization of new charter schools until January 1, 2020 was introduced (House Bill 46) that would have allowed the Legislature time to address funding issues associated with significant charter school growth in addition to charter school governance and oversight issues. However, the bill failed amid concerns that the moratorium would limit opportunities for students, particularly underserved students, and the possibility that the state would lose federal funds targeted to expand school choice.

One virtual charter school bill, House Bill 454, included procedures for automatic closure of virtual charter schools that fail to produce academic growth, excluded virtual charter schools from fine arts and elementary physical education program units, and limited them to 75 percent of total program units calculated in the Public School Finance Act. The other, Senate Bill 305, permitted only early childhood education, basic education, special education, and national board-certified teacher program units to be used in calculating virtual charter school program costs.

Other legislation particular to the administration of charter schools would have changed the Public Education Commission's (PEC) authority over charter school authorizations, or divided the 2 percent withholding from the state equalization guarantee for charter school support between PED and PEC. The Legislature has shown some concern over the working relationship between PEC and PED, particularly after the NACSA report highlighted a number of problems between the two bodies that might impact the authorization and success of state-chartered charter schools; none of these measures, however, were sent to the governor.

Legislators particularly concerned with the management of large school districts like Albuquerque Public Schools introduced bills that would require the reorganization of school districts serving more than 40 thousand students, either into smaller districts, or into sub-districts under a central administrative district; none were enacted.

Finally, the Legislature considered the matter of virtual charter schools in New Mexico, introducing two bills, House Bill 454 and Senate Bill 305, both of which defined "virtual charter schools," and limited formula funding for virtual charter schools; however neither bill passed, leaving state law silent on virtual charter schools.

According to "No Time to Lose," a comparative report from the National Conference of State Legislators on effective education systems of other countries, linguistic and cultural barriers like New Mexico's need not be an impediment to a good education when there are sufficient societal and educational supports for struggling students.

The 2017 legislative session also saw the introduction of bills that would consolidate all school elections, together with other municipal and local elections, under a single "Local Election Act," providing for parallel structure and requirements. While one of these bills, House Bill 174, passed both chambers, it ultimately was vetoed by the governor.

Special Education and Supports for At-Risk and Low Performing Students.

New Mexico's status as one of the most impoverished states in the nation, coupled with the confluence of many cultures, has a profound impact on the effectiveness of education of students with special needs, and other students considered at-risk or in danger of poor performance. The linguistic and cultural issues unique to New Mexico, such as the many languages other than English spoken in the state, often exacerbate the already difficult path to a good education encountered by these students. The Legislature continues to be concerned about providing all students equal access to educational opportunities, as evinced by the introduction of legislation focused on both removing barriers to opportunities and on improving the quality of educational programs for these students.

Several bills that would have provided professional development for school personnel to meet the needs of learning disabled students failed in committee, as did a bill providing for early, intensive interventions for chronically absent and habitually truant students, including potential revocation of driving privileges. Chapter 33 (House Bill 75), endorsed by LESC, restricts a school's use of restraint and seclusion to true emergency situations and establishes requirements for parents to be notified if their child is restrained or secluded. Further, HB75 limits the use of restraint to trained staff only, unless none are available, and requires restrained or secluded students to be visually monitored at all times.

LESC heard testimony last summer about the difficulties faced by students burdened by challenging living situations, such as homelessness, foster care, or being involved with juvenile justice. The Legislature debated several bills focused on these students which were enacted with near-unanimous support. Chapter 64 (House Bill 411) requires school districts to appoint a "person of contact" for students in foster care or juvenile justice, and requires the children's court to appoint an "educational decision-maker" for all cases involving allegedly abused or neglected children, bringing the state into compliance with the provisions of the federal Every Student Succeeds Act (ESSA) that require the removal of barriers to high-quality education for these students. Chapter 85 (Senate Bill 213) requires the timely transition for an enrolling high school student with his or her records, whose education is disrupted through homelessness, neglect or abuse, or delinquency, fulfilling requirements of the federal McKinney-Vento Homeless Assistance Act for the smooth transfer of these frequently mobile students and their records between schools.

Focusing on the needs of Native American students, House Bill 484, passed by the Legislature, would have required all public schools enrolling Native American students to determine what sort of services they need to assist the students in graduating and becoming college- and career-ready. The bill was vetoed by the governor, however, who suggested the bill created an unfunded mandate.

Finally, Chapter 117 (Senate Bill 374), which established the Hunger-Free Student Bill of Rights, received national attention for its focus on student need. The act requires schools to provide lunch to students regardless of the students' ability to pay, limit schools' abilities to collect debts from parents and students for unpaid school lunches, and ban public identification and stigmatization of students who cannot pay for meals.

Curricula, Programs, and Accountability. A number of bills were introduced that were related to content standards, course requirements, educational programs, extracurricular programs, and public school accountability. One enacted bill, Chapter 65 (House Bill 453), reduced school reporting requirements and administrative burdens.

Because students in foster care often face delays or mistakes in enrollment processes, ESSA allows immediate enrollment in a new school when such a transfer is necessary; enrolling schools must immediately contact students' former schools to obtain relevant records.

Recent amendments to the McKinney-Vento Homeless Assistance Act require local education agencies to determine what is in the best interests of the student, with a presumption that staying in the school of origin is best; consider student-centered factors related to the child's or youth's best interest, including the impact of mobility; and provide transportation to the school of origin until the end of the academic year.

Senate Bill 241, endorsed by LESC, would have required PED to adopt nationally recognized physical education and arts standards. New Mexico's physical education standards were last updated in 2009. Adopting modern standards would be relatively easy, given that the current New Mexico standards are similar to nationally recognized standards from SHAPE America, the Society of Health and Physical Educators. The Cultural Affairs Department noted New Mexico Arts, PED, and the New Mexico Advisory Council on Arts Education have been discussing nationally recognized arts standards. The Legislature passed the bill; however the governor vetoed it.

House Bill 211, also vetoed by the governor, would have required PED to adopt the next generation science standards developed by the National Research Council, the National Academy of Sciences, the National Science Teachers Association, the American Association for the Advancement of Science, and Achieve Inc, a group that promotes common academic standards. These standards would have provided New Mexico students with an internationally benchmarked science education, using concepts from consistently high-performing countries like Singapore, Finland, Korea, Canada, and Japan. Senate Bill 134, one of the bills vetoed without the governor's objection included in her message, would have allowed a student to take a computer science class to satisfy a math or science credit required for graduation purposes.

Two bills related to public school programs passed and were signed. Laws 2017, Chapter 66 (House Bill 477) requires community schools to implement four strategies to support students: early learning opportunities, community resource partnerships, health services, and case management. To support students, the law now requires the use of an evidence-based model of student services. Chapter 69 (Senate Bill 38), requires school districts and youth athletic leagues to provide brain injury training to student athletes. This bill also requires PED and the New Mexico Activities Association to update their rules to reflect the legislative changes.

Conversations about school accountability continue to focus on two major issues: increasing the time students spend learning and improving the metrics the state uses to evaluate schools. Legislators continue to voice concern that student testing and school data reporting are taking too much time away from student learning. House Bill 185 would have placed a limit on the amount of time students spend testing. While it passed the Legislature, the governor vetoed it, noting it harms students' test scores by rushing them through the PARCC test, which currently does not have a time limit. Chapter 65 (House Bill 453), reduces school reporting requirements to attempt to relieve some administrative burden. Schools will no longer be required to distribute an annual parent survey and Even Start family literacy program results. School employees will not be required to file an incident report if they know about an act of violence upon a school administrator or an act of vandalism. Additionally, school districts and charter schools will now be required to publish their annual report card on their website, as well as in a newspaper of general circulation in their school district.

Legislators also discussed whether the school grading system accurately captures the many ways schools impact students. Two bills that failed in committee would

have created work groups to study the current school grading system and make recommendations about a potential new system. Much of the debate around these bills centered on the role of student proficiency in school grades, and whether there should be greater focus on student growth, or on other metrics like teacher training and experience, school climate and culture, and social and emotional learning. The Senate passed Senate Memorial 145, which asks LESC to convene a school grades working group to tackle these questions. Additionally, the Legislature passed Senate Joint Memorial 1, which asks PED and LESC to convene a student assessment policy working group to study and continue the state's work developing an alternative assessment model.

Teachers and Other School Personnel. Effective schools emphasize the importance of maintaining a high-quality teaching force as well as sufficient staffing in the school, both of which can improve educational outcomes for students. During the 2017 legislative session, the Legislature considered bills related to teacher evaluations, teacher licensure, and teacher compensation.

Research consistently identifies teachers as the most important school-based factor affecting student achievement. Nine bills related to teacher evaluations were considered by the Legislature. Hearings on these bills brought considerable debate and thoughtful discussion from members on the purpose of evaluations, what metrics and percentages should be included, whether the assessments tied to evaluations are valid and reliable, and finding a balance for an evaluation system that is both objective and subjective.

House Bill 125, passed by the Legislature, would have required PED to establish a council to create a new teacher and principal evaluation system, but was vetoed by the governor, who suggested the bill duplicated the years of work PED has done on the current evaluation system. House Bill 241, endorsed by LESC, would have allowed a teacher to use their personal leave and up to 10 days of sick leave without affecting their annual evaluation. The bill passed the Legislature almost unanimously but was vetoed by the governor, who noted it would increase substitute teacher costs to school districts and decrease the quality of public education. The Senate overrode the governor's veto; however, an override failed in the House of Representatives. Despite the veto, PED announced changes to the current teacher evaluation system, including decreasing the weight of student achievement from 50 percent to 35 percent, increasing the weight of classroom observations from 25 percent to 40 percent, and increasing the number of sick days available without penalty from three days to six. The changes will be implemented starting with teacher evaluations for the 2016-2017 school year, which will be sent to teachers in September 2017.

Currently, approximately 23 thousand teachers actively teach in the state's classrooms. Across the country and in New Mexico, the number of candidates entering teacher preparation programs has been declining significantly over the past years. With fewer people entering the teaching profession, the number of teaching licenses has also declined.

To address the declining number of licensed teachers in the state, the Legislature introduced three bills to encourage people to enter the teaching profession. Two bills that would have created additional alternative licensure pathways for Junior Reserve Officer Training Corps instructors and secondary adjunct instructors died in committee. The Legislature passed a bill to codify the professional development dossier as the method for advancement within the three-tier licensure system.

However, the governor vetoed the bill, noting teacher licensure advancement should be measured by data on student performance and not evidenced by materials such as lesson plans and recordings.

Seven bills were introduced that raised the state minimum wage, and one bill established a minimum wage of \$15 an hour for non-certified school district personnel. Two of these minimum wage bills were passed by the Legislature. House Bill 442 would have increased the state minimum wage to \$9.25 an hour, which would have increased the hourly rate for an estimated 1,758 school employees. Senate Bill 386 would have increased the state minimum wage to \$8.25 an hour on October 1, 2017 and \$9 an hour on April 1, 2018, impacting an estimated 1,607 school employees. However, the governor vetoed both state minimum wage bills, noting they did not protect the rights of business owners.

Other Miscellaneous Public School-Related Legislation. Remaining public school-related legislation addressed topics such as student health, school safety, and the Educational Retirement Board (ERB). Student health was the focus of the “Student Diabetes Management Act,” contained in Senate Bill 148 and House Bill 287. The bills would have required school personnel to be trained in diabetes management and allowed for student self-care. State law currently permits students to carry and self-administer medications for asthma and anaphylaxis, but makes no such provision for insulin or other diabetes medications. While both bills passed both chambers with unanimous support, the governor vetoed them, citing concerns about funding and other challenges to successful implementation of the program.

School safety was the concern of several bills addressing bullying and hazing. Law aimed at reducing and preventing incidence of bullying was initially enacted during the 2011 legislative session; anti-bullying statutes have been amended in both 60-day sessions since then, adding requirements to address cyberbullying in 2013, and explicitly applying all requirements to charter schools in 2015. This year, however, the Legislature did not pass any of the measures introduced for consideration, which included changes to current anti-bullying laws, such as: requirements for PED, school districts, and charter schools to entirely rework their anti-bullying programs; tougher penalties for bullying and hazing; and criminalization of hazing activities.

Finally, two bills amending the Educational Retirement Act were enacted. Chapter 21 (Senate Bill 28) eliminated most references to “provisional members” of the Educational Retirement Fund, a classification that has become largely obsolete. Chapter 25 (House Bill 34) will require new retirees who have credit in both ERB and the Public Employees Retirement Association to receive pension payments from each fund separately.

APPENDIX 1
HISTORY OF RECURRING GENERAL FUND APPROPRIATIONS – FY08 THROUGH FY18
PUBLIC SCHOOLS AND HIGHER EDUCATION
(dollars in thousands)

Fiscal Year	Recurring General Fund Appropriations ¹	Public Schools	Increase/ (Decrease) from prior year	Percent to Public Schools	Higher Education	Increase/ (Decrease) from prior year	Percent to Higher Education	Percent to Public Schools and Higher Education
2008	\$5,674,925	\$2,484,678	\$191,211	43.8%	\$846,311	\$82,442	14.9%	58.7%
2009 (adjusted for solvency) ²	\$5,862,617	\$2,538,722	\$54,044	43.3%	\$862,835	\$16,524	14.7%	58.0%
2010 (adjusted for solvency) ³	\$5,269,835	\$2,276,079	(\$262,643)	43.2%	\$816,390	(\$46,445)	15.5%	58.7%
2011 (after 0.544% sanding and 3.244% reduction) ⁴	\$5,202,847	\$2,339,263	\$63,184	45.0%	\$762,282	(\$54,108)	14.7%	59.6%
2012	\$5,431,389	\$2,366,012	\$26,749	43.6%	\$716,565	(\$45,717)	13.2%	56.8%
2013	\$5,650,139	\$2,455,341	\$89,329	43.5%	\$757,717	\$41,151	13.4%	56.9%
2014	\$5,893,578	\$2,567,550	\$112,208	43.6%	\$796,028	\$38,312	13.5%	57.1%
2015 (after 0.275% sanding) ⁵	\$6,151,135	\$2,715,470	\$147,920	44.1%	\$838,607	\$42,579	13.6%	57.8%
2016 (adjusted for solvency)	\$6,235,334	\$2,752,095	\$36,626	44.1%	\$848,510	\$9,903	13.6%	57.7%
2017 (adjusted for solvency)	\$6,087,800	\$2,682,430	(\$69,666)	44.1%	\$786,867	(\$61,643)	12.9%	57.0%
2018 ⁶	\$6,092,197	\$2,693,525	\$11,095	44.2%	\$779,345	(\$7,522)	12.8%	57.0%

Source: LESC

¹ Total recurring general fund appropriations in the General Appropriation Act and the legislative feed bill.

