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HOUSE MEMORIAL 100

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Sandra D. Jeff

A MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL, IN COLLABORATION WITH THE PUBLIC EDUCATION DEPARTMENT, THE LEGISLATIVE EDUCATION STUDY COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE TO APPOINT A TASK FORCE TO UNDERTAKE A STUDY OF RECENT RESEARCH AND REVIEWS OF THE NEW MEXICO PUBLIC SCHOOL FUNDING FORMULA AND OTHER RESEARCH AND REVIEWS RELEVANT TO IMPROVING THE EFFICACY AND SUFFICIENCY OF THE STATE'S PUBLIC SCHOOL FUNDING FORMULA.

WHEREAS, Article 12, Section 1 of the constitution of New Mexico requires the state to establish and maintain "a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state"; and

WHEREAS, in 1974, New Mexico was one of the first states in the union to establish and implement a funding distribution method to provide equitable funding for all of the state's

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1 children, no matter where they live in the state; and

2 WHEREAS, New Mexico's funding formula continues to be one
3 of the few that funds its public schools based upon the tax
4 wealth of the entire state rather than the property tax wealth
5 of individual districts; and

6 WHEREAS, having been in place for the past forty years,
7 the public school funding formula has been amended more than
8 ninety times; and

9 WHEREAS, the 2005 legislature established a funding
10 formula study task force to select a contractor and to oversee
11 the contractor's work on an independent, comprehensive study of
12 the New Mexico public school funding formula; and

13 WHEREAS, in 2008, after nearly two years of study and work
14 with the contractor, American institutes for research, and
15 nearly a million dollars expended, the task force recommended
16 that the legislature enact a new, simplified operational
17 funding formula and that educational funding appropriations be
18 increased by approximately fifteen percent; and

19 WHEREAS, a bill with the proposed changes passed the house
20 of representatives and stalled in the senate finance committee
21 during both the 2008 and 2009 legislative sessions; and

22 WHEREAS, a 2009 feasibility study spearheaded by the New
23 Mexico coalition of school administrators undertook a
24 nationwide review of state constitutional funding cases and
25 concluded that New Mexico presents a "favorable landscape" for

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1 a successful lawsuit related to operational funding; and

2 WHEREAS, a 2011 joint study by the legislative finance
3 committee and the legislative education study committee
4 concluded that "the state's public school formula is too
5 complicated and too difficult to administer. Some elements of
6 the funding formula create incentives to run contrary to, or do
7 not effectively support, recent educational policy and
8 research". In particular, the joint study noted that acute
9 funding formula problems include "ineffective allocation of
10 resources to high-need areas"; and

11 WHEREAS, recently, at least two of the state's eighty-nine
12 school districts have passed resolutions urging consideration
13 of a lawsuit against the state of New Mexico based upon the
14 complicated nature of the current state operational funding
15 formula, as well as the state's underfunding of public
16 education in general; and

17 WHEREAS, undertaking a lawsuit against the state would be
18 expensive and time-consuming and could put control of the
19 state's public schools in the hands of the judiciary;

20 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
21 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico
22 legislative council, in collaboration with the public education
23 department, the legislative education study committee and the
24 legislative finance committee, be requested to appoint a task
25 force to undertake a review of the 2008 American institutes for

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1 research study of the New Mexico public school funding formula
2 and other relevant studies and reviews; and

3 BE IT FURTHER RESOLVED that:

4 A. the task force be composed of the following
5 members:

6 (1) three members from the house of
7 representatives and three members from the senate appointed by
8 the New Mexico legislative council;

9 (2) three members appointed by the governor;

10 (3) three school superintendents appointed by
11 the New Mexico coalition of educational leaders;

12 (4) the president of the New Mexico school
13 boards association or the president's designee; and

14 (5) one member of a statewide teacher
15 organization appointed by the New Mexico legislative council;

16 B. vacancies on the task force be filled by
17 appointment by the original appointing authority; and

18 C. staff for the task force be provided by the
19 legislative council service, the public education department,
20 the legislative education study committee and the legislative
21 finance committee; and

22 BE IT FURTHER RESOLVED that the task force make
23 recommendations to the first session of the fifty-second
24 legislature to simplify the state's operational funding formula
25 and to direct increased funding to areas that have been proven

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1 effective in improving student achievement; and

2 BE IT FURTHER RESOLVED that copies of this memorial be
3 transmitted to the respective directors of the legislative
4 education study committee, the legislative finance committee
5 and the legislative council service and to the secretary of
6 public education.