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SENATE BILL 638
52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY
William P. Soules

AN ACT

RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

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

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

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

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

C. "other state funds" means:

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

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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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 2014.

8 **SECTION 4. APPROPRIATIONS.--**

9 PUBLIC SCHOOL SUPPORT:

10 Except as otherwise provided, unexpended balances of appropriations made in this subsection
11 shall not revert at the end of fiscal year 2016.

12 (1) State equalization guarantee: 2,532,769.9 2,000.0 2,534,769.9

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

16 The rate of distribution of the state equalization guarantee distribution shall be based on
17 a program unit value determined by the secretary of public education. The secretary of public
18 education shall establish a preliminary unit value to establish budgets for the 2015-2016 school
19 year and then, on verification of the number of units statewide for fiscal year 2016, but no
20 later than January 31, 2016, may adjust the program unit value once.

21 After considering those elementary physical education programs eligible for state financial
22 support and the amount of state funding available for elementary physical education, the
23 secretary of public education shall annually determine the programs and the consequent numbers of
24 students in elementary physical education that will be used to calculate the number of elementary
25 physical education program units.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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1 For the 2015-2016 school year, the state equalization guarantee distribution includes
2 sufficient funding for school districts and charter schools to implement a new formula-based
3 program. Those districts and charter schools shall use current-year membership in the
4 calculation of program units for the new formula-based program.

5 The general fund appropriation to the state equalization guarantee distribution reflects the
6 deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA
7 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701, et
8 seq., and formerly known as "PL874 funds".

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

12 Any unexpended balances in the authorized distributions remaining at the end of fiscal year
13 2016 from appropriations made from the general fund shall revert to the general fund.

14 (2) Transportation distributions:

15 Appropriations:	98,565.8	98,565.8
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16 (3) Supplemental distributions:

17 (a) Out-of-state tuition	300.0	300.0
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18 (b) Emergency supplemental	2,000.0	2,000.0
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19 Subtotal	2,300.0	2,300.0
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20 The secretary of public education shall not distribute any emergency supplemental funds to a
21 school district or charter school that is not in compliance with the Audit Act or that has cash
22 and invested reserves, or other resources or any combination thereof, equaling five percent or
23 more of its operating budget.

24 Any unexpended or unencumbered balance in the supplemental distributions to the public
25 education department remaining at the end of fiscal year 2016 from appropriations made from the

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 general fund shall revert to the general fund.					
2 INSTRUCTIONAL MATERIAL FUND:	20,300.0				20,300.0
3 The appropriation to the instructional material fund is made from the federal Mineral					
4 Leasing Act (30 USCA 181, et seq.) receipts.					
5 DUAL CREDIT INSTRUCTIONAL MATERIALS:	900.0				900.0
6 The general fund appropriation to the public education department for dual credit					
7 instructional materials shall be used by the department to reimburse school districts, charter					
8 schools, state-supported schools and bureau of Indian education high schools in New Mexico for					
9 the cost of required textbooks and other course supplies for students enrolled in the dual credit					
10 program to the extent of the available funds.					
11 INDIAN EDUCATION FUND:	1,824.6				1,824.6
12 FEDERAL FLOW THROUGH:				414,202.3	414,202.3
13 TOTAL PUBLIC SCHOOL SUPPORT:	2,656,660.3	2,000.0		414,202.3	3,072,862.6
14 PUBLIC EDUCATION DEPARTMENT:					
15 (l) Administration:					
16 (a) Personal services					
17 and employee benefits	9,912.4	2,323.4	36.0	6,963.9	19,235.7
18 (b) Contractual services	1,197.2	908.3	0	18,238.5	20,344.0
19 (c) Other	859.6	576.3	0	2,792.1	4,228.0
20 Subtotal	11,969.2	3,808.0	36.0	27,994.5	43,807.7
21 Authorized FTE: 158.2 Permanent; 120.5 Term; 1.0 Temporary					
22 PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:					
23 (a) Advanced placement	750.0	250.0			1,000.0
24 (b) After school and summer					
25 enrichment programs	350.0	750.0			1,100.0

	Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1	(c) Breakfast after the bell	1,900.0				1,900.0
2	(d) GRADS teen pregnancy					
3	prevention	200.0				200.0
4	(e) Interventions and support					
5	for students, struggling					
6	schools and parents	10,500.0				10,500.0
7	(f) Kindergarten-three-plus	22,200.0	500.0			22,700.0
8	(g) New Mexico cyber academy					
9	(IDEAL-NM)	900.0				900.0
10	(h) College preparation,					
11	career readiness and					
12	dropout prevention	3,000.0				3,000.0
13	(i) Early Reading Initiative					
14	(New Mexico Reads to Lead!)	3,600.0				3,600.0
15	(j) Next generation school					
16	leader preparation	2,750.0				2,750.0
17	(k) Next generation teacher					
18	preparation	1,650.0				1,650.0
19	(l) NMTEACH evaluation					
20	system and support and					
21	intervention	5,000.0	500.0			5,500.0
22	(m) New Mexico-grown fruits					
23	and vegetables	239.3				239.3
24	(n) Pre-kindergarten program	21,000.0	500.0		3,500.0	25,000.0
25	(o) Regional education					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 cooperatives operations	935.6				935.6
2 (p) Science, technology,					
3 engineering and math					
4 initiative	2,000.0	500.0			2,500.0
5 (q) Teacher and school leader					
6 programs and supports for					
7 training, preparation,					
8 recruitment and					
9 retention	7,200.0				7,200.0
10 Subtotal	96,144.1	3,000.0		3,500.0	102,644.1

11 A regional education cooperative may submit an application to the public education
12 department for an allocation from the general fund appropriation to the public education
13 department.

14 Notwithstanding the provisions of Section 22-8-45 NMSA 1978 or other substantive law, the
15 other state funds appropriations to the public pre-kindergarten fund and the k-3 plus fund and
16 to the public education department for advanced placement, after-school and summer enrichment
17 programs, and the science, technology, engineering and mathematics initiative are from the
18 teacher professional development fund.

19 The internal service funds/interagency transfers appropriation to the public pre-
20 kindergarten fund is from the temporary assistance for needy families block grant to New Mexico.

21 Notwithstanding the provisions of Section 22-8-44 NMSA 1978 or other substantive law, the
22 other state funds appropriation to the public education department for the teacher and
23 administrator evaluation system is from the educator ethics fund.

24 Any unexpended or unencumbered balance in the authorized distributions remaining at the end
25 of fiscal year 2016 from appropriations made from the general fund shall revert to the general

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1 fund.					
2 REGIONAL EDUCATION COOPERATIVES:					
3 (1) Northwest 2 (Gallina)		768.4			768.4
4 (2) Northeast 4 (Las Vegas)		422.0		1,304.0	1,726.0
5 (3) Lea county 7 (Hobbs)		550.0		523.4	1,073.4
6 (4) Pecos valley 8 (Artesia)		1,050.0		200.0	1,250.0
7 (5) Southwest 10 (Truth or					
8 Consequences)		51.1			51.1
9 (6) Central 5 (Albuquerque)		3,992.0		1,082.0	5,074.0
10 (7) High plains 3 (Raton)		2,431.0		300.0	2,731.0
11 (8) Clovis 6 (Portales)		308.6		520.1	828.7
12 (9) Ruidoso 9 (Ruidoso)		3,820.0		1,150.0	4,970.0
13 Subtotal		13,393.1		5,079.5	18,472.6
14 PUBLIC EDUCATION DEPARTMENT:	4,000.0				4,000.0

15 The general fund nonrecurring appropriation to the public education department is for school
16 districts experiencing shortfalls. All requirements for distribution of funds shall be in
17 accordance with Section 22-8-30 NMSA 1978.

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

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