² The FY09 appropriation to public schools does not include a one-time \$35.8 million appropriation to the state equalization guarantee (SEG) distribution from the "education lockbox."

³ The FY10 appropriation to public schools does not include a one-time \$210.2 million appropriation to the SEG from federal American Recovery and Reinvestment Act of 2009 (ARRA) revenue. The FY10 appropriations for higher education do not include \$13.4 million in federal ARRA revenue appropriated to postsecondary institutions.

⁴ The FY11 appropriation to public schools does not include a one-time \$23.9 million appropriation to the SEG from federal ARRA revenue; however, the FY11 appropriations do reflect the restoration of \$164.7 million in general fund revenue that was supplanted in the SEG with federal ARRA revenue in FY10. The FY11 appropriations for higher education do not include \$40.9 million in federal ARRA revenue appropriated to postsecondary institutions.

⁵ The FY15 appropriations to higher education do not include \$11.5 million in nonrecurring revenue from the student financial aid fund appropriated for the legislative lottery scholarship program.

⁶ The FY18 appropriation to public schools includes \$8.6 million in nonrecurring revenue appropriated to the state equalization guarantee in Section 5.

APPENDIX 2

PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS FOR FY18

(in thousands of dollars)

School Year 2016-2017 Final Unit Value = \$3,979.63
School Year 2017-2018 Initial Unit Value = \$4,053.55

	Adjusted FY17 OpBud	Laws 2017, Chapter 135
PROGRAM COST	\$2,569,331.1	\$2,550,192.4
<u>UNIT CHANGES</u>		
Enrollment Growth Units	\$2,756.2	
Other Projected Net Unit Changes	\$1,960.3	(\$3,183.7)
<u>UNIT VALUE CHANGES</u>		
Insurance	\$3,500.0	
Fixed Costs	\$5,000.0	
Increase Level Two and Level Three Minimum Salaries (\$2 thousand)	\$5,444.8	
Restore Some Special Session Cuts		\$12,000.0
Laws 2016 (2nd S.S.), Chapter 6 (SB9 Reductions)	(\$37,800.0)	
Section 5 Recurring Special Appropriation to the State Equalization Guarantee		\$8,550.0 ¹⁰
SUBTOTAL PROGRAM COST	\$2,550,192.4	\$2,567,558.7
Dollar Increase/Decrease From Prior Year Appropriation	(\$3,333.4)	\$17,366.3
Percentage Increase/Decrease	-0.1%	0.7%
LESS PROJECTED CREDITS (FY16 Actuals \$75.4 million)	(\$64,000.0)	(\$60,750.0) ²
LESS OTHER STATE FUNDS (From Driver's License Fees)	(\$5,000.0)	(\$5,000.0)
STATE EQUALIZATION GUARANTEE	\$2,481,192.4	\$2,501,808.7
Dollar Increase/Decrease From Prior Year Appropriation	(\$11,333.4)	\$20,616.3
Percentage Increase/Decrease	-0.5%	0.8%
CATEGORICAL PUBLIC SCHOOL SUPPORT		
TRANSPORTATION - School District (with language)		
Maintenance and Operations	\$76,726.1 ^{1,5}	\$61,778.4 ^{1,5}
Fuel	\$11,092.9	\$11,092.9
Rental Fees (Contractor-Owned Buses)	\$8,771.4	\$7,542.6
Subtotal School District Transportation	\$96,590.4	\$80,413.9
TRANSPORTATION - State-Chartered Charter School (with language)	\$965.1 ¹	\$1,611.3 ¹
Rental Fees (Contractor-Owned Buses)	\$210.0	\$315.7
Subtotal Charter School Transportation	\$1,175.1	\$1,927.0
Laws 2016 (2nd S.S.), Chapter 6 (SB9 Reductions)	(\$12,500.0) ³	
SUBTOTAL TRANSPORTATION	\$85,265.5	\$82,340.9
SUPPLEMENTAL DISTRIBUTIONS		
Out-of-State Tuition	\$300.0	\$300.0
Emergency Supplemental	\$1,500.0 ⁴	\$1,000.0
INSTRUCTIONAL MATERIAL FUND	\$3,150.0 ^{3,5}	\$3,150.0 ⁵
Dual Credit Instructional Materials	\$1,000.0	\$1,000.0
PARCC Standards-Based Assessments (English Language Arts and Math)	\$6,000.0	\$6,000.0
INDIAN EDUCATION FUND	\$1,824.6 ⁶	\$1,824.6 ⁶
TOTAL CATEGORICAL	\$99,040.1	\$92,465.5
TOTAL PUBLIC SCHOOL SUPPORT	\$2,580,232.5	\$2,594,274.2
Dollar Increase/Decrease From Prior Year Appropriation	(\$43,083.4)	\$14,041.7
Percentage Increase/Decrease	-1.6%	0.5%
RELATED REQUESTS: RECURRING		
Regional Education Cooperatives Operations	\$935.6 ⁹	\$935.0
K-3 Plus Fund	\$22,633.9	\$23,700.0
Public Prekindergarten Fund	\$21,000.0 ⁷	\$21,000.0 ⁷
Early Reading Initiative	\$14,066.1 ⁸	\$12,500.0
Breakfast for Elementary Students	\$1,540.6 ^{8,9}	\$1,600.0
After-School and Summer Enrichment Programs	\$325.3 ^{8,9}	\$325.0
Teacher and School Leader Programs and Supports for Training, Preparation, Recruitment, and Retention	\$5,174.2 ^{8,9}	\$5,174.2 ⁸
Teaching Support in Schools with a High Proportion of Low-Income Students	\$500.0 ⁹	\$500.0 ⁸
NMTeach Evaluation System	\$4,599.4 ^{8,9}	\$4,000.0

APPENDIX 2

PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS FOR FY18

(in thousands of dollars)

School Year 2016-2017 Final Unit Value = \$3,979.63 School Year 2017-2018 Initial Unit Value = \$4,053.55		Adjusted FY17 OpBud	Laws 2017, Chapter 135
52	Science, Technology, Engineering, and Math Initiative	\$1,795.8 ^{8,9}	\$1,900.0
53	Next Generation School Teacher and School Leader Preparation Programs	\$3,653.6 ^{8,9}	\$2,100.0
54	New Mexico Cyber Academy (IDEAL-NM)	\$247.1 ^{8,9}	⁸
55	College Preparation, Career Readiness, and Dropout Prevention	\$2,716.3 ^{8,9}	\$2,200.0
56	Advanced Placement	\$823.9 ^{8,9}	\$825.0
57	Interventions and Support for Students, Struggling Schools, Parents, and Teachers	\$8,193.7 ^{8,9}	\$15,000.0
58	Parent Portal	\$669.2 ^{8,9}	⁸
59	New Mexico Grown Fruits and Vegetables	\$118.4 ^{8,9}	⁸
60	GRADS – Teen Pregnancy Prevention	\$198.7 ^{8,9}	\$200.0
61	Teacher Mentorship - Teachers Pursuing Excellence	\$573.9 ^{8,9}	\$900.0
62	Stipends for Teachers in Hard to Staff Areas (Sp. Ed., Bilingual, STEM, etc.)	\$1,365.9 ^{8,9}	\$1,000.0 ⁸
63	TOTAL RELATED APPROPRIATIONS: RECURRING	\$91,131.7	\$88,185.0
64	Dollar Increase/Decrease From Prior Year Appropriation	(\$9,286.0)	(\$2,946.7)
65	Percentage Increase	-9.2%	-3.2%
66	SUBTOTAL PUBLIC EDUCATION FUNDING	\$2,671,364.2	\$2,682,459.2
67	Dollar Increase/Decrease From Prior Year Appropriation	(\$52,369.4)	\$11,095.0
68	Percentage Increase	-1.9%	0.4%
69	PUBLIC EDUCATION DEPARTMENT	\$11,065.3 ³	\$11,065.3
70	Dollar Increase/Decrease From Prior Year Appropriation	(\$814.4)	\$0.0
71	Percentage Increase	-6.9%	0.0%
72	GRAND TOTAL	\$2,682,429.5	\$2,693,524.5
73	Dollar Increase/Decrease From Prior Year Appropriation	(\$53,183.8)	\$11,095.0
74	Percentage Increase	-1.9%	0.4%
75	SECTION 5 - SPECIAL APPROPRIATION		
76	Emergency Supplemental Funding for School Districts in FY17 and FY18	\$2,000.0	\$1,000.0
77	Emergency Supplemental Funding for School Districts in FY18		\$2,000.0
78	Sufficiency Lawsuit Fees	\$1,200.0	\$1,250.0 ⁹
79	GRAND TOTAL - Sections 4 and 5	\$2,685,629.5	\$2,697,774.5

Source: LESC

¹The General Appropriation Acts of 2016 and 2017 included separate transportation distributions for school districts and state-chartered charter schools. The governor vetoed the separate distributions, effectively rendering a single transportation appropriation.

²The GAA of 2017 assumes \$750 thousand in federal Impact Aid credits for state-chartered charter schools pursuant to Laws 2017, Chapter 78 (Senate Bill 135).

³Laws 2016 (2nd Special Session), Chapter 6 (Senate Bill 9) reductions totaled \$30 million to categorical appropriations. PED reduced transportation by \$12.5 million and instructional materials by \$17.5 million. Additionally, PED's operating budget was reduced by \$644 thousand.

⁴Balances remaining from the \$2 million appropriated in Section 4 and the \$2 million appropriated in Section 5 of the GAA of 2015 were reauthorized for use in FY17.

⁵Laws 2016 (2nd Special Session), Chapter 2 (Senate Bill 4) appropriated \$12.5 million to the instructional material fund from the public school capital outlay fund (PSCOF) for use in FY17 and authorized up to \$25 million in annual appropriations to the instructional material fund and transportation distribution from PSCOF in FY18 to FY22. The GAA of 2017 appropriated \$14.5 million to school district transportation and \$10.5 million to the instructional material fund from PSCOF and included flexibility language allowing the use of funds appropriated for transportation and instructional materials for either purpose.

⁶The GAAs of 2016 and 2017 included \$675.4 thousand from the Indian education fund.

⁷The GAAs of 2016 and 2017 included \$3.5 million in temporary assistance for needy families funds for prekindergarten.

⁸ The GAA of 2016 reauthorized unspent FY16 initiative appropriations for the same purpose in FY17. The GAA of 2017 reauthorized select unspent FY17 initiative appropriations for the same purpose in FY18.

⁹The GAA of 2017 authorizes PED to use up to \$750 thousand from remaining balances in select initiative appropriations (excluding appropriations for regional education cooperatives, K-3 Plus, prekindergarten, and early reading) for legal fees related to defending the state in *Martinez v. State of New Mexico* (No. D-101-CV-2014-00793) and *Yazzie v. State of New Mexico* (No. D-101-CV-2014-02224).

¹⁰Section 5 of the General Appropriation Act of 2017 appropriated \$8.6 million in nonrecurring revenue to the state equalization guarantee that the Legislative Finance Committee considers to be recurring.

APPENDIX 3

SELECTED PUBLIC EDUCATION RELATED LANGUAGE FROM THE GENERAL APPROPRIATION ACT OF 2017

~~Strikethrough~~ indicates executive veto.

Section 4

Related Recurring Initiatives

The internal service funds/interagency transfers appropriation to the public pre-kindergarten fund of the public education department is from the federal temporary assistance for needy families block grant.

Notwithstanding the provisions of Article 23 of Chapter 32A NMSA 1978, the appropriations to the public pre-kindergarten fund of the public education department include sufficient funding to continue the established extended-day prekindergarten pilot program during the 2017-2018 school year.

In setting the reimbursement amount for the summer 2017 k-3 plus program, the secretary of public education shall use the final unit value set for the 2016-2017 school year as the basis for funding June, July and August 2017 k-3 plus programs.

The general fund appropriation to the k-3 plus fund of the public education department includes sufficient funds to pilot k-3 plus in fourth and fifth grades pursuant to Section 22-13-28.2 NMSA 1978.

The general fund appropriation to the public education department for teacher and school leader preparation includes five hundred thousand dollars (\$500,000) ~~to be allocated to the university of New Mexico and New Mexico state university~~ for a collaborative school principal turnaround leadership program.

The other state funds appropriation to the public education department for the teacher and administrator evaluation system is from the educator licensure fund.

The general fund appropriation to the public education department for interventions and support for students, struggling schools, parents and teachers includes an additional three hundred thirteen thousand nine hundred dollars (\$313,900) for the principals pursuing excellence program.

Except for money in the appropriations for college preparation, career readiness and dropout prevention, interventions and support for students, struggling schools, parents and teachers and stipends for teachers in hard-to-staff areas that is for use by the public education department to provide services or support, the appropriations are contingent on being distributed by the department to school districts and charter schools based on proposals submitted by school districts and charter schools and approved by the department.

~~The appropriations in Subparagraphs (a) through (e), (f), (g), and (j) through (o) of the public education department special appropriations may be used by the department for emergency~~

~~support to school districts experiencing shortfalls in fiscal year 2018 after all other general fund appropriations for emergency support are fully expended. All requirements for distribution shall be made in accordance with Section 22-8-30 NMSA 1978.~~

Any unexpended balances in the special appropriations to the public education department remaining at the end of fiscal year 2018 from appropriations made from the general fund shall revert to the general fund.

State Equalization Guarantee Distribution

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 2017-2018 school year and then, on verification of the number of units statewide for fiscal year 2018, but no later than January 31, 2018, the secretary of public education may adjust the program unit value.

Notwithstanding the provisions of the School Personnel Act, the secretary of public education shall ensure that no full-time level one teacher receives a base salary less than thirty-four thousand dollars (\$34,000), no full-time level two teacher receives a base salary less than forty-two thousand dollars (\$42,000), and no full-time level three-A teacher receives a base salary less than fifty-two thousand dollars (\$52,000) during fiscal year 2018.

The budget of a first-year charter school shall use current year membership in the calculation of program units.

For fiscal year 2018, if the program cost made available is insufficient to meet the level of state support required by the special education maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act, the public education department shall reduce the state equalization guarantee distribution in an amount that equals the projected shortfall and distribute that amount to school districts and charter schools in the same manner and on the same basis as the state equalization guarantee distribution to meet the level of support required by Part B of the federal Individuals with Disabilities Education Act for fiscal year 2018 and shall reset the final unit value to account for the reduction.

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

Funds appropriated from the general fund to the state equalization guarantee distribution or any cash balances derived from appropriations from the general fund to the state equalization guarantee distribution in any year shall not be used to fund any litigation against the state unless or until a court issues a final decision in favor of a plaintiff school district or charter school and all legal remedies have been exhausted.

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

The general fund appropriation to the state equalization guarantee distribution reflects the deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978, that includes payments to school districts and charter schools commonly known as “impact aid funds” pursuant to 20 U.S.C. 7701 et seq., and formerly known as “PL874 funds”.

The other state funds appropriation is from the balances received by the public education department pursuant to Section 66-5-44 NMSA 1978.

~~Contingent on enactment of Senate Bill 30 of the first session of the fifty third legislature, up to seven hundred thousand dollars (\$700,000) of the other state funds appropriation to the state equalization guarantee may be used by the public education department to implement the fiscal year 2018 program to maintain school districts' and charter schools' respective program cost calculations that result solely from the implementation of the provisions of Senate Bill 30.~~

~~Within thirty calendar days of initial submission, the secretary of public education shall process and pay each request for reimbursement submitted to the public education department by a school district or charter school.~~

The department of finance and administration may adjust a school district's or charter school's monthly state equalization guarantee progress payment to provide flexibility to meet cash flow needs, provided that no school district or charter school shall receive an annual state equalization guarantee distribution that is more than their proportionate fiscal year 2018 share.

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2018 from appropriations made from the general fund shall revert to the general fund.

~~State-Chartered Charter School~~ Transportation Distribution

~~The appropriation to the state-chartered charter school transportation distribution shall only be allocated to state-chartered charter schools. The public education department shall calculate an adjustment factor for state-chartered charter schools from the state-chartered charter school transportation distribution using the state-chartered charter school adjustment factor pursuant to the provisions of Sections 22-8-29.1 and 22-8-29.4 NMSA 1978. Rental fees for contractor-owned buses providing transportation services to a state-chartered charter school shall be paid out of the state-chartered charter school transportation distribution.~~

Notwithstanding the provisions of Section 22-8-26 NMSA 1978, a state-chartered charter school that receives a transportation allocation that exceeds the amount required to provide to-and-from transportation, three- and four-year-old developmentally disabled transportation and vocational education transportation during fiscal year 2018 shall deposit one hundred percent of the remaining balance in the transportation emergency fund at the end of fiscal year 2018.

~~School District~~ Transportation Distribution

~~The appropriations to the school district transportation distribution shall only be allocated to school districts. The public education department shall calculate an adjustment factor for school districts and shall calculate the distribution for school districts from the school district transportation distribution using the school district adjustment factor pursuant to the provisions of Sections 22-8-29.1 and 22-8-29.4 NMSA 1978. Rental fees for contractor-owned buses providing transportation services to a school district shall be paid out of the school district transportation distribution.~~

The other state funds appropriation to the school district transportation distribution is from the public school capital outlay fund.

Supplemental Distribution

The secretary of public education shall not distribute any emergency supplemental funds to a school district or charter school that is not in compliance with the Audit Act or that has cash and invested reserves, or other resources or any combination thereof, equaling five percent or more of their operating budget.

Any unexpended balances in the supplemental distribution of the public education department remaining at the end of fiscal year 2018 from appropriations made from the general fund shall revert to the general fund.

Instructional Materials

The other state funds appropriation to the instructional material fund is from the public school capital outlay fund.

The public education department shall not calculate, allocate or withhold any entitlement or distribution for private school students or private schools from the instructional material fund consistent with the decision in *Moses v. Skandera*, 2015-NMSC-036.

The general fund appropriation to the public education department for dual-credit instructional materials shall be used by the department to reimburse school districts, charter schools, state-supported schools and bureau of Indian education high schools in New Mexico for the cost of required textbooks and other course supplies for students enrolled in the dual-credit program to the extent of the available funds.

Any unexpended balances in the dual-credit instructional materials distribution remaining at the end of fiscal year 2018 from appropriations made from the general fund shall revert to the general fund.

Indian Education Fund

The general fund appropriation to the Indian education fund of the public education department includes four hundred thousand dollars (\$400,000) ~~for a national nonprofit organization that recruits recent college graduates and professionals who have demonstrated a record of achievement to teach in low-income urban and rural public schools~~ to provide teaching support in schools with a high proportion of Native American students.

The other state funds appropriation is from the Indian education fund.

Section 5

(32) In fiscal year 2018, a school district or state-chartered charter school may request budget increases for instructional materials from its fiscal year 2018 transportation allocation or cash balances derived from prior year allocations for transportation and may request budget increases for transportation from its fiscal year 2018 instructional material allocation or cash balances derived from prior year allocations for instructional materials. ~~The public education department shall provide the legislative finance committee and the legislative education study committee with a report on any transfers pursuant to this section.~~

(35) Except for balances of fiscal year 2017 appropriations used by the public education department pursuant to item (36) of this section, the general fund appropriations to the public education department in Subparagraphs (g), (i), (l), (p), (q) and (t) of the public education department special appropriations in Subsection I of Section 4 of Chapter 11 of Laws 2016 are re-appropriated and extended through fiscal year 2018 for the same purpose.

(36) For legal fees related to defending the state in *Martinez v. state of New Mexico* No. D-101-CV-2014-00793 and *Yazzie v. state of New Mexico* No. D-101-CV-2014-02224. Up to seven hundred fifty thousand dollars (\$750,000) of the general fund appropriations made to the public education department in Subparagraphs (a) through (d), (f) through (i), and (l) through (t) of the public education department special appropriations of Subsection I of Section 4 of Chapter 11 of Laws 2016 may also be used for this purpose in fiscal years 2017 and 2018.

APPENDIX 4

SELECTED PUBLIC EDUCATION RELATED LANGUAGE FROM THE SUPPLEMENTAL GENERAL APPROPRIATION ACT OF 2017

Section 5

Public School Support

(7) The public education department may increase the preliminary unit value authorized in Paragraph (1) of Subsection K of Section 4 of Chapter 135 of Laws 2017 by up to sixteen dollars (\$16) per unit once ~~prior to July 15, 2017~~. If the fiscal year 2018 state equalization guarantee distribution plus local revenue and federal revenue, as those two terms are defined in Section 22-8-25 NMSA 1978, are insufficient to fully fund the final funded fiscal year 2018 program units at the increased preliminary unit value, the secretary of public education may, after exhausting any fund balance in the state-support reserve fund to help correct the deficiency, request from the state board of finance a transfer from the general fund operating reserve in the amount necessary to correct any remaining deficiency, but only up to ten million dollars (\$10,000,000), to augment the appropriation in Laws 2017, Chapter 135 for the state equalization guarantee distribution.

APPENDIX 5

UNIT VALUE HISTORY

(1974-1975 FINAL to 2017-2018 PRELIMINARY)

School Year	Preliminary Unit Value	Final Unit Value	Increase/ Decrease from Previous Year	Percent Difference from Previous Year
1 1974-1975		\$616.50		
2 1975-1976		\$703.00	\$86.50	14.0%
3 1976-1977		\$800.00	\$97.00	13.8%
4 1977-1978		\$905.00	\$105.00	13.1%
5 1978-1979		\$1,020.00	\$115.00	12.7%
6 1979-1980		\$1,145.00	\$125.00	12.3%
7 1980-1981		\$1,250.00	\$105.00	9.2%
8 1981-1982		\$1,405.00	\$155.00	12.4%
9 1982-1983 ¹	\$1,540.00	\$1,511.33	\$106.33	7.6%
10 1983-1984		\$1,486.00	(\$25.33)	-1.7%
11 1984-1985		\$1,583.50	\$97.50	6.6%
12 1985-1986 ²	\$1,608.00	\$1,618.87	\$35.37	2.2%
13 1986-1987		\$1,612.51	(\$6.36)	-0.4%
14 1987-1988		\$1,689.00	\$76.49	4.7%
15 1988-1989		\$1,737.78	\$48.78	2.9%
16 1989-1990		\$1,811.51	\$73.73	4.2%
17 1990-1991		\$1,883.74	\$72.23	4.0%
18 1991-1992		\$1,866.00	(\$17.74)	-0.9%
19 1992-1993 ³	\$1,851.73	\$1,867.96	\$1.96	0.1%
20 1993-1994	\$1,927.27	\$1,935.99	\$68.03	3.6%
21 1994-1995	\$2,015.70	\$2,029.00	\$93.01	4.8%
22 1995-1996	\$2,113.00	\$2,113.00	\$84.00	4.1%
23 1996-1997	\$2,125.83	\$2,149.11	\$36.11	1.7%
24 1997-1998	\$2,175.00	\$2,175.00	\$25.89	1.2%
25 1998-1999	\$2,322.00	\$2,344.09	\$169.09	7.8%
26 1999-2000 ⁴	\$2,460.00	\$2,460.00	\$115.91	4.9%
27 2000-2001	\$2,632.32	\$2,647.56	\$187.56	7.6%
28 2001-2002	\$2,868.72	\$2,871.01	\$223.45	8.4%
29 2002-2003	\$2,896.01	\$2,889.89	\$18.88	0.7%
30 2003-2004	\$2,977.23	\$2,976.20	\$86.31	3.0%
31 2004-2005	\$3,035.15	\$3,068.70	\$92.50	3.1%
32 2005-2006 ⁵	\$3,165.02	\$3,198.01	\$129.31	4.2%
33 2006-2007 ^{5,6}	\$3,444.35	\$3,446.44	\$248.43	7.8%
34 2007-2008	\$3,645.77	\$3,674.26	\$227.82	6.6%
35 2008-2009 ⁷	\$3,892.47	\$3,871.79	\$197.53	5.4%
36 2009-2010	\$3,862.79 ⁸	\$3,792.65 ⁹	(\$79.14)	-2.0%
37 2010-2011	\$3,712.45 ¹⁰	\$3,712.17 ¹¹	(\$80.48)	-2.1%
38 2011-2012	\$3,585.97	\$3,598.87	(\$113.30)	-3.1%
39 2012-2013	\$3,668.18	\$3,673.54	\$74.67	2.1%
40 2013-2014	\$3,817.55	\$3,817.55	\$144.01	3.9%
41 2014-2015	\$4,005.75	\$4,007.75	\$190.20	5.0%
42 2015-2016	\$4,027.75	\$4,037.75	\$30.00	0.7%
43 2016-2017	\$4,040.24	\$3,979.63 ¹²	(\$58.12)	-1.4%
44 2017-2018	\$4,053.55 ¹³			

Source: LESC Files

¹The 1982-1983 general fund appropriation was reduced by 2 percent.

²The final unit value included \$10.87 due to the 0.5 mill redistribution (Laws 1985, Chapter 15).

³The "floating" unit value went into effect.

⁴The basis for funding changed to the prior-year average membership of the 40th, 80th, and 120th school days.

⁵For FY06, appropriated program cost contains an additional \$51.8 million to implement the third year of the five-year phase-in of the three-tiered licensure system. Although this funding was distributed based on need in FY06, the \$51.8 million was included in the calculation of the unit value in FY07.

⁶The basis for funding changed to the prior-year average membership of the 80th and 120th school days.

⁷The 2009 solvency measures resulted in a \$20.68 decrease from the preliminary FY09 unit value to the FY09 final unit value.

⁸The FY10 preliminary unit value included \$3,606.40 in general fund revenue and \$256.39 in federal American Recovery and Reinvestment Act of 2009 (ARRA) funding.

⁹The FY10 final unit value included \$3,458.06 in general fund revenue and \$334.59 in federal ARRA funding.

¹⁰The FY11 preliminary unit value included \$3,674.75 in general fund revenue and \$37.70 in federal ARRA funding.

¹¹The FY11 final unit value included \$3,572.34 in general fund revenue, \$37.85 in federal ARRA funding, and \$101.98 in federal Education Jobs funding.

¹²Laws 2016 (2nd Special Session), Chapter 6 (Senate Bill 9) directed the secretary of public education to set the final FY17 unit value 1.5 percent lower than the initial FY17 unit value.

¹³The FY18 initial unit value includes \$8.6 million in nonrecurring general fund revenue appropriated to the state equalization guarantee.

