

1 HOUSE BILL 3
2 **47th LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**
3 INTRODUCED BY
4 Rick Miera
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10 AN ACT
11 RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.
12

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

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

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

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

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

24 C. "other state funds" means:

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

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|------|--------------|-------------------|-------------------------------------|---------------|-------|
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1 internal service funds accounts, appropriated by the Education Appropriation Act;

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

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

5 Section 3. FORMAT.--The general format of the appropriations set forth in the Education
6 Appropriation Act with respect to symbols used, column headings and amounts stated are those used
7 in the General Appropriation Act of 2005.

8 Section 4. APPROPRIATIONS.--The appropriation for public school support in fiscal year 2007
9 shall be:

10 PUBLIC SCHOOL SUPPORT:

11 (1) State equalization guarantee: 2,121,877.4 850.0 2,122,727.4

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

15 Performance measures:

- | | | |
|-----------------|---|------|
| 16 (a) Outcome: | Percent of students in full-day kindergarten meeting benchmark for | |
| 17 | nonsense words | 60% |
| 18 (b) Outcome: | Annual percent of stakeholders positively rating their involvement with | |
| 19 | public elementary, middle and high schools | 80% |
| 20 (c) Outcome: | Annual percent of core academic subjects taught by highly qualified | |
| 21 | teachers in pre-kindergarten through twelfth grade | 95% |
| 22 (d) Outcome: | Percent of school districts and charter schools participating in the | |
| 23 | national center for education statistics chart of accounts | 100% |
| 24 (e) Outcome: | Percent of recent New Mexico high school graduates who take remedial | |
| 25 | courses in higher education at two-year and four-year schools | 55% |

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| 1 (f) Outcome: | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | 49% |
| 5 (g) Outcome: | | | | | |
| 6 | | | | | |
| 7 | | | | | |
| 8 | | | | | 42% |
| 9 (h) Outcome: | | | | | |
| 10 | | | | | |
| 11 | | | | | 33% |
| 12 (i) Outcome: | | | | | |
| 13 | | | | | |
| 14 | | | | | 20% |
| 15 (j) Outcome: | | | | | |
| 16 | | | | | 100% |
| 17 (k) Explanatory: | | | | | 89,873 |
| 18 (l) Explanatory: | | | | | 35 |
| 19 (m) Explanatory: | | | | | |
| 20 | | | | | 90% |

21 The rate of distribution of the state equalization guarantee distribution shall be based on
22 a program unit value determined by the secretary of public education. The secretary shall
23 establish a preliminary unit value to establish budgets for the 2006-2007 school year; and then
24 upon verification of the number of units statewide for fiscal year 2007 but no later than January
25 31, 2007, the secretary of public education may adjust the program unit value.

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1 The general fund appropriation for the state equalization guarantee distribution contains
2 sufficient funding to provide an average four and one-half percent salary increase for all
3 teachers, other instructional staff and other certified staff and noncertified staff, effective
4 the first full pay period after July 1, 2006.

5 The general fund appropriation for the state equalization guarantee distribution includes
6 seven million four hundred ninety-six thousand nine hundred dollars (\$7,496,900) to implement the
7 forty-five-thousand-dollar (\$45,000) minimum salary for level three-A teachers. The secretary of
8 public education shall ensure that school districts and charter schools implement the salary
9 increase for teachers prior to implementing the forty-five-thousand-dollar (\$45,000) minimum
10 salary for level three-A teachers.

11 The secretary of public education, in collaboration with the office of educational
12 accountability, shall ensure all level three-A teachers receiving salary increases under the
13 three-tiered minimum salary have been evaluated under the tiered licensure evaluation system and
14 have the professional competencies of level three-A teachers. The secretary of public education
15 shall withhold from public school district distribution funding for minimum salaries for any
16 teacher that has not been evaluated.

17 The general fund appropriation for the state equalization guarantee distribution contains
18 sufficient funding to provide a three-fourths percent increase in the employer contribution to
19 the educational retirement fund.

20 For the 2006-2007 school year, the state equalization guarantee distribution contains
21 sufficient funding for school districts implementing a formula-based program for the first time.
22 Those districts shall use current year membership in the calculation of program units for the new
23 formula-based program.

