1	SENATE JOINT MEMORIAL 55
2	46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004
3	INTRODUCED BY
4	Steve Komadina
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10	A JOINT MEMORIAL
11	REQUESTING THAT THE LEGISLATIVE EDUCATION STUDY COMMITTEE STUDY
12	THE PROBLEMS OF UNFUNDED MANDATES TO PUBLIC SCHOOLS.
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14	WHEREAS, the Public School Finance Act equalizes
15	educational financial opportunity at the highest possible
16	revenue level and guarantees each New Mexico public school
17	student equal access to programs and services appropriate to
18	the student's educational needs, regardless of geographic
19	location or local economic conditions; and
20	WHEREAS, the public school funding formula is designed to
21	provide funding to school districts objectively and to
22	distribute operational funds in a noncategorical manner,
23	allowing for local school district autonomy; and
24	WHEREAS, throughout its three decades of existence, the
25	New Mexico public school funding formula has been under

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1 constant analysis; and

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WHEREAS, for the most part, results of those analyses have supported statutory, data-based refinements to the structure of the formula while maintaining the philosophical principle of educational equity for all students; and

WHEREAS, over the past five years, the state also has made significant efforts to ensure funding for adequate school facilities, to improve teacher quality and to establish and implement challenging academic standards and benchmarks; and

WHEREAS, even before passage of the federal No Child Left Behind Act of 2001, New Mexico had established and begun to implement an assessment and accountability system to hold schools responsible for teaching and students for learning; and

WHEREAS, in 2002, state legislation eliminated most social promotion for students and required schools to provide and pay for remediation and academic improvement programs; and

WHEREAS, these efforts and the reform measures passed in House Bill 212 in 2003 are essential to providing opportunities for all New Mexico children to succeed; and

WHEREAS, while eager to implement programs that promise to improve the academic performance of their students, school districts often struggle to fund both current and new programs and requirements with available resources; and

WHEREAS, school districts are compelled to provide federally mandated programs without adequate funding, including .150493.1 many provisions of the No Child Left Behind Act of 2001 and the Individuals with Disabilities Education Act that were mandated but never fully funded; and

WHEREAS, school districts sometimes find themselves in the position of having to "rob Peter to pay Paul", a situation that limits the success of both the old and the new mandates;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the legislative education study committee, in cooperation with the public education department, be requested to study the issue of mandates from federal and state law and department rules, what those mandates cost, whether they are fully or only partially funded by the law or rule requiring them and whether funding lapses or increases over time, as required; and

BE IT FURTHER RESOLVED that the committee make recommendations to the legislature on its findings, including state laws or rules that could be modified or eliminated to ease requirements placed on school districts while still maintaining the state's high expectations for student achievement; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the director of the legislative education study committee and the secretary of public education for appropriate distribution.

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