Appendix 6
Public School Capital Outlay Reauthorizations
 Laws 2017, Chapter 133 (Senate Bill 362)

Site (School District)	Purpose	Purpose Change	Agency Change	Time of Expenditure	Amount
SCHOOL DISTRICTS FUNDED WITH SEVERANCE TAX BONDS					
1 Del Norte High School (Albuquerque Public Schools)	Reauthorizes \$10 thousand of the unexpended balance of the appropriation to the Energy, Minerals, and Natural Resources Department in Laws 2014, Chapter 66, to plan, design, construct, renovate, purchase, and install improvements and equipment to the fine arts building and facilities and performing arts center at Del Norte High School in Albuquerque Public Schools.	x	x	Extended through FY19	\$10,000
2 Elida Municipal Schools	Reauthorizes \$54 thousand of the unexpended balance of the appropriation in Laws 2016, Chapter 81, to purchase and equip vans and sports utility vehicles for Elida Municipal Schools.	x		Extended through FY19	\$54,000
3 Kaune Elementary School (Santa Fe Public Schools)	Reauthorizes \$250.5 thousand of the unexpended balance of the appropriation in Laws 2015 (1st S.S.), Chapter 3, to plan, design, construct, furnish, and equip improvements, including the purchase and development of outdoor learning spaces and the installation of related equipment, furniture, and infrastructure at the early learning center at Kaune Elementary School in Santa Fe Public Schools.	x		FY19	\$250,500
4 Moriarty-Edgewood Municipal Schools	Reauthorizes \$50 thousand of the appropriation in Laws 2015, Chapter 147, to plan, design, purchase, construct, renovate, and equip a multipurpose facility for tri-county youth and their families.			Extended through FY19	\$50,000
5 Nye Early Childhood Center (Santa Fe Public Schools)	Reauthorizes and modifies \$15 thousand of the appropriation in Laws 2014, Chapter 66, to design, construct, equip, and furnish improvements to the playground areas to also include improvements to the grounds and building at the Nye Early Childhood Center in Santa Fe Public Schools.	x*		Extended through FY19	\$15,000
6 Nye Early Childhood Center (Santa Fe Public Schools)	Reauthorizes and modifies the unexpended balance of \$65 thousand of the appropriation in Laws 2015 (1st S.S.), Chapter 3, to plan, design, construct, purchase, and install playground equipment and make improvements to the grounds and buildings for the medically fragile at the Nye Early Childhood Center in Santa Fe Public Schools.	x*		FY19	\$65,000

Appendix 6
Public School Capital Outlay Reauthorizations
 Laws 2017, Chapter 133 (Senate Bill 362)

Site (School District)	Purpose	Purpose Change	Agency Change	Time of Expenditure	Amount
7	Reauthorizes \$10 thousand of the unexpended balance of the appropriation to the Energy, Minerals, and Natural Resources Department in Laws 2014, Chapter 66, to plan, design, construct, renovate, purchase, and install improvements and equipment at the performing arts centers and facilities at Sandia High School in Albuquerque Public Schools.	x	x	Extended through FY19	\$10,000
8	Reauthorizes \$335 thousand of the unexpended balance of the appropriation in Laws 2014, Chapter 66, to prepare the site for and to plan, design, construct, equip, and furnish an early learning center in Santa Fe Public Schools.	x		Extended through FY19	\$335,000
9	Reauthorizes \$60 thousand of the unexpended balance of the appropriation to the local government division in Laws 2015 (1st S.S.), Chapter 3, to purchase and equip vehicles for Taos Municipal School District.	x	x	Extended through FY19	\$60,000
10	Reauthorizes \$44 thousand of the unexpended balance of the appropriation to the local government division of the Department of Finance and Administration in Laws 2015 (1st S.S.), Chapter 3, to purchase and equip vehicles for Taos Municipal School District.	x	x	FY19	\$44,000
STATE-CHARTERED CHARTER SCHOOLS FUNDED WITH SEVERANCE TAX BONDS					
11	Reauthorizes \$70 thousand of the unexpended balance of the appropriation in Laws 2015 (1st S.S.), Chapter 3, to plan, design, construct, renovate, furnish, and equip buildings and grounds and to purchase and install related equipment, including fencing, information technology, wiring, and infrastructure for Gilbert L. Sena Charter High School.	x		FY19	\$70,000
12	Reauthorizes \$72.5 thousand of the unexpended balance of the appropriation in Laws 2016, Chapter 81, to plan, design, construct, renovate, furnish, and equip buildings and grounds and to purchase and install related equipment, fencing, information technology, wiring, and infrastructure for Montessori Elementary Charter School.	x		Extended through FY19	\$72,500

Appendix 6
Public School Capital Outlay Reauthorizations
 Laws 2017, Chapter 133 (Senate Bill 362)

Site (School District)	Purpose	Purpose Change	Agency Change	Time of Expenditure	Amount
13 South Valley Preparatory School (State-chartered Charter School- Albuquerque)	Reauthorizes and modifies the unexpended balance of \$85 thousand of the appropriation in Laws 2016, Chapter 81, to acquire land for and to plan, design, construct, equip, and furnish the school to also include the purchase of modular buildings for South Valley Preparatory Middle Charter School.			FY20	\$85,000
CONSTITUTIONAL SPECIAL SCHOOLS FUNDED WITH SEVERANCE TAX BONDS					
14 New Mexico School for the Blind and Visually Impaired (Alamogordo)	Reauthorizes \$5.5 million of the appropriation in Laws 2013, Chapter 226, to plan, design, renovate, and equip the Watkins educational center and to demolish the San Andres building at the New Mexico School for the Blind and Visually Impaired.			Extended through FY18	\$5,500,000
BIA SCHOOLS FUNDED WITH SEVERANCE TAX BONDS					
15 Santa Fe Indian School (Santa Fe)	Reauthorizes \$708 thousand of the appropriation in Laws 2013, Chapter 226, to plan, design, construct, equip, and furnish a regional wellness and education center, including classrooms and laboratories at the Santa Fe Indian School.			Extended through FY19	\$708,000

*The reauthorization included an expanded purpose.

SOURCE: LESC

Appendix 7
Public Education-Related Legislation Introduced in the
First Session of the 53rd Legislature of the State of New Mexico
(Organized by Categories)

Bill No.	Short Title	LESC End.	House Vote	Senate Vote	Final Location
CAPITAL OUTLAY					
HB 20	PUBLIC WORKS PREVAILING WAGE & PROJECTS				HTPWC
HB 69	EDUCATION TECHNOLOGY IMPROVEMENTS & ADMIN		(68-0)		SFC
HB 113	STATEWIDE BROADBAND NETWORK		(61-5)	(41-0)	Ch. 7
HB 140	CAPITAL OUTLAY PROJECT AUDITS				HTPWC
HB 161	PRIOR-YEAR DATA FOR SCHOOL DISTRIBUTIONS		(66-0)		SCal
HB 184	PROPERTY TAX REVENUE TO CHARTER SCHOOLS		(64-0)		SFC
HB 213	REPEAL PUBLIC WORKS MINIMUM WAGE ACT				HLEDG
HB 470	SCHOOL FOR THE ARTS & CAPITAL OUTLAY				HEC
HB 499	CAPITAL OUTLAY REAUTHORIZATION				HSIVC
SB 63	"EDUCATION TECHNOLOGY IMPROVEMENTS" USES	YES	(59-0)	(32-0)	Ch. 73
SB 64 ¹	PUBLIC SCHOOL CAPITAL OUTLAY TIME PERIODS		(69-0)	(41-0)	Law Without Signature
SB 101	SEVERANCE TAX BOND PROJECTS				SFC
SB 147	SCHOOL CAPITAL OUTLAY STATE-LOCAL MATCHES		(64-0)	(22-18)	Veto
SB 271	EDUCATIONAL FACILITY RESTRICTIONS & RULES				SJC
SB 313	CHARTER SCHOOL FACILITIES & LEASES			(34-3)	HEC
SB 338	STATEWIDE BROADBAND NETWORK			(34-2)	HSIVC
SB 476	PUBLIC ELEMENTARY SCHOOL SOLAR PANELS				SCONC
SJM 27	STUDY PUBLIC SCHOOL CAP OUTLAY FUND FORMULA				SEC
CHARTER SCHOOLS					
HB 46	MORATORIUM ON NEW CHARTER SCHOOLS				DEAD
HB 273	CHARTER SCHOOL CHANGES				HEC
HB 417	CHARTER SCHOOLS CHARTERED BY EDUCATION DEPT.				HEC
HB 454	CHARTERING OF VIRTUAL CHARTER SCHOOLS				HEC
SB 135	CHARTER SCHOOLS IN SCHOOL DISTRICTS	YES	(68-0)	(32-9)	Ch. 78
SB 193	SUPPORT & OVERSIGHT OF CHARTER SCHOOLS				SFC
SB 207	CLARIFY A CERTAIN CHARTER SCHOOL'S AUTHORITY	YES		(21-12)	HCal
SB 305	CHARTER SCHOOL EQUALIZATION GUARANTEE				DEAD
SB 383	CHARTER SCHOOL PRIORITY FOR PRE-K STUDENTS				SEC
SJR 2	PUBLIC EDUCATION BOARD & SUPERINTENDENT, CA				SRC
SJR 11	ELECTED & APPOINTED BOARD OF EDUCATION, CA				SRC
CURRICULA, PROGRAMS, AND ACCOUNTABILITY					
HB 185	LIMIT STATEWIDE SCHOOL TESTING DAYS		(41-28)	(23-13)	Veto
HB 211	SCHOOL NEXT GENERATION SCIENCE STANDARDS		(39-28)	(25-14)	Veto

Appendix 7
Public Education-Related Legislation Introduced in the
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(Organized by Categories)

Bill No.	Short Title	LESC End.	House Vote	Senate Vote	Final Location
35	HB 270		(64-0)		SCal
36	HB 279	YES			HEC
37	HB 303				HEC
38	HB 340		(47-19)		SRC
39	HB 354				HCal
40	HB 453		(66-0)	(35-0)	Ch. 65
41	HB 461				HSIVC
42	HB 477		(67-0)	(38-0)	Ch. 66
43	HB 498		(62-5)		SEC
44	HM 9				HEC
45	HM 49		(44-0)		Passed
46	SB 31	YES			SEC
47	SB 38		(53-0)	(31-7)	Ch. 69
48	SB 40			(23-15)	HCal
49	SB 62			(29-10)	HCal
50	SB 134 ¹		(67-0)	(33-4)	Law Without Signature
51	SB 140	YES		(19-22)	FAILED/S
52	SB 209				SCal
53	SB 219			(22-18)	HEC
54	SB 241		(61-0)	(37-0)	Veto
55	SB 253				SCal
56	SJM 1		(50-12)	(32-4)	Passed
57	SM 145			(39-0)	Passed
58	EARLY CHILDHOOD PROGRAMS AND EARLY LITERACY				
59	HB 114				HEC
60	HB 135				HAFC
61	HB 173				HEC
62	HB 451				HCal
63	HJR 1		(37-32)		SRC
64	HJR 2				HLEDC
65	HM 15		(48-0)		Passed
66	HM 113				HEC
67	SB 32	YES	(59-0)	(40-0)	Ch. 19
68	SB 106				SJC

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Bill No.	Short Title	LESC End.	House Vote	Senate Vote	Final Location
69	SB 182				SEC
70	SB 206		(62-0)	(36-0)	Veto
71	SB 256				SFC
72	SB 288				SCONC
73	SB 289				SJC
74	SB 323				SFC
75	SB 324				SFC
76	SB 344				SFC
77	SB 403				SEC
78	SB 445				SFC
79	SJM 5		(67-0)	(36-0)	Passed
80	SJR 3				SRC
81	SJR 14				SRC
82	SJR 17				SFC
83	SJR 18				SRC
84	SJR 21				SFC
85	SM 23			(35-0)	Passed
86	MISCELLANEOUS				
87	Educational Retirement Board				
88	HB 34		(67-0)	(33-0)	Ch. 25
89	HB 251		(65-0)	(31-0)	Veto
90	HB 304		(65-0)	(36-0)	Veto
91	SB 28		(60-0)	(39-0)	Ch. 21
92	SB 29				SFC
93	Higher Education (as it relates to K-12)				
94	SB 195			(40-1)	HEC
95	SB 208		(60-0)	(36-0)	Veto
96	SM 22			(39-2)	Passed
97	Student Health and Safety				
98	HB 75	YES	(58-0)	(30-4)	Ch. 33
99	HB 200		(60-7)		SJC
100	HB 287		(62-0)	(39-0)	Veto
101	HB 355				HEC
102	HB 427		(56-2)		SCal

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Bill No.	Short Title	LESC End.	House Vote	Senate Vote	Final Location
103	HM 51		(48-0)		Passed
104	SB 115			(32-10)	HCal
105	SB 148		(63-0)	(35-0)	Veto
106	SJM 11		(67-0)	(35-0)	Passed
107	SJM 14		(64-0)	(34-0)	Passed
108	SM 79			(33-0)	Passed
109	PUBLIC SCHOOL FINANCE				
110	HB 6				HAFC
111	HB 7				HAFC
112	HB 42	YES	(64-0)	(36-0)	Veto
113	HB 47	YES	(58-4)		SFC
114	HB 130		(66-0)		SFC
115	HB 178	YES	(63-1)		SFC
116	HB 392		(61-0)		SINT
117	HB 414				HEC
118	HB 541				HEC
119	HJR 5				HAFC
120	HM 109		(64-0)		Passed
121	HM 114		(64-0)		Passed
122	SB 30	YES	(66-0)	(36-0)	Veto
123	SB 35				SFC
124	SB 39	YES	(52-7)	(30-0)	Veto
125	SB 66	YES			SEC
126	SB 113		(37-30)	(41-0)	Ch. 2
127	SB 114		(45-22)	(39-2)	Ch. 3
128	SB 170				SEC
129	SB 200		(68-1)	(41-0)	Veto
130	SB 279				SEC
131	SB 290				SCal
132	SB 332				SCORC
133	SB 379				SFC
134	SB 381		(64-0)	(38-0)	Ch. 94
135	SB 454				SEC
136	SB 526				SFC