24 The general fund appropriation in the state equalization guarantee distribution reflects the
25 deduction of federal revenues pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA

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| 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701 et seq., formerly known as "P.L. 874 funds". | | | | | |
| 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 the federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts otherwise unappropriated. | | | | | |
| (2) Transportation distributions: | | | | | |
| Appropriations: | 104,586.5 | | | | 104,586.5 |
| The general fund appropriation to the transportation distribution includes sufficient funds for an average four and one-half percent salary increase for transportation employees effective July 1, 2006. | | | | | |
| The general fund appropriation for the transportation distribution includes sufficient funding to provide a three-fourths percent increase in the employer contribution to the educational retirement fund. | | | | | |
| (3) Supplemental distributions: | | | | | |
| (a) Out-of-state tuition | 370.0 | | | | 370.0 |
| (b) Emergency | 2,000.0 | | | | 2,000.0 |
| Subtotal | 2,370.0 | | | | 2,370.0 |
| Any unexpended or unencumbered balance in the distributions authorized remaining at the end of fiscal year 2007 from appropriations made from the general fund shall revert to the general fund. | | | | | |
| INSTRUCTIONAL MATERIAL FUND: | 35,500.0 | | | | 35,500.0 |
| The appropriation to the instructional material fund is made from the federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts. | | | | | |
| EDUCATIONAL TECHNOLOGY FUND: | 5,000.0 | | | | 5,000.0 |
| INCENTIVES FOR SCHOOL IMPROVEMENT | | | | | |

| Item | General Fund | Other State Funds | Intrnl Svc Funds/Inter-Agency Trnsf | Federal Funds | Total |
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| 1 FUND: | 1,600.0 | | | | 1,600.0 |
| 2 SCHOOLS IN NEED OF IMPROVEMENT FUND: | 2,100.0 | | | | 2,100.0 |
| 3 FEDERAL FLOW THROUGH: | | | | 368,323.5 | 368,323.5 |
| 4 TOTAL PUBLIC SCHOOL SUPPORT: | 2,273,033.9 | 850.0 | | 368,323.5 | 2,642,207.4 |
| 5 PUBLIC EDUCATION DEPARTMENT: | | | | | |
| 6 (1) Administration: | | | | | |
| 7 (a) Personal services | | | | | |
| 8 and employee benefits | 10,419.0 | 341.6 | | 6,319.8 | 17,080.4 |
| 9 (b) Contractual services | 351.6 | 57.2 | | 10,501.8 | 10,910.6 |
| 10 (c) Other | 511.6 | 336.5 | | 2,421.3 | 3,269.4 |
| 11 Subtotal | 11,282.2 | 735.3 | | 19,242.9 | 31,260.4 |
| 12 Authorized FTE: 302.8. Permanent 200.2; Term 100.0; Temporary 2.6 | | | | | |
| 13 (2) Apprenticeship assistance: | 650.0 | | | | 650.0 |
| 14 PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS: | | | | | |
| 15 (a) Beginning teacher | | | | | |
| 16 induction and mentorship | 900.0 | | | | 900.0 |
| 17 (b) Family and youth services | 1,500.0 | | | | 1,500.0 |
| 18 (c) GRADS teen pregnancy | | | | | |
| 19 prevention | 1,000.0 | | | | 1000.0 |
| 20 (d) Pre-kindergarten program | 8,000.0 | | | | 8,000.0 |
| 21 (e) Indian Education Act | 2,000.0 | | | | 2,000.0 |
| 22 (f) Kindergarten plus | 900.0 | | | | 900.0 |
| 23 (g) Accelerated employer | | | | | |
| 24 contribution to the educational | | | | | |
| 25 retirement fund | 13,555.0 | | | | 13,555.0 |

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| 1 (h) Emergency supplemental | 5,000.0 | | | | 5,000.0 |
| 2 Subtotal | 32,855.0 | | | | 32,855.0 |
| 3 REGIONAL EDUCATION COOPERATIVES: | | | | | |
| 4 (1) Central 5 (Albuquerque) | | 2,000.0 | | 2,000.0 | 4,000.0 |
| 5 (2) High Plains 3 (Raton) | | 1,889.9 | | 1,745.6 | 3,635.5 |
| 6 (3) Region 9 (Ruidoso) | | 3,010.0 | | 4,750.0 | 7,760.0 |
| 7 (4) Northwest 2 (Gallina) | | 0.0 | | 1,593.0 | 1,593.0 |
| 8 (5) Northeast 4 (Las Vegas) | | 0.0 | | 2,124.1 | 2,124.1 |
| 9 (6) Region 6 (Clovis) | | 111.0 | | 1,649.0 | 1,760.0 |
| 10 (7) Lea #7 (Hobbs) | | 0.0 | | 3,301.0 | 3,301.0 |
| 11 (8) Pecos Valley 8 (Artesia) | | 1,321.5 | | 1,371.8 | 2,693.3 |
| 12 (9) Southwest 10 (Truth or Consequences) | | 150.0 | | 3,500.0 | 3,650.0 |
| 13 Subtotal | | 8,482.4 | | 22,034.5 | 30,516.9 |

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

16 Section 6. EMERGENCY.--It is necessary for the public peace, health and safety that this
17 act take effect immediately.