

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
MAKING APPROPRIATIONS FOR SPECIAL EDUCATION MAINTENANCE OF
EFFORT IN THE EVENT OTHER APPROPRIATIONS ARE INSUFFICIENT OR
THE STATE'S PROPOSAL FOR FUNDING IS DENIED; DECLARING AN
EMERGENCY.

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

SECTION 1. APPROPRIATIONS.--

A. If, after final negotiation and settlement with the United States department of education, the state is required to make up funding for state-level special education maintenance of effort as required by Part B of the federal Individuals with Disabilities Education Act and the appropriations for that purpose provided in the general appropriation acts of 2012 and 2013 are insufficient, up to the following amounts are appropriated from the operating reserve to the public education department, subject to the provisions of Subsections B and C of this section:

(1) twenty million dollars (\$20,000,000) for fiscal year 2013; and

(2) sixteen million dollars (\$16,000,000) for fiscal year 2014.

B. Prior to the transfer of any amount of the appropriations in Subsection A of this section, the public

education department shall:

(1) certify to the state board of finance that all means and efforts to make sufficient funding available to meet special education maintenance of effort requirements in the named fiscal years have been taken and the appropriations provided in the general appropriation acts of 2012 and 2013 are insufficient; and

(2) review its certification to the state board of finance with the legislative education study committee and the legislative finance committee.

C. The public education department shall distribute the required amount of the appropriations provided in Subsection A of this section to each school district and charter school in the same manner and on the same basis as the state equalization guarantee distribution, and the department shall not distribute more than is necessary to meet the maintenance of effort requirement.

D. If the state transferred money from the state equalization guarantee distribution to meet the state-level special education maintenance of effort requirement as provided in Subsection A of this section and the United States department of education rejects that transfer after final negotiation and settlement, the amount transferred, up to twenty million dollars (\$20,000,000) for fiscal year 2013 and up to sixteen million dollars (\$16,000,000) for fiscal year

2014, shall be appropriated from the operating reserve to the state equalization guarantee distribution.

E. If any part of the fiscal year 2013 appropriation provided in Subsection D of this section is required to satisfy the state-level special education maintenance of effort requirement pursuant to final negotiation and settlement, and if the secretary of public education had reset the final unit value pursuant to the special education maintenance of effort contingent appropriation in the General Appropriation Act of 2013 for that fiscal year, the secretary shall adjust the final unit value in accordance with the amount transferred from the fiscal year 2013 appropriation in that subsection, and that amount shall be distributed to school districts and charter schools through the state equalization guarantee distribution.

F. If any part of the fiscal year 2014 appropriation provided in Subsection D of this section is required to satisfy the state-level special education maintenance of effort requirement pursuant to final negotiation and settlement, and if the secretary of public education had reset the final unit value pursuant to the special education maintenance of effort contingent appropriations in the General Appropriation Act of 2013 for that fiscal year, the secretary shall adjust the final unit value in accordance with the amount transferred from the

fiscal year 2014 appropriation in that subsection, and the amount shall be distributed to school districts and charter schools through the state equalization guarantee distribution.

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.