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Bill No.	Short Title	LESC End.	House Vote	Senate Vote	Final Location
137	SJR 6 STATEWIDE MILLAGE FOR SCHOOL FUNDING, CA				SRC
138	SM 56 SCHOOL TRANSPORTATION FUNDS & BUS REPLACEMENT				SEC
139	SM 135 STUDY SCHOOL DISTRICT CASH BALANCES				SCal
140	SM 142 STUDY RURAL ISOLATION UNITS				SCal
141	SCHOOL DISTRICTS				
142	HB 99 16-YEAR-OLDS VOTING IN SCHOOL ELECTIONS				HLELC
143	HB 104 LOCAL ELECTION ACT				HLELC
144	HB 174 LOCAL ELECTION ACT		(38-29)	(28-10)	Veto
145	HB 297 SCHOOL DISTRICT CAMPAIGN REPORTING DATES		(67-0)		SRC
146	HB 298 SCHOOL DISTRICT REORGANIZATION ACT				HEC
147	HB 466 DISCLOSURE OF EDUCATION ELECTION AD SPONSORS		(61-0)		SRC
148	HM 85 APS MEETINGS WITH LEGISLATORS		(64-0)		Passed
149	SB 89 SCHOOL DISTRICT SIZE LIMITS				SEC
150	SB 302 SCHOOL BOARD VACANCY & CANDIDACY REQUIREMENTS				SRC
151	SPECIAL EDUCATION AND SUPPORTS FOR AT-RISK AND LOW-PERFORMING STUDENTS				
152	HB 301 SUPPORT FOR TRANSFERRING STUDENTS		(67-0)	(34-0)	Ch. 53
153	HB 411 POINTS OF CONTACT FOR CERTAIN STUDENTS		(64-0)	(37-0)	Ch. 64
154	HB 437 SCHOOL ATTENDANCE INTERVENTIONS				HJC
155	HB 439 FUND ABQ BLACK STUDENT UNION PROGRAM				HAFC
156	HB 484 SCHOOL INDIAN STUDENT NEEDS ASSESSMENTS		(64-0)	(34-5)	Veto
157	SB 213 SUPPORT FOR TRANSFERRING STUDENTS		(60-0)	(31-0)	Ch. 85
158	SB 251 CERTAIN STUDENT MISCONDUCT REPORTS TO PARENTS			(29-3)	HEC
159	SB 346 CHARTER SCHOOL FREE & REDUCED MEALS				SEC
160	SB 374 HUNGER-FREE STUDENTS' BILL OF RIGHTS ACT		(60-0)	(30-7)	Ch. 117
161	SB 397 SCHOOL PROTECTIONS FOR CERTAIN STUDENTS				SEC
162	SB 399 SPECIAL NEEDS EDUCATION PROFESSIONALS				SFC
163	SB 447 GUARDIANSHIP AFFIDAVIT & PRE-SCHOOL CARE				SJC
164	TEACHERS AND PERSONNEL				
165	HB 27 INCREASE MINIMUM WAGE				HBIC
166	HB 41 ALTERNATIVE LEVEL 3-B TEACHER LICENSE TRACK	YES	(61-0)	(38-0)	Ch. 68
167	HB 67 INCREASE MINIMUM WAGE				HBIC
168	HB 70 LOCAL SCHOOL SUPERINTENDENT CRITERIA				HEC
169	HB 105 INNOVATIONS IN TEACHING ACT		(37-30)	(23-13)	Veto
170	HB 124 TEACHER COMPETENCY FOR LICENSURE ADVANCEMENT		(35-30)	(23-16)	Veto

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	Bill No.	Short Title	LESC End.	House Vote	Senate Vote	Final Location	
171	HB 125	TEACHER & PRINCIPAL EVALUATION SYSTEM		(35-34)	(20-16)	Veto	171
172	HB 134	SCHOOL PERSONNEL MINIMUM SALARIES				HAFC	172
173	HB 158	TEACHER EVALUATION PILOT PROJECT				HEC	173
174	HB 160	SCHOOL DISTRICT FULL-TIME NURSES				HAFC	174
175	HB 163	SCHOOL GRADE TEST SCORES & UNEXCUSED ABSENCES		(37-31)		SEC	175
176	HB 190	SCHOOL DISTRICT EMPLOYEE BACKGROUND CHECKS		(57-0)		SJC	176
177	HB 208	NM-GROWN PRODUCE IN SCHOOL MEALS				HAFC	177
178	HB 241	USE OF ATTENDANCE IN TEACHER EVALUATIONS	YES	(64-3)	(39-0)	Veto	178
179	HB 248	SCHOOL EMPLOYEE EVALUATION STANDARDS				HEC	179
180	HB 258	JUNIOR ROTC INSTRUCTOR LICENSURE		(69-0)		SEC	180
181	HB 265	EDUCATIONAL ASSISTANT PROBATION PERIOD		(37-31)	(20-16)	Veto	181
182	HB 307	CAREER-TECHNICAL PROFESSIONAL DEVELOPMENT		(68-0)	(38-0)	Veto	182
183	HB 350	TEACHER & PRINCIPAL EFFECTIVENESS ACT				HEC	183
184	HB 442	MINIMUM WAGE & WAGE-RELATED CONDUCT		(37-30)	(24-15)	Veto	184
185	HB 500	SCHOOL EMPLOYEE ABUSE TRAINING REQUIREMENTS				HEC	185
186	HM 37	INSTRUCTIONAL SUPPORT PROVIDER TESTING				HCal	186
187	SB 34	TEACHER & PRINCIPAL EVALUATION SYSTEM			(30-7)	HEC	187
188	SB 36	RAISE MINIMUM WAGE				SCal	188
189	SB 144	SCHOOL SUBSTITUTE TEACHER RETIREMENT	YES			SFC	189
190	SB 321	RAISE MINIMUM WAGE				SCORC	190
191	SB 329	INCREASE MINIMUM TEACHERS' SALARIES	YES			SFC	191
192	SB 386	RAISE MINIMUM WAGE & ALLOW TRAINEE WAGE		(41-27)	(24-6)	Veto	192
193	SB 406	EDUCATION DEPT. SEXUAL ASSAULT REPORTING				SFC	193
194	SB 440	ADJUNCT SECONDARY INSTRUCTORS ACT				SEC	194
195	SB 458	SALARY INCREASES				SPAC	195
196	SB 470	SCHOOL ASSESSMENTS & TEACHER EVALUATIONS				SEC	196

Source: LESC

Indicates legislation was enacted. Indicates legislation was vetoed by the governor.

¹The governor's veto of Senate Bills 64 and 134 did not include the governor's objection as required by Article IV, Section 22 of the Constitution of the State of New Mexico and are therefore considered law without signature by the Legislature. These bills have not been chaptered by the Secretary of State and Legislative Council has authorized staff to legally challenge the governor's vetoes.

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Public Education-Related Legislation introduced in the First Session of the 53rd Legislature of the State of New Mexico
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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
1 HB6		Lundstrom	Reduces FY17 related recurring initiative appropriations made to PED by \$11.5 million as part of a suite of solvency-related appropriation reductions. Appropriations for K-3 Plus, prekindergarten, and PED's early reading initiative are excluded from the reduction. The bill allows PED to determine which of the 18 remaining appropriations to reduce.	HAFC	1
2 HB7		Dodge and Lundstrom	Directs the secretary of public education to withhold \$49.4 million from the FY17 state equalization guarantee distribution to school districts and charter schools as a credit against excess FY16 year-end operational cash balances.	HAFC	2
3 HB20		Rehm	Amends the Public Works Minimum Wage Act to eliminate collective bargaining agreements as the basis for computing minimum wages on public works projects, including projects for public roads and educational institutions, and places a cap on prevailing wages and fringe benefits.	HTPWC	3
4 HB27		Roybal Caballero	Increases the minimum wage from \$7.50 per hour to \$15 per hour after January 1, 2018, provides for an annual adjustment for the cost of living based on the consumer price index, and eliminates the separate minimum wage for tipped employees.	HBIC	4
5 HB34		Gonzales and White	Requires public employees who retire after July 1, 2017, and have earned retirement benefits from more than one state pension system be paid by each pension system separately. Public employees who retire earlier may be paid separately if the appropriate accounting infrastructure is in place to pay these retirees separately.	Chapter 25	18
6 HB41	YES	Roch and T. Salazar	Provides for an alternative level 3-B licensure track for instructional support providers and establishes minimum salaries for alternative level 3-B licensed school principals or assistant school principals to be \$50 thousand multiplied by the applicable responsibility factor.	Chapter 68	41
7 HB42	YES	Williams Stapleton	Amends the Instructional Material Law to expand the definition of "instructional material" and provide schools more flexibility in spending instructional material funds by eliminating the requirement that schools must use 50 percent of their annual instructional materials allocations on materials from the multiple list. References to private schools and private school students are removed due to the New Mexico Supreme Court decision in <i>Moses v. Skandera</i> , 367 P.3d 838.	Veto	14
8 HB46		Ch. Trujillo	Prohibits a chartering authority from accepting or approving any new charter school applications from June 1, 2017, through January 1, 2020.	FAILED/H	8

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
9 HB47	YES	Roch	Extends the school bus replacement cycle for school-district- and contractor-owned buses from 12 years to 15 years or 300 thousand miles, whichever occurs first.	SFC	
10 HB67		M. Garcia	Raises the statewide minimum wage over the next three years by proposing an increase to \$8.40 in 2018, \$9.20 in 2019, and \$10.10 in 2020, and provides for an annual cost-of-living increase based on the consumer price index beginning January 1, 2021.	HBIC	
11 HB69		Gonzales	Adds a new section, the Education Technology Improvements and Administration Act, to the Public School Code that authorizes local school boards to submit a resolution to voters asking whether a property tax mill levy, not to exceed two mills for a maximum of six years, should be imposed for the purpose of paying for education technology improvements or administration for the school district. The bill provides for allocations to charter schools that meet certain requirements. School districts can levy a tax pursuant to either the Education Technology and Improvements and Administration Act or the Public School Capital Improvements Act (commonly known as SB9), but not both.	SFC	
12 HB70		Rehm	Amends a section of the School Personnel Act to require local school boards to screen, rank, and conduct background checks on applicants for the position of local superintendent. The bill details terms of employment contracts between school boards and superintendents, notwithstanding any other provisions of the Public School Code, and provides for an appeal of a school board's employment decision to the secretary of public education. When a superintendent is terminated without cause, any severance package would be limited to eight weeks' salary; when terminated for cause, superintendents receive no severance pay.	HEC	
13 HB75	YES	Ja. Smith and Armstrong	Limits and regulates the use of restraint and seclusion in schools (except for schools in juvenile detention centers or state-operated juvenile facilities), permitting it only when there is imminent danger of serious physical harm to the student or others, and only when less restrictive interventions appear insufficient to mitigate the imminent danger of harm. When a student is restrained or secluded, they must be visually monitored at all times by a school employee and restraint shall only be used by trained staff, unless trained staff cannot be summoned in time to address the situation. Finally, the bill requires notice to parents or guardians of students who have been restrained or secluded.	Chapter 33	26

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
14 HB99		J. Martinez	Allows a person who will be at least 16 years old by the date of the next school election to register to vote on a special registration form indicating eligibility to vote in school elections only.	HLELC	
15 HB104		Bandy	Proposes to combine provisions for various local and municipal elections, including school elections, under a single Local Election Act, replacing the current School Election Law, which would be repealed under the provisions of the bill.	HLELC	
16 HB105		Romero and Small	Creates the Innovations in Teaching Act in the Public School Code, and establishes the “innovations in teaching program” to promote the use of innovative pedagogical approaches and strategies in classrooms. Eligible teachers can apply to carry out an innovative teaching project that is not to exceed three school years. PED is permitted to waive the use of the participating teacher’s students’ standards-based assessment results for the teacher’s evaluation for up to two years. PED may develop and implement the program beginning in FY19 and subsequent school years. If an innovative teaching project is not successful based on student outcomes on standards-based assessments, the project can be redesigned or discontinued before the full term of the project is over.	Veto	30
17 HB113		Ja. Smith and Ivey-Soto	Instructs the secretary of the Department of Information Technology (DoIT) to develop a statewide broadband network in conjunction with multiple stakeholder groups and telecommunication network service providers. The secretary of DoIT would also be responsible for the coordination and aggregation of telecommunications network services for all executive, legislative, and judicial branches as well as other publicly funded entities and educational institutions that request to be included in the network.	Chapter 7	6
18 HB114		Youngblood	Repeals and replaces current remediation and promotion provisions in the Assessment and Accountability Act in the Public School Code. Beginning with the 2017-2018 school year, the bill requires targeted instruction to be provided to a student who is not proficient in reading at the end of kindergarten, first grade, second grade, or third grade, and establishes mandatory retention for students who are not proficient in reading at the end of third grade who do not meet certain enumerated exemptions. The bill requires students who are not academically proficient at the end of fourth through eighth grade to participate in required remediation.	HEC	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
19 HB124		Williams Stapleton	Codifies the professional development dossier as the method for advancement within the three-tiered licensure system.	Veto	32
20 HB125		Williams Stapleton	Creates a 33-member council to develop a teacher and principal evaluation system and requires the council to report to the governor and LESC by December 31, 2021	Veto	37
21 HB130		Ch. Trujillo	Expands the employees eligible to receive a salary differential for certification by the National Board of Professional Teaching Standards from "teacher" to "licensed school employees" but requires the licensed school employee be employed in a position for which they hold certification.	SFC	
22 HB134		Ch. Trujillo and L. Trujillo	Amends the Public School Code to establish a minimum pay rate of \$15 per hour for noncertified school district personnel through FY19, including educational assistants and maintenance personnel. In FY20, the bill provides for an annual cost-of-living increase based on the consumer price index.	HAFC	
23 HB135		Ch. Trujillo	Appropriates \$2 million from the general fund to the Children, Youth and Families Department for expenditure in FY18 for a workforce and professional development program for early childhood educators.	HAFC	
24 HB140		Ely	Requires any agency that is the fiscal agent for any capital outlay project receiving more than \$1 million in state funding to pay for an independent auditor to ensure funds were used properly.	HTPWC	
25 HB158		Garcia Richard	Creates a six-year teacher evaluation pilot project and requires PED to provide reports annually to the Legislature and the governor on the efficacy of the pilot.	HEC	
26 HB160		Herrell	Amends the Public School Finance Act to require school districts to include a full-time, department-licensed registered school nurse in their budgets to be approved by PED unless a waiver is granted. Waivers may only be granted to school districts with a student membership of 500 or less if a school district demonstrates that it can meet minimum requirements of the bill by hiring or contracting with a part-time school nurse or if a school district can document its inability to hire or contract with a qualified school nurse due to a lack of nurses in the district's geographic area. The bill appropriates \$950 thousand from the general fund for school districts with a student membership of less than 500 in FY18.	HAFC	
27 HB161		Roch	Amends the Public School Capital Improvements Act to require PED to use prior year data when determining the required state match amount.	SFI	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
28 HB163		Sariñana, Rubio, and M. Garcia	Requires school grades to include a measurement of unexcused absences and provides that schools shall not be graded on the assessment results of students with eight or more unexcused absences.	SEC	28
29 HB173		Ch. Trujillo	Appropriates \$1 million from the general fund to the Children, Youth and Families Department for expenditure in FY18 to fund a workforce and professional development program for early childhood educators.	HEC	29
30 HB174		Ja. Smith and Ivey-Soto	Amends the Election Code to consolidate procedures for most municipal and local elections under a single Local Election Act, with all of the named local government elections, including school elections, consolidated into one election conducted on the same date. The bill also repeals the School Election Law.	Veto	30
31 HB178	YES	Hall, Garcia Richard, and Ch. Trujillo	Amends the Public School Code to establish a pilot project during the 2017-2018 and 2018-2019 school years that allows Albuquerque Public Schools, Los Alamos Public Schools, and state-chartered charter schools within those districts to use a portion of their transportation distribution to provide public transportation passes for high school students for transportation to and from school. The bill requires specific data be gathered from participating school districts and charter schools and a report on progress and findings to LESC and PED.	SFC	31
32 HB184		Youngblood	Requires school districts to distribute the proportionate share of ad valorem tax revenues to charter schools in instances where the taxes are distributed directly to a school district by the state. In addition, PED is required to certify the percentage of revenue to be distributed to each charter school to each school district in which eligible charter schools are located.	SFC	32
33 HB185		Ferrary	Amends the Public School Code to limit the number of hours per year and minutes per day that school districts and charter schools can administer statewide and school district required assessments to 25 hours per school year and no more than 180 minutes per school day and excludes individualized assessments for English learners and students identified with a learning disability, as well as individual teacher-created and career readiness assessments.	Veto	49 33
34 HB190		Adkins and Egolf	Amends the Public School Code to require fingerprint-based background checks for all public school district applicants for employment, current employees, and other persons allowed unsupervised access to students.	SJC	34

