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SENATE BILL 169

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO PUBLIC SCHOOLS; INSTITUTING A MORATORIUM ON PUBLIC SCHOOL CLOSURES UNTIL AFTER THE PUBLIC SCHOOL FUNDING FORMULA STUDY HAS BEEN COMPLETED AND REPORTED TO THE FORTY-EIGHTH LEGISLATURE, SECOND SESSION IN 2008; REQUIRING RECONSIDERATION OF CONTEMPLATED CLOSURE DECISIONS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. TEMPORARY PROVISION--PUBLIC SCHOOL CLOSURES--MORATORIUM--LIMITATION--APPLICATION FOR FUNDING FROM THE PUBLIC EDUCATION DEPARTMENT.--

A. A moratorium on closing public schools is in effect between the effective date of this act and July 1, 2008. During the moratorium, a local school board shall not approve the closure of a public school. After the moratorium is

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1 lifted, any public school closures that were contemplated or
2 pending prior to the effective date of this act shall be
3 reconsidered in light of actions taken by the forty-eighth
4 legislature, second session, pursuant to findings and
5 recommendations in the completed independent comprehensive
6 public school funding formula study being conducted under
7 contract with the legislative council service.

8 B. A school district that had contemplated or begun
9 the process of closing a public school prior to the effective
10 date of this act may apply to the public education department
11 for funding to continue to operate the public school. The
12 application shall include proof that the school district or
13 local school board had contemplated or was in the process of
14 closing one or more public schools. The department shall
15 determine the amount of funding to be awarded to the school
16 district based on the budget of the school district and the
17 cost of operating the public school. Money from the department
18 to a school district to carry out the purposes of this section
19 is in addition to the district's state equalization guarantee
20 distribution, emergency supplemental distribution or other
21 distributions or funding.

22 Section 2. APPROPRIATION.--Five million five hundred
23 thousand dollars (\$5,500,000) is appropriated from the general
24 fund to the public education department for expenditure in
25 fiscal years 2007 and 2008 to provide funding for school

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1 districts to which the closure moratorium provided for in
2 Section 1 of this act applies. Any unexpended or unencumbered
3 balance remaining at the end of fiscal year 2008 shall revert
4 to the general fund.

5 Section 3. EMERGENCY.--It is necessary for the public
6 peace, health and safety that this act take effect immediately.

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