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HOUSE MEMORIAL 51

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Susan K. Herrera and Debra M. Sariñana and Joy Garratt and  
Christine Trujillo and G. Andrés Romero

A MEMORIAL

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

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

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1 and

2 WHEREAS, the first judicial district court found New  
3 Mexico's public education system has failed to provide a  
4 constitutionally sufficient and adequate education for at-risk  
5 students, including English learners, Native American students,  
6 students with disabilities and low-income students; and

7 WHEREAS, the first judicial district court enjoined the  
8 state to provide sufficient resources, including instructional  
9 materials, well-trained staff and curricular offerings,  
10 necessary for providing all students with a constitutionally  
11 sufficient public education; and

12 WHEREAS, the legislature has responded to the first  
13 judicial district court's ruling by significantly increasing  
14 investments in school personnel compensation, programs and  
15 services for students with at-risk factors, instructional  
16 materials and educational technology, early literacy and  
17 reading support initiatives and professional learning  
18 opportunities for educators and school leaders; and

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

21 WHEREAS, a well-designed public school funding methodology  
22 is a critical component in achieving a high-quality, equitable  
23 and constitutionally sufficient public education system; and

24 WHEREAS, the current public education funding formula was  
25 created in 1974 and has been amended or added to more than

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1 fifty times since its inception; and

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

4 WHEREAS, the public education funding formula now consists  
5 of seventeen components; and

6 WHEREAS, the cost differential for kindergarten students  
7 was last adjusted in 1990, with the subsequent inclusion of  
8 three- and four-year-old developmentally disabled students; and

9 WHEREAS, the cost differential for students in grades one  
10 through six was last adjusted in 1993, and for students in  
11 grades nine through twelve, it was last adjusted in 1976; and

12 WHEREAS, the cost differentials for students with  
13 disabilities were last adjusted in 1997, with the simultaneous  
14 creation of a cost differential for ancillary staff; and

15 WHEREAS, the cost differentials for students enrolled in  
16 bilingual and multicultural education programs were last  
17 adjusted in 1993; and

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

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

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

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1           WHEREAS, the cost differential for school districts and  
2 charter schools serving students in a home school environment  
3 was last adjusted in 2013; and

4           WHEREAS, the legislature has enacted legislation to allow  
5 a school district or charter school to generate additional  
6 program units through participation in the K-5 plus and  
7 extended learning time programs; and

8           WHEREAS, it is unclear whether the funding formula  
9 adequately supports school districts and charter schools in  
10 rural communities; and

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

14           WHEREAS, it is unclear whether the cost differentials for  
15 basic programs units are sufficient to meet the needs of all  
16 students; and

17           WHEREAS, it is unclear whether the methodology of  
18 determining student membership is an adequate method of  
19 determining the program units to which a school district or  
20 charter school is entitled; and

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

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1           WHEREAS, there are several proposals in the fifty-sixth  
2 legislature, first session, to amend the public education  
3 funding formula, including an increase to the at-risk factor,  
4 an increase to the fine arts factor, a repeal of the K-5 plus  
5 factor and a repeal of the extended learning time factor; and

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

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

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

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1 BE IT FURTHER RESOLVED that the results of this study be  
2 reported to the legislative education study committee, the  
3 legislative finance committee and the governor before the 2025  
4 legislative session; and

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