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
35 HB200		Williams Stapleton	Enacts a new section of the Criminal Code to create a new petty misdemeanor of hazing. A person who commits hazing would be guilty of a misdemeanor, to be sentenced to a definite term in county jail of less than one year, the payment of a \$1,000 fine, or both.	SJC	
36 HB208		Hall and Egolf	Appropriates \$1.4 million from the general fund to PED for expenditure in FY18 and subsequent years to provide New Mexico-grown fresh fruits and fresh vegetables for school meals.	HAFC	
37 HB211		Romero, McCamley, and Ch. Trujillo	Requires PED to adopt and implement the next generation science standards by the 2019-2010 school year and requires the Mathematics and Science Advisory Council to make recommendations for PED's implementation of the standards.	Veto	44
38 HB213		Scott, Townsend, and Rehm	Repeals the Public Works Minimum Wage Act.	HLEDC	
39 HB241	YES	Harper, Roch, Garcia Richard, Ch. Trujillo, and Brandt	Allows a teacher to use up to 10 days of sick leave and all personal leave without affecting the teacher's attendance record on their annual evaluation. If a teacher's use of sick leave is inconsistent with a school board or charter school governing council policy, the teacher's annual performance evaluation may reflect the lowest score possible on the teacher attendance portion.	Veto	7
40 HB248		Ch. Trujillo	Provides requirements for the uniform statewide standards of evaluation for the annual performance evaluation of licensed school employees and eliminates the use of certain evaluation criteria.	HEC	
41 HB251		Williams Stapleton and T. Salazar	Allows the New Mexico Educational Retirement Board, the Public Employees Retirement Association, and the State Investment Council to participate in the local government investment pool.	Veto	21
42 HB258		Ruiloba	Provides for an alternative licensure pathway for Junior Reserve Officer Training Corps instructors.	SEC	
43 HB265		Roybal Caballero	Amends the School Personnel Act to reduce the probationary period for nonlicensed school employees and licensed educational assistants to one year.	Veto	43

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
44 HB270		Strickler and Garcia Richard	Allows the parent, guardian, or person with custody of a school-age person to organize a team of home school students to participate in academic activities. The team would designate a home school administrator qualified to provide instruction under the School Personnel Act to be responsible for all matters related to the activities of the team.	SFI	44
45 HB273		Ja. Smith and Ivey-Soto	Changes multiple charter school regulations, including the streamlining of charter renewal, automatic enrollment expansion, the ability to open multiple sites for high-performing charter schools, automatic closure for low-performing charter schools, and the removal of the annual limit on the number of charter schools that may be established. The bill also removed the required local match for capital improvements for charter schools, changed size adjustment, enrollment growth, and at-risk factors within the funding formula, and provided additional funding for new charter schools.	HEC	45
46 HB287		Dodge	Creates the Student Diabetes Management Act to train certain school personnel to help children with Type 1 and Type 2 diabetes and pre-diabetes, and provide for self-care by students with diabetes. The bill includes immunity from liability under school disciplinary procedures and professional licensing regulations for schools, governing bodies, employees, or school nurses as a result of activities authorized under the Student Diabetes Management Act.	Veto	36 46
47 HB297		Ja. Smith and Candelaria	Changes reporting dates in the School District Campaign Reporting Act.	SRC	47
48 HB298		Adkins and Rue	Creates the School District Reorganization Act, requiring school districts with more than 40 thousand students to reorganize into central administration presided over by local superintendents, smaller groups of schools called "school clusters" overseen by associate superintendents, and individual schools run by principals.	HEC	48
49 HB301		Do. Gallegos and Chasey	Amends the Public School Code to require a timely transition for an enrolling high school student who has experienced disruption in the student's education process through no fault of their own, including homelessness, adjudication based on abuse or neglect or as part of a family in need of court-ordered voluntary placement, or delinquency. The bill requires receiving schools to communicate with sending schools within two days of the student's enrollment and requires sending schools to provide the student's records within two days of having received communication.	Chapter 53	40 49

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
50 HB303		McQueen	Amends the Public School Code to change graduation requirements. The bill reduces mathematics units, which must include algebra and geometry, and increases elective units. Career cluster courses and languages other than English must be offered as electives. Life skills, which include a major emphasis on media literacy, financial literacy, and workplace readiness, would become a mandatory course for graduation.	HEC	50
51 HB304		Ro. Martinez	Requires the Educational Retirement Board, the Office of the State Treasurer, the Public Employees Retirement Association, and the State Investment Council to report their annual financial audits to the State Board of Finance.	Veto	33
52 HB307		Williams Stapleton and Ch. Trujillo	Requires professional development for career technical teachers and educational assistants in the same manner as teachers of other subjects and requires the use of federal Every Student Succeeds Act Title II funding for career technical professional development.	Veto	25
53 HB340		Small, Garcia Richard, Roch, and Soules	Creates the “education strategic planning task force” to develop a 20-year strategic plan for education from early childhood through college graduation. The task force would convene advisory panels and engage key stakeholders in early childhood, public education, and higher education. The task force is required to make recommendations to the Legislature and the governor by November 1, 2019.	SRC	53
54 HB350		Youngblood and Da. Gallegos	Creates the Teacher and Principal Effectiveness Act, which requires effectiveness evaluations for teachers and school principals beginning in the 2017-2018 school year.	HEC	54
55 HB354		Ch. Trujillo	Requires school districts offering a gifted education program to adopt policies allowing gifted students early entrance into kindergarten, the ability to skip grades, facilitated enrollment in dual credit courses, high school credit for college courses or demonstrated mastery of a subject, and the prioritization of federal funding for “research-based” interventions for gifted students. Amends the Public School Finance Act to provide funding for gifted students who enter kindergarten early.	HFI	55
56 HB355		Thomson	Establishes minimum penalties for bullying and cyberbullying, including mandatory counseling for students who commit bullying or cyberbullying and their parents or guardians.	HEC	56

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
57 HB392		Da. Gallegos, Roch, Wooley, Clahschilliage, and Woods	Amends the Public School Finance Act to allow school districts to transport from one to six students who live five or more miles from their school and within district boundaries with a district-owned sport utility vehicle instead of a school bus. The bill requires that district-owned sport utility vehicles be operated by certified drivers and that PED adopt rules to ensure the safety of the students transported.	Senate Intro	57
58 HB411		Do. Gallegos and Kernan	Requires each school district to appoint a point of contact for students in foster care or involved with the juvenile justice system and requires the children's court to appoint an educational decision-maker for all cases involving children alleged to have been abused or neglected.	Chapter 64	40 58
59 HB414		Baldonado	Creates the Equal Educational Access Scholarship Act that would provide scholarships for low-income students to attend private schools. The bill grants an aggregate of \$5 million from both state personal and corporate income tax credits, for a total of \$10 million in donations to tuition scholarship organizations to fund scholarships. Individual taxpayers can recoup 80 percent of donations to tuition scholarship organizations, up to a maximum of \$10 thousand in tax credits or 50 percent of total tax liability annually. The tax credits in the bill end at the beginning of the 2022 tax year.	HEC	59
60 HB417		Youngblood	Assigns certain Public Education Committee duties to PED. All functions, records, tangible personal property, contractual obligations, and statutory or rule references of the Public Education Commission pertaining to its duties as chartering authority or vocational education administrator are transferred to PED. The Charter School Division would authorize state-chartered charter schools and PED would be responsible for vocational education.	HEC	60
61 HB427		Youngblood and Williams Stapleton	Prohibits hazing at both public schools and public postsecondary schools.	SFI	61
62 HB437		Ruiloba, Townsend, Hall, and Sapien	Requires early, intensive interventions for absent or truant students, except for students over 16 years old to whom all interventions have been offered and for whom a parent gives written permission to leave school with approval from a local superintendent. The bill also exempts students excused for no more than one class period per day to attend to tribal obligations and students with at least 10 days of excused medical absences with documentation of the birth of the student's child.	HJC	62
63 HB439		Williams Stapleton	Appropriates \$35 thousand from the general fund to PED for expenditure in FY18 to fund the black student union program in Albuquerque Public Schools.	HAFC	63

