

1 HOUSE JOINT MEMORIAL 5

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Rebecca Dow and Javier Martínez and Raymundo Lara and  
5 Gabriel Ramos  
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9  
10 A JOINT MEMORIAL

11 REQUESTING THE LEGISLATIVE EDUCATION STUDY COMMITTEE AND THE  
12 LEGISLATIVE FINANCE COMMITTEE TO CONVENE A WORKING GROUP OF  
13 EDUCATORS TO DEVELOP A CULTURAL AND LINGUISTIC RELEVANCE INDEX  
14 AND PROGRAM UNITS.  
15

16 WHEREAS, the consolidated court case *Martinez and Yazzie*  
17 *v. State of New Mexico* was a watershed moment for public  
18 education in New Mexico, finding as it did that the state's  
19 public education system violates the education clause of the  
20 constitution of New Mexico and fails English language learners,  
21 particularly Native American English language learners, and  
22 other at-risk students, including special education students  
23 and economically disadvantaged students; and

24 WHEREAS, it appears that the 2019 legislative educational  
25 funding increases were primarily for teacher raises rather than  
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1 specific programmatic changes to address the court's ruling on  
2 *Martinez and Yazzie v. State of New Mexico*; and

3 WHEREAS, the 2019 legislative session also saw the  
4 beginning of phasing out small school size adjustment funding,  
5 with a twenty percent decrease in those program units; and

6 WHEREAS, many rural and charter schools that serve high  
7 populations of *Martinez and Yazzie v. State of New Mexico*  
8 designated students actually received less money in 2019, after  
9 the court's decision, than they had in 2018; and

10 WHEREAS, blanket increases in the at-risk index actually  
11 widen the equity gap for charter schools, which are required to  
12 use the school district's at-risk index regardless of their own  
13 student demographics; and

14 WHEREAS, some rural and charter schools have worked over  
15 the last year to collect and analyze school data based on  
16 designated student population factors as defined in *Martinez*  
17 *and Yazzie v. State of New Mexico* and applied it to the  
18 demographic data reported by the public education department;  
19 and

20 WHEREAS, those participating in the formula work believe  
21 that their findings and proposed funding formula changes  
22 address myriad educational issues for school districts and  
23 charter schools;

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
25 STATE OF NEW MEXICO that the legislative education study

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1 committee and the legislative finance committee be requested to  
2 convene a representative group of school districts and charter  
3 schools that have significant populations of at-risk students,  
4 including those rural school districts and charter schools that  
5 worked on funding formula changes during the last year and  
6 including appropriate public education department personnel, to  
7 study refinements to the funding formula; and

8 BE IT FURTHER RESOLVED that the group consider a "cultural  
9 and linguistic responsive index" that would generate funding  
10 for required additional resources to individual public schools  
11 that serve a higher-than-state-average number of economically  
12 disadvantaged, Native American and Hispanic English language  
13 learners and class C and D special education students; and

14 BE IT FURTHER RESOