

1 A MEMORIAL

2 REQUESTING THE LEGISLATIVE EDUCATION STUDY COMMITTEE, IN
3 COLLABORATION WITH THE LEGISLATIVE FINANCE COMMITTEE, THE
4 DEPARTMENT OF FINANCE AND ADMINISTRATION, THE PUBLIC
5 EDUCATION DEPARTMENT, THE PUBLIC SCHOOL CAPITAL OUTLAY
6 COUNCIL AND OTHER REPRESENTATIVES OF STAKEHOLDER GROUPS, TO
7 APPOINT A SUBCOMMITTEE TO STUDY THE PUBLIC EDUCATION FUNDING
8 FORMULA AND ASSESS WHETHER THE FUNDING FORMULA IS MEETING THE
9 REQUIREMENTS OF ARTICLE 12, SECTION 1 OF THE CONSTITUTION OF
10 NEW MEXICO AND TO PROVIDE RECOMMENDATIONS TO THE FIFTY-EIGHTH
11 LEGISLATURE, FIRST SESSION.

12
13 WHEREAS, Article 12, Section 1 of the constitution of
14 New Mexico provides that a "uniform system of free public
15 schools sufficient for the education of, and open to, all
16 children of school age in the state shall be established and
17 maintained"; and

18 WHEREAS, the first judicial district court found New
19 Mexico's public education system has failed to provide a
20 constitutionally sufficient and adequate education for
21 at-risk students, including English learners, Native American
22 students, students with disabilities and low-income students;
23 and

24 WHEREAS, the first judicial district court enjoined the
25 state to provide sufficient resources, including

1 instructional materials, well-trained staff and curricular
2 offerings, necessary for providing all students with a
3 constitutionally sufficient public education; and

4 WHEREAS, the legislature has responded to the first
5 judicial district court's ruling by significantly increasing
6 investments in school personnel compensation, programs and
7 services for students with at-risk factors, instructional
8 materials and educational technology, early literacy and
9 reading support initiatives and professional learning
10 opportunities for educators and school leaders; and

11 WHEREAS, the first judicial district court has not yet
12 found the state to be in compliance with its findings; and

13 WHEREAS, a well-designed public school funding
14 methodology is a critical component in achieving a
15 high-quality, equitable and constitutionally sufficient
16 public education system; and

17 WHEREAS, the current public education funding formula
18 was created in 1974 and has been amended or added to more
19 than fifty times since its inception; and

20 WHEREAS, the last comprehensive study of the public
21 school funding formula was completed in 2008; and

22 WHEREAS, the public education funding formula now
23 consists of seventeen components; and

24 WHEREAS, the cost differential for kindergarten students
25 was last adjusted in 1990, with the subsequent inclusion of

1 three- and four-year-old developmentally disabled students;
2 and

3 WHEREAS, the cost differential for students in grades
4 one through six was last adjusted in 1993, and for students
5 in grades nine through twelve, it was last adjusted in 1976;
6 and

7 WHEREAS, the cost differentials for students with
8 disabilities were last adjusted in 1997, with the
9 simultaneous creation of a cost differential for ancillary
10 staff; and

11 WHEREAS, the cost differentials for students enrolled in
12 bilingual and multicultural education programs were last
13 adjusted in 1993; and

14 WHEREAS, the five-year phase-out of the small school
15 program cost differential is almost complete, with the
16 simultaneous phase-in of the rural population factor; and

17 WHEREAS, the at-risk factor has been increased from nine
18 hundred fifteen ten-thousandths in fiscal year 2014 to its
19 current three-tenths; and

20 WHEREAS, the fine arts factor has not been adjusted
21 since fiscal year 2006; and

22 WHEREAS, the cost differential for school districts and
23 charter schools serving students in a home school environment
24 was last adjusted in 2013; and

25 WHEREAS, the legislature has enacted legislation to

1 allow a school district or charter school to generate
2 additional program units through participation in the K-5
3 plus and extended learning time programs; and

4 WHEREAS, it is unclear whether the funding formula
5 adequately supports school districts and charter schools in
6 rural communities; and

7 WHEREAS, it is unclear whether the methodology of the
8 at-risk index is an appropriate method of determining student
9 need and allocating related funds; and

10 WHEREAS, it is unclear whether the cost differentials
11 for basic programs units are sufficient to meet the needs of
12 all students; and

13 WHEREAS, it is unclear whether the methodology of
14 determining student membership is an adequate method of
15 determining the program units to which a school district or
16 charter school is entitled; and

17 WHEREAS, the state equalization guarantee, which is the
18 distribution of state money for education, is computed by
19 determining each school district's or charter school's total
20 program units and then multiplying that by the unit value to
21 derive the program cost; and

22 WHEREAS, there are several proposals in the fifty-sixth
23 legislature, first session, to amend the public education
24 funding formula, including an increase to the at-risk factor,
25 an increase to the fine arts factor, a repeal of the K-5 plus

1 factor and a repeal of the extended learning time factor; and

2 WHEREAS, since the last comprehensive study of the
3 public school funding formula in 2008, the need to clarify,
4 strengthen and align the seventeen components of the public
5 education funding formula has been heightened by recent
6 federal and state legislation, judicial findings and
7 unfinished learning rooted in the social and economic impacts
8 of the recent pandemic;

9 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
10 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the
11 legislative education study committee, in collaboration with
12 the legislative finance committee, the public education
13 department, the department of finance and administration, the
14 public school capital outlay council and representatives of
15 the public school facilities authority, the New Mexico
16 association of school business officials and the New Mexico
17 coalition of educational leaders, be requested to study the
18 public education funding formula and assess whether the
19 funding formula is meeting the requirements of Article 12,
20 Section 1 of the constitution of New Mexico; and

21 BE IT FURTHER RESOLVED that the study include
22 legislation passed by the fifty-sixth legislature, first
23 session; and

24 BE IT FURTHER RESOLVED that the results of this study be
25 reported to the legislative education study committee, the

1 legislative finance committee and the governor before the
2 2025 legislative session; and

3 BE IT FURTHER RESOLVED that copies of this memorial be
4 transmitted to the respective directors of the legislative
5 education study committee and the legislative finance
6 committee, the respective secretaries of public education and
7 finance and administration, the chair of the public school
8 capital outlay council, the director of the public school
9 facilities authority and the respective executive directors of
10 the New Mexico association of school business officials and
11 the New Mexico coalition of educational leaders. _____

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