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
64 HB442		Rodella, Egoft, Ca. Trujillo, Ruiioba, and M. Garcia	Raises the statewide minimum wage to \$9.25 per hour on January 1, 2018, and the minimum wage for tipped employees will be equal to 40 percent of the statewide minimum wage, or \$3.70. The bill prevents regulations that require private-sector employers to provide their employees with advanced notice of their work schedules.	Veto	42
65 HB451		Thomson	Changes the definitions of "school-age person" and "prekindergarten" for the purposes of community schools, tracks the Community Schools Act with ESSA, adds early childhood education and voluntary prekindergarten as essential components of a community schools initiative, and requires PED to use Title I funding to invest in community schools statewide.	HFI	
66 HB453		Roch	Removes certain public school reporting requirements, including an annual parent survey and elementary school physical education program plans. The bill eliminates requirements for school employees to file an incident report if they know about an act of violence on a school employee or if they see vandalism to public school property. School boards and governing authorities of state institutions no longer need to file an annual itemized list of instructional material purchased with PED. School districts' or state-chartered charter schools' annual accountability reports must be published online on their respective websites and at least once a year, by November 15, in a newspaper of general circulation in the county where the school district or state-chartered charter school is located.	Chapter 65	40
67 HB454		Roch	Amends the Public School Code to provide definitions of and regulations for virtual charter schools, including automatic closure for virtual charter schools that fail to produce student academic growth. The bill limits virtual charter schools to 75 percent of total program units calculated in the Public School Finance Act, excludes virtual charter schools from fine arts education and elementary physical education program units, and the state transportation distribution. The bill limits capital outlay eligibility and requires kindergarten through fifth-grade students enrolled in a virtual charter school to receive only synchronous instruction, while those enrolled in sixth through 12th grade can receive either synchronous or a combination of synchronous and asynchronous instruction. HB454 requires virtual charter schools serving students statewide to be chartered as a state-chartered charter school and notify all school districts in the state when applying for their initial charter.	HEC	
68 HB461		Roybal Caballero	Amends the Public School Code to specify and clarify the Public Education Commission's duty to develop an education strategic plan.	HSIVC	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
69 HB466		L. Trujillo	Requires disclosure of sponsors on certain campaign advertisements in school district elections.	SRC	
70 HB470		L. Trujillo	Exempts the New Mexico School for the Arts from certain provisions of the Public School Capital Outlay Act, sets the local match funding requirement for Public School Capital Outlay Council (PSCOC) funded projects at 50 percent, and allows PSCOC to waive the local match funding requirement if the school has insufficient resources.	HEC	
71 HB477		Hall and Gonzales	Requires community schools initiatives to include four additional strategies to strengthen behavior for all students, including extended learning programs, such as after-school programs and summer programs. Community schools initiatives must implement an independently evaluated, evidence-based, or results-based model to improve student achievement and assess the initiative's effectiveness.	Chapter 66	40
72 HB484		Lente	Creates a new section of the Indian Education Act to require needs assessments to determine what services school districts need to provide to Indian students to help them graduate and be ready for college and careers and requires a systemic framework that focuses on measures to close the achievement gap between Indians and other student groups in New Mexico.	Veto	19
73 HB498		Baldonado	Allows high school students, with parent permission, to graduate from high school with a diploma of excellence early, including a state seal of bilingualism-literacy, by testing out with a certain score on the ACT, SAT, armed services vocational aptitude battery (ASVAB), or a PED-approved assessment. The bill proposes deadlines by when students in each grade must notify the high school in writing, including the parent's signature, of the student's intent to graduate early.	SEC	
74 HB499		Larrañaga and Harper	Relates to the financing of capital expenditures from proceeds of severance tax bonds by changing the purpose and authorization of previously issued severance tax bonds and supplemental severance tax bond proceeds. The bill authorizes the issuance of new bonds, reverts certain balances from earlier appropriations, and makes fund transfers and appropriations. The bill also appropriates \$17.5 million from the Public School Capital Outlay Fund to the instructional material fund, and \$7.5 million from the Public School Capital Outlay Fund to the transportation distribution.	HSIVC	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
75 HB500		Chasey	Provides additional requirements for development and completion of training related to child abuse and neglect, sexual abuse and assault, and substance abuse, requires development of related policies, and appropriates \$100 thousand from the general fund to PED for expenditure in FY18 and FY19 to develop an eight-hour course to train school personnel on detecting and reporting child abuse and neglect.	HEC	
76 HJR1		Maestas and J. Martinez	Proposes an amendment to Article XII, Section 7 of the New Mexico Constitution to increase annual distributions from the land grant permanent fund by 1 percent for the purpose of funding educational programs and early childhood educational services beginning in FY20. The additional distribution from the land grant permanent fund would end in 2032.	SRC	
77 HJR2		McCamley	Proposes an amendment to Article XII of the New Mexico Constitution by adding a new section requiring the withdrawal of \$7 billion dollars from the land grant permanent fund with consent from Congress and provide by law for distribution for economic stimulus programs.	HLEDC	
78 HJR5		Roch and Ivey-Soto	Proposes an amendment to Article X, Section 8, of the Constitution of New Mexico to prohibit state rules or regulations that mandate new or increased activity or service by school districts or charter schools from having the force of law unless funding for those mandates is provided.	HAFC	
79 HM9		Sariñana	Asks LESL to study options to ensure middle school students are ready to advance to high school or, in the alternative, are retained. Additionally, requests LESL to study strategies to reduce teacher turnover.	HEC	
80 HM15		Ch. Trujillo	Asks PED to research options to allow for early entry into kindergarten, permit credit for demonstrated mastery, and establish needs and research-based interventions for gifted and high-ability learners as a priority for expending federal funds.	Passed	
81 HM37		Thomson	Asks PED to support the testing of an alternative system to evaluate the performance of school-based instructional support providers.	HFI	
82 HM49		Maestas	Asks LESL or another appropriate interim committee to hold a hearing on media literacy and best practices. The bill also asks PED and local school districts to develop best practices and to offer media literacy.	Passed	
83 HM51		Thomson	Asks the autism programs at the University of New Mexico Center for Development and Disability to convene a task force to study ways to develop and implement programs for older youth and adults with autism spectrum disorder.	Passed	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
84 HM85		Adkins, Ch. Trujillo, and Roybal Caballero	Asks the Albuquerque Public Schools board of education, superintendent, local legislators, and other public officials to meet quarterly to discuss education issues facing the school district.	Passed	
85 HM109		Smith, L. Trujillo, Garcia Richard, and Roch	Asks LESC to study school district cash balances to determine "reasonable and appropriate" school district and charter school cash balances.	Passed	
86 HM113		Townsend	Asks the State Land Office to study the feasibility of creating an early childhood fund from revenue created by the unleased federal subsurface mineral acreage beneath private land in New Mexico.	HEC	
87 HM114		Lundstrom, H. Garcia, Johnson, and Alcon	Asks LESC and LFC to study rural isolation units and the need for change in the public school funding formula calculation of rural isolation units.	Passed	
88 SB28		Kernan	Makes changes to the Educational Retirement Act to align statute with current ERB practices. The bill eliminates most references to "provisional" members, allows members seeking disability benefit to see a doctor of their choice rather than a doctor employed by ERB, and removes a provision that allows ERB to accept installment payments from members purchasing service credit.	Chapter 21	23
89 SB29		Ingle	Exempts certain Educational Retirement Board employees from the Personnel Act, allows the Educational Retirement Board director to employ and fix the salaries of those employees, and requires the board to fix the director's salary.	SFC	
90 SB30	YES	Morales and Roch	Amends the Public School Finance Act to align the instructional staff training and experience (T&E) index with the three-tiered licensure system, reduce the type of units multiplied by the T&E index, eliminates double funding for certain charter school students, and increases the at-risk index multiplier over five years.	Veto	53
91 SB31	YES	Kernan	Amends the Public School Code to remove the requirement for students to take at least one advanced placement, honors, dual credit, or distance learning course for graduation.	SEC	
92 SB32	YES	Kernan	Amends the Public School Code to clarify the eligibility of certain students to participate in K-3 Plus and repeals an outdated section of statute that established the Kindergarten Plus pilot project.	Chapter 19	21

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
93 SB34		Morales	Creates a 31-member council to develop a teacher and principal evaluation system based on specific criteria, including observations, student achievement, and multiple measures, and requires reporting to the governor and LESC by December 31, 2021.	HEC	
94 SB35		Soules	Appropriates \$368.5 million from the general fund to PED for distribution through the SEG for expenditure in FY18 to provide sufficient funding for public education in New Mexico based on the funding increase recommended in the 2008 independent comprehensive study of the New Mexico public school funding formula, adjusted for inflation.	SFC	
95 SB36		Soules	Raises the minimum wage from \$7.50 per hour to \$8.45 per hour effective July 1, 2017, and provides for an annual cost-of-living increase based on the consumer price index beginning January 1, 2018.	SFI	
96 SB38		Soules	Requires school districts and youth athletic leagues to provide brain injury training to student and youth athletes. Athletes and their guardians must sign a form indicating they received and understand the brain injury training before participating in school or league athletics.	Chapter 69	44
97 SB39	YES	Morales	Amends the Public School Finance Act to clarify the definition of "current year MEM" in calculating enrollment growth program units.	Veto	
98 SB40		Morales	Creates a state school grades council to study and make recommendations on school grades, provides a temporary schema that includes multiple valid and reliable factors in determining school grades, and repeals the A-B-C-D-F Schools Rating Act.	HFI	
99 SB62		Stewart	Amends the A-B-C-D-F Schools Rating Act, changing the calculation of school grades and requiring additional detail for reporting student achievement and growth data. The bill also establishes a work group to study the school grading system during the next two interims.	HFI	
100 SB63	YES	Stewart	Amends the Public School Capital Improvements Act (commonly referred to as Senate Bill 9) and the Public School Buildings Act (commonly referred to as House Bill 33) to expand the use of those property tax revenues for education technology improvements.	Chapter 73	44
101 SB64 ¹		Stewart	Removes the sunset date for the education technology infrastructure deficiency corrections initiative in the Public School Capital Outlay Act.	Law Without Signature	18 & 19

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
102 SB66	YES	Stewart	Creates separate transportation distributions for school districts and state-chartered charter schools and requires state-chartered charter schools to revert 100 percent of their remaining year-end transportation fund balance to the transportation emergency fund. Additionally, the bill limits the distances a state-chartered charter school can transport students.	SEC	
103 SB89		Rue and Adkins	Limits the membership of a school district to no more than 40 thousand students, and provides for the division of an existing school district into new school districts when the membership of a school district exceeds 40 thousand students. The bill appropriates \$150 thousand from the general fund to PED for expenditure in FY18 through FY20 to assist in the creation of new school districts.	SEC	
104 SB101		Cisneros and J. Trujillo	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 conditions for the reversion of unexpended balances, and includes a \$4 million appropriation from the public school capital outlay fund to PED for expenditure in fiscal years 2017 through 2021 for capital asset deficiencies and infrastructure improvements for the Zuni Public School District, Gallup-McKinley County Schools, and Grants-Cibola County Schools contingent upon approval of the Public School Capital Outlay Council.	SFC	
105 SB106		Morales	Creates the Early Childhood Services Department and transfers to the new department programs, functions, personnel, appropriations, money, records, property, contractual obligations, and statutory references. The bill also repeals nonconforming sections of law and prescribes penalties.	SJC	
106 SB113		Jo. Smith and Cisneros	Reduces FY17 related recurring initiative appropriations made to PED to \$8 million as part of a suite of solvency-related appropriation reductions, \$6 million of which may not target early childhood education programs.	Chapter 2	
107 SB114		Neville and Smith	Directs the secretary of public education to withhold an estimated \$46.1 million from the FY17 SEG distribution of school districts and charter schools as a credit for excess FY16 year-end operational cash balances. Each school district's and charter school's share of the credit would be in proportion to their FY16 program cost (or formula funding), but a school district or charter school that receives an emergency supplemental distribution in FY17 would be exempt. The credit would not leave each school district's and charter school's audited operational fund cash balance below 3 percent of FY16 program cost.	Chapter 3	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
108 SB115		Soules	Creates the Safe Schools for All Students Act within the Public School Code requiring school districts to establish, adopt, and enforce bullying prevention policies and programs. The bill provides flexibility to allow for consequences for each incident and requires procedures for reporting, investigating, and appealing incidents.	HFI	
109 SB134 ¹		Candelaria and Sarifiana	Amends high school graduation requirements to allow students to substitute a computer science unit for either a mathematics or a science unit, provided that competence in the subject being substituted is demonstrated. The bill takes effect for students entering ninth grade in the 2017-2018 school year or later.	Law Without Signature	13 & 19
110 SB135	YES	Muñoz	Requires PED to take credit for 75 percent of federal operational impact aid received by state-chartered charter schools in the same way that PED currently does for school districts.	Chapter 78	44
111 SB140	YES	Brandt	Amends the Public School Code to allow a school that is not a charter school that achieves a grade of A or B for two consecutive years to have the same flexibility waiver provided for charter schools. The waiver will remain in effect until the school district or school that is not a charter school receives a grade of C, D, or F for two consecutive years.	FAILED/S	
112 SB144	YES	Brandt	Amends the Educational Retirement Act to define the term "substitute" and excludes substitutes from membership in the educational retirement fund.	SFC	
113 SB147		Stewart	Proposes to implement a replacement formula to the current state and local match formula in the Public School Capital Outlay Act over five years.	Veto	47
114 SB148		Stewart	Creates the Student Diabetes Management Act to train certain school personnel to help children with Type 1 and Type 2 diabetes and pre-diabetes, and provide for self-care by students with diabetes. The bill includes immunity from liability under school disciplinary procedures and professional licensing regulations for schools, governing bodies, employees, or school nurses as a result of activities authorized under the Student Diabetes Management Act.	Veto	
115 SB170		Stewart	Increases the radius within which school districts and state-chartered charter schools are prohibited from transporting students.	SEC	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
116 SB182		Papen	Creates the Early Childhood Land Grant Act, the early childhood land grant permanent fund, and the early childhood income fund consisting of all money generated by the Commissioner of Public Lands and the State Land Office through the management, care, custody, control, and disposition of any and all unleased federal subsurface mineral acreage beneath private land transferred to the state of New Mexico and provides for annual distributions from the early childhood land grant permanent fund and authorizes expenditure of those distributions.	SEC	
117 SB193		Soules	Amends the Public School Code to require PED to transfer 25 percent of the 2 percent of the school-generated program cost it withholds from state-chartered charter schools for administrative support and oversight to Public Education Commission for its administrative support of state-chartered charter schools.	SFC	
118 SB195		Sapien	Expands the scope of the LESC to study issues pertaining to public postsecondary education in New Mexico.	HEC	
119 SB200		Sapien	Expands the employees eligible to receive a salary differential for certification by the National Board of Professional Teaching Standards from "teacher" to "licensed school employees" but requires the licensed school employee be employed in a position for which they hold certification.	Veto	10
120 SB206		Sapien	Changes the composition and terms of the State Early Learning Advisory Council (ELAC), requires term limits for council members, expands requirements for recommendations by the council to the Children, Youth and Families Department and the Legislature, and extends the sunset date for the council.	Veto	59
121 SB207	YES	Sapien	Limits overall charter school enrollment within each school district with fewer than 1,300 students to no more than 10 percent of the school district's total students. Small school districts are allowed to waive the 10 percent cap and charter schools in small school districts that currently exceed the 10 percent cap would be grandfathered into the bill.	HFI	
122 SB208		Sapien	Requires public postsecondary institutions to accept passing scores of three or higher on the College Board's advanced placement examinations for course credit. The bill also requires HED to report institutional advanced placement policies to the Legislature and the governor.	Veto	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
123 SB209		Sapien	Adds a new section of the Public School Code to require school districts to provide specific, additional student data on student interventions and remediation as well as teacher professional development related to effective instructional methodologies and strategies to improve students' reading and English language skills and requires PED to report to LESC each interim on the data from the school district accountability reports.	SFI	
124 SB213		Kernan	Amends the Public School Code to require a timely transition for an enrolling high school student who has experienced disruption in the student's education process through no fault of their own, including homelessness, adjudication based on abuse or neglect or as part of a family in need of court-ordered voluntary placement, or delinquency. The bill requires receiving schools to communicate with sending schools within two days of the student's enrollment and requires sending schools to provide the student's records within two days of having received communication.	Chapter 85	44
125 SB219		Lopez	Requires "ethnic studies," or "the interdisciplinary study of multiple perspectives through the examination of social, ethnic, cultural, gender, and historical experiences to build critical thinking skills," be offered as an elective in ninth through 12th grade.	HEC	
126 SB241	YES	Stewart and McSorley	Requires PED to adopt fine arts and physical education content standards in PED rule.	Veto	45
127 SB251		Lopez	Requires a parent be provided with the findings and disposition of any investigation into a school district law enforcement officer's misconduct if a student was involved in the alleged misconduct. This report should include witness statements and field and forensic investigation reports without personally identifiable information.	HEC	
128 SB253		Sapien	Adds a new section of the Assessment and Accountability Act requiring the state cease its participation in Partnership for Assessment of Readiness for College and Careers (PARCC) and the use of PARCC exams and requires PED to design or contract for a new assessment for the 2017-2018 school year.	SFI	
129 SB256		Cervantes	Increases the minimum instructional hours and days for kindergarten through sixth grade and amends cost differentials in the Public School Finance Act to fund changes contingent on enactment of Senate Joint Resolution 14.	SFC	
130 SB271		Ingle	Amends the Procurement Code to expand the use of construction manager at risk (CMAR) contracts to all state facilities, in lieu of the current limitation to educational facilities.	SJC	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
131 SB279		Stewart	Prohibits any school that is a supplemental accountability model school from generating size adjustment program units.	SEC	
132 SB288		Padilla	Creates an early childhood education fund to provide for early childhood education programs and improve the curriculum, materials, and quality of early childhood education in the state. The bill imposes a one-hundredth percent oil and gas emergency school surtax and establishes a 1-cent-per-kilowatt-hour tax on electricity produced in the state to fund the early childhood education fund.	SCONC	
133 SB289		Padilla	Creates the Early Childhood Education Department Act and a cabinet-level Early Childhood Education Department (ECED) by transferring powers, duties, contractual obligations, and assets from several other executive agencies and bureaus to the new department. ECED would include the Children, Youth and Families Department early childhood services and PED's prekindergarten program. The bill also adjusts membership of the Early Learning Advisory Council.	SJC	
134 SB290		Soules	Gives school districts operational flexibility when the Legislature decreases the appropriation to the state equalization guarantee by 2 percent or more or when the secretary of PED decreases the unit value by 2 percent or more after PED has approved school budgets. Once the decrease occurs, a local school board is not required to meet statutory minimums for individual class load, teaching load, length of school day or year, and may make adjustments to staffing patterns, subject areas, and purchases of instructional materials, or any other adjustments as required.	SFI	
135 SB302		Muñoz	Requires a special election to fill a vacancy on a school board within 30 days of the vacancy and establishes election procedures and requires candidates to file proof of primary residency with their declarations of candidacy.	SRC	
136 SB305		Sapien	Amends the Charter Schools Act to define the term "virtual charter school" and only allows early childhood education, basic education, special education, and National Board for Professional Teaching Standards certified teacher program units to be used in calculating virtual charter schools' program costs.	FAILED/S	
137 SB313		Sapien	Amends the Charter Schools Act, the Public School Capital Outlay Act, and the Public School Lease Purchase Act to fix ongoing issues with the execution of charter school leases and lease-purchase agreements.	HEC	
138 SB321		Campos	Increases the minimum wage to \$8.75 per hour, increases the minimum wage for tipped employees, and adds a premium for employees with a valid server permit.	SCORC	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
139		Tallman	Gives local school boards the option to enroll 4-year-old children in kindergarten if the child turns 5 on or before December 15 of the school year and the child is assessed to be ready for kindergarten and makes students enrolling early in kindergarten eligible for formula funding.	SFC	
140		Rodriguez	Appropriates \$2 million from the general fund to the Children, Youth and Families Department to fund a workforce and professional development program to increase the quality of early childhood education for children from birth through kindergarten.	SFC	
141	YES	Stewart	Amends the Public School Code to increase the statutory minimum teacher salaries to \$34 thousand for level 1 teachers, \$42 thousand for level 2 teachers, and \$52 thousand for level 3-A teachers.	SFC	
142		Brandt	Repeals the cash balance credit enacted in Laws 2017, Chapter 3 (Senate Bill 114), and replaces the nonrecurring revenue generated by the cash balance credit by delaying payment of \$20 million in film production tax credits and applying \$26.1 million in newly-raised bond proceeds to completed capital outlay projects funded with general fund dollars.	SCORC	
143		Ivey-Soto and Ja. Smith	Provides for the chief information officer of the Department of Information Technology to coordinate the development of a statewide broadband network by aggregating demand among governmental and educational institutions that request to be included in the network and apply for reimbursements from the federal universal service fund, also known as E-rate.	HSIVC	
144		Tallman	Creates a new top personal income tax bracket with a 6.4 percent marginal tax rate and limits a deduction for capital gain income to no more than \$1,000 from the current maximum of \$1,000 or 50 percent of the capital gains included on a federal tax return. The revenues generated pursuant to the changes in the bill would be distributed to the Children, Youth and Families Department's pre-kindergarten fund and the public pre-kindergarten fund to be used for early childhood care and education services provided for prenatal care through third grade.	SFC	
145		Stefanics	Amends the Public School Code to require all charter schools to establish eligibility and participate in the federal free and reduced-fee meal program.	SEC	

