

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 Lands 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 severance tax income fund and federal Mineral Lands Leasing Act receipts; and

C. "other state funds" means:

(1) unencumbered nonreverting balances in state agency accounts, other than in internal service funds accounts, appropriated by the Education Appropriation Act;

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

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

Section 3. FORMAT.--The general format of the appropriations set forth in the Education Appropriation Act with respect to symbols used, column headings and amounts stated are those used in the General Appropriation Act of 1996.

Section 4. APPROPRIATIONS.--The appropriation for public school support in fiscal year 1998 shall be:

PUBLIC SCHOOL SUPPORT:

(1) State equalization guarantee distribution:	1,260,256.1	1,000.0	1,261,256.1
(2) Transportation distributions:			
(a) Operations	70,084.9		70,084.9
(b) School-owned bus replacements	2,457.0		2,457.0
(c) Contractor-owned bus rent fees	11,073.2		11,073.2
Subtotal	83,615.1		83,615.1
(3) Supplemental distributions:			

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
(a) Out-of-state tuition	390.0				390.0
(b) Emergency	1,436.0				1,436.0
(c) Emergency capital outlay	300.0				300.0
Subtotal	2,126.0				2,126.0

The rate of distribution of the state equalization guarantee distribution shall be based on a program unit value determined by the superintendent of public instruction. The superintendent of public instruction shall establish a preliminary unit value that shall be used to establish tentative budgets for the 1997-98 school year. Upon completion of final budgets or verification of the number of units statewide for fiscal year 1998, the superintendent of public instruction may adjust the program unit value. Included in the state equalization guarantee are sufficient funds to implement any funding formula changes.

The superintendent of public instruction may fund mid-year increases in student membership resulting from expansion at military bases from the supplemental emergency fund. The superintendent of public instruction may fund additional increases from the supplemental emergency fund to prevent any school district from receiving less than its previous year's total program cost as a result of any funding formula changes. The superintendent of public instruction shall certify to the secretary of finance and administration that the need exists before supplemental emergency funds may be released.

~~Included in the state equalization guarantee is twenty million eight hundred sixty-five thousand eight hundred dollars (\$20,865,800) to provide an additional statewide average two percent salary increase for all public school employees, and included in the transportation distributions for operations is five hundred seventy-six thousand six hundred dollars (\$576,600) to provide for an additional statewide average two percent salary increase for all public school transportation employees.~~

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.

Unexpended or unencumbered balances in the distributions authorized remaining at the end of fiscal year 1998 from appropriations made from the general fund shall revert to the general fund.

INSTRUCTIONAL MATERIAL FUND:	28,620.7	2,053.4			30,674.1
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The appropriation to the instructional material fund is made from federal Mineral Lands

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
Leasing Act (30 USCA 181, et seq.) receipts.					
EDUCATIONAL TECHNOLOGY FUND:	4,400.0				4,400.0
INCENTIVES FOR SCHOOL IMPROVEMENT FUND:	500.0				500.0
Prior to distribution of the funds included in the general fund appropriation to the incentives for school improvement fund, the state department of education shall develop a formula by which to measure school achievement in the areas of academic performance with consideration for socioeconomic variables. The funds shall be used to provide financial incentives to individual schools that exceed expected academic performance. The department shall submit its formula to the legislative education study committee for review.					
TOTAL PUBLIC SCHOOL SUPPORT:	1,379,517.9	3,053.4			1,382,571.3
ADULT BASIC EDUCATION FUND:	4,700.0			2,159.8	6,859.8
FEDERAL FLOW THROUGH GRANTS:				200,426.7	200,426.7
STATE DEPARTMENT OF PUBLIC EDUCATION:					
(1) Administration:					
(a) Personal services	5,167.0		3.7	2,692.3	7,863.0
(b) Employee benefits	1,467.6		1.3	767.7	2,236.6
(c) In-state travel	280.4		4.9	159.2	444.5
(d) Maintenance and repairs	75.8	74.5		5.2	155.5
(e) Supplies and materials	141.7	21.4	7.9	80.3	251.3
(f) Contractual services	343.0	14.6		728.9	1,086.5
(g) Operating costs	455.6			535.8	991.4
(h) Other costs	.5			365.2	365.7
(i) Capital outlay	2.7	54.5	23.0	69.2	149.4
(j) Out-of-state travel	20.3			59.0	79.3
(k) Other financing uses	3.2			150.2	153.4
Authorized FTE: 166.0 Permanent; 65.0 Term; .2 Temporary					
Subtotal	7,957.8	165.0	40.8	5,613.0	13,776.6

The general fund appropriation to the state department of public education includes two hundred thousand dollars (\$200,000) from federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts.

Unexpended or unencumbered balances in the state department of public education remaining

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
at the end of fiscal year 1998 from appropriations made from the general fund shall not revert.					
(2) Special projects:	3,914.0				3,914.0
The state department of public education shall conduct an application and review process of special projects to determine the specific dollar amounts to be distributed to local school districts or individual projects.					
(3) Apprenticeship assistance:	600.0				600.0
(4) Regional education cooperatives:					
(a) Region 9		128.1		1,856.7	1,984.8
Authorized FTE: 27.0 Term					
(b) High Plains		1,970.7		1,184.0	3,154.7
Authorized FTE: 44.63 Term					
(c) Central		1,324.7		1,278.9	2,603.6
Authorized FTE: 34.30 Term					
(d) Northeast		24.9		790.1	815.0
Authorized FTE: 2.00 Term					
(e) Northwest				816.5	816.5
Authorized FTE: 2.00 Term					

SPECIAL APPROPRIATIONS:

The following special appropriations are made from the general fund to the following agencies for expenditure in fiscal year 1998:

STATE DEPARTMENT OF PUBLIC EDUCATION:

(1) Accountability data system	375.0				375.0
<del>(2) Statewide capital outlay needs and equity analysis</del>	<del>400.0</del>				<del>400.0</del>
<del>(3) Strategic planning for public schools</del>	<del>70.0</del>				<del>70.0</del>
(4) Educator background check	60.0				60.0
(5) School-to-work	100.0				100.0

~~The general fund appropriation of seventy thousand dollars (\$70,000) for strategic planning includes one term full-time-equivalent position and operating expenses for the state department of public education to continue strategic planning for public schools.~~

The general fund appropriation of three hundred seventy-five thousand dollars (\$375,000)

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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for the accountability data system is contingent upon the educational technology bureau submitting the information systems framework to the legislative finance committee.

~~The general fund appropriation of four hundred thousand dollars (\$400,000) for the statewide capital outlay needs and equity analysis is to enable the public school capital outlay council to contract for a comprehensive analysis of statewide public school capital outlay and infrastructure needs and make recommendations to the legislature for an equitable and efficient method by which to meet those needs.~~

The general fund appropriation of sixty thousand dollars (\$60,000) for educator background checks is contingent upon passage of legislation requiring applicants for initial certification to submit to a background check.

~~LEGISLATIVE EDUCATION STUDY~~

<del>COMMITTEE STRATEGIC PLANNING:</del>	<del>70.0</del>				<del>70.0</del>
COMMISSION ON HIGHER EDUCATION:					
(1) Advanced placement	150.0				150.0
<del>(2) Student teacher scholarships</del>	<del>100.0</del>				<del>100.0</del>

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

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