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Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
146		Padilla and Lopez	Specifies students' rights and schools' responsibilities regarding free or reduced-fee lunch to ensure that student nutrition needs are met. The bill requires public schools to provide applications for the national free and reduced-fee lunch program and guidance for parents completing the application and requires schools to complete and file an application for students who have not submitted an application. The bill also requires schools to provide a school lunch for a student regardless of ability to pay, limits schools' abilities to collect debts from parents and students for unpaid school lunches, and bans public identification and stigmatization of students who cannot pay for a meal.	Chapter 117	146
147		Woods	Appropriates \$1.4 million from the general fund to PED for expenditure in FY18 and subsequent years to provide New Mexico-grown fresh fruits and fresh vegetables for school meals.	SFC	147
148		Woods	Amends the Public School Finance Act to allow school districts to transport from one to six students who live five or more miles from their school and within district boundaries with a district-owned sport utility vehicle instead of a school bus. The bill requires that district-owned sport utility vehicles be operated by certified drivers and that PED adopt rules to ensure the safety of the students transported.	Chapter 94	44
149		Brandt	Provides that children who attend prekindergarten at a charter school shall have first priority to attend kindergarten at that charter school.	SEC	149
150		Sanchez	Raises the statewide minimum wage to \$8.25 on October 1, 2017, and \$9 on April 1, 2018, but exempts trainee employees, providing those employees with an \$8 minimum wage for a period of 60 days from the date they are hired. The minimum wage for tipped employees would be increased to \$2.38 on October 1, 2017, and to \$2.63 on April 1, 2018.	Veto	46
151		Lopez	Provides for support and protection of students diagnosed with behavioral and mental health conditions or developmental disabilities or who have been identified as having experienced at least two adverse childhood events. The bill also limits the use of restraint and seclusion and requires notice to parents and guardians of students who have been restrained or secluded.	SEC	151
152		Lopez	Appropriates \$150 thousand from the general fund to PED for expenditure in FY18 to provide all teachers and school staff with professional development to effectively work with and meet the instructional needs of students with special needs in the classroom.	SFC	152

Appendix 8
Public Education-Related Legislation introduced in the First Session of the 53rd Legislature of the State of New Mexico
(Organized by Bill Number)

Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
153 SB403		Kernan and Ingle	Amends the Public School Code to promote student literacy by providing for interventions, remediation, and transition programs to address reading and academic deficiencies.	SEC	
154 SB406		Stewart	Appropriates \$100 thousand from the general fund to PED to train public school administrators on reporting allegations of sexual assault.	SFC	
155 SB440		Griggs	Creates the Adjunct Secondary Instructors Act, which allows the licensure and contracting of adjunct secondary instructors.	SEC	
156 SB445		McSorley	Changes the definitions of "school-age person" and "prekindergarten" for the purposes of community schools, aligns the Community Schools Act with ESSA, adds early childhood education and voluntary prekindergarten as essential components of a community schools initiative, and requires PED to use Title I funding to invest in community schools statewide.	SFC	
157 SB447		Lopez	Expands the scope of authority of a caregiver who files a caregiver's affidavit to enroll a child in early intervention services, daycare, Head Start, preschool, or a kindergarten through 12 th grade school, rather than only in schools, as is current law.	SJC	
158 SB454		Stewart	Creates the Local Operational School Levy Act, which would allow school districts to levy a property tax of up to 4 mills and guarantees school districts levying a property tax will receive additional funding based on the tax rate adopted by the school district and the school district's program cost. School districts that generate more than their guarantee in new property tax revenue would remit a portion to the state for redistribution to school districts unable to meet their guarantee.	SEC	
159 SB458		Morales	Appropriates a total of \$96.2 million from the general fund to the Department of Finance and Administration, the Higher Education Department, the public school state equalization guarantee, and the public school transportation distribution for an average salary increase of 3 percent for all employees.	SPAC	
160 SB470		Sapien	Amends the Assessment and Accountability Act to allow school districts and charter schools to administer beginning-of-course and end-of-course examinations as part of the academic assessment program and requires PED to establish a teacher evaluation system that is based on valid and reliable measures of student academic growth and other metrics.	SEC	

Appendix 8
Public Education-Related Legislation introduced in the First Session of the 53rd Legislature of the State of New Mexico
 (Organized by Bill Number)

Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
161 SB476		Padilla	Provides for the procurement and installation of solar energy panels for public elementary schools, creates the solar energy panels fund, and appropriates all income earned from investments to the fund.	SCONC	
162 SB526		Pinto	Amends the Public School Finance Act to adjust the formula used to determine eligibility for rural isolation program units.	SFC	
163 SJM1		Padilla	Asks PED and LESC to convene a working group of education representatives and researchers to develop recommendations for a new student assessment policy aligned with the alternative assessment models allowed by the federal Every Student Succeeds Act.	Passed	
164 SJM5		Ortiz y Pino	Asks the University of New Mexico Health Sciences Center to reconvene the J. Paul Taylor Early Childhood Task Force to continue the task force's work in improving collaboration among stakeholders and developing further ways to identify and assist families and children at risk.	Passed	
165 SJM11		Stewart	Asks PED and the Department of Health to collect current data on the status of elementary school physical education to develop a plan for increased weekly physical education.	Passed	
166 SJM14		Candelaria	Asks all state private and public high schools, colleges, and universities to provide information to all students and parents about meningococcal disease, explaining the different disease serogroups, symptoms, risks, vaccines, and treatments.	Passed	
167 SJM27		Muñoz	Asks the Legislative Finance Committee, LESC, the Public School Capital Outlay Council, and PED to conduct a thorough study of the public school capital outlay funding formula as it has evolved since its enactment in 2001 and assess whether the funding formula is meeting the requirements of Article XII, Section 1, of the New Mexico Constitution.	SEC	
168 SJR2		Padilla	Proposes an amendment to Article XII, Section 6, of the New Mexico Constitution to create a 10-member elected state board of education to make education policy and appoint a superintendent of public instruction.	SRC	
169 SJR3		Padilla	Proposes an amendment to Article XII, Section 7, of the New Mexico Constitution, subject to the approval of Congress, to provide for an additional annual distribution of 1.5 percent from the land grant permanent fund, of which the amount distributed from the permanent school fund shall be used for early childhood education services.	SRC	


Appendix 8
Public Education-Related Legislation introduced in the First Session of the 53rd Legislature of the State of New Mexico
(Organized by Bill Number)


Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
170		Stewart	Proposes an amendment to Article VIII, Section 2, of the New Mexico Constitution to increase the statewide property tax rate from a maximum of 20 mills to 22 mills (\$22 for every \$1,000 of property value). Two mills would be used solely for public school funding and distributed through the state equalization guarantee. SJR6 expands the eligibility of qualified electors to include those who did not pay a property tax in their taxing district during the preceding year.	SRC	
171		Soules	Proposes an amendment to Article XII, Section 6, of the New Mexico Constitution to create a nine-member state board of education comprised of five elected and four appointed members to set public school policy as provided by law and to appoint a superintendent of public education.	SRC	
172		Cervantes	Proposes an amendment to Article XII, Section 7, of the New Mexico Constitution to provide for an additional annual distribution of 1 percent from the permanent school fund to be used to lengthen the school day and school year as provided by law.	SRC	
173		Padilla	Proposes an amendment to Article XII of the New Mexico Constitution by adding a new section creating the Early Childhood Education Department and providing for its responsibilities, and amends Article XII, Section 3 to allow public schools and that Early Childhood Education Department to provide or contract for voluntary nonreligious, nonsectarian, and nondenominational early childhood educational services.	SFC	
174		Sapien	Proposes an amendment to Article VIII, Section 10, of the New Mexico Constitution by requiring an additional distribution of 0.08 percent from the severance tax permanent fund for early childhood education and care programs.	SRC	
175		Sapien	Proposes an amendment to Article VIII, Section 10, of the New Mexico Constitution by requiring an additional distribution of 0.08 percent from the severance tax permanent fund for early childhood education and care programs.	SFC	
176		Campos	Asks the Higher Education Department, working with PED, to appoint a task force to review the adequacy, appropriateness, and alignment of branch and community college statutes and make recommendations for statutory changes, and present its recommendations to the appropriate legislative committees by December 1, 2017.	Passed	
177		Campos	Asks the Early Learning Advisory Council to study methods to improve communication and collaboration among entities involved in early childhood services.	Passed	

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Public Education-Related Legislation introduced in the First Session of the 53rd Legislature of the State of New Mexico
 (Organized by Bill Number)

Bill No.	LESC Endorsed	Sponsor	Summary	Final Location	Executive Message
178	SM56	Campos	Asks the Senate Finance Committee, House Appropriations and Finance Committee, and the Legislature to give careful consideration to the school transportation appropriation and the consequences of the proposed change in the school bus replacement schedule. Also requests LESG to undertake a study of school bus use and routes in New Mexico and the fiscal downside to extending the replacement cycle.	SEC	178
179	SM79	Lopez	Asks the autism programs at the University of New Mexico Center for Development and Disability to convene a task force to study ways to develop and implement programs for older youth and adults with autism spectrum disorder.	Passed	179
180	SM135	Stewart	Asks LESG to study school district cash balances to determine "reasonable and appropriate" school district and charter school cash balances.	SFI	180
181	SM142	Stewart and Pinto	Asks LESG and the Legislative Finance Committee to study rural isolation units and the need for a change in the public school funding formula calculation of rural isolation units.	SFI	181
182	SM145	Stewart	Asks LESG, in consultation with PED, to convene a work group to study the school grading system during the next two interims.	Passed	182

Source: LESG

 Indicates legislation was enacted.

 Indicates legislation was vetoed.

¹ The governor's veto of Senate Bills 64 and 134 did not include the governor's objection as required by Article IV, Section 22 of the New Mexico State Constitution and are therefore considered law without signature by the Legislature. These bills have not been chaptered by the Secretary of State and Legislative Council has authorized staff to legally challenge the governor's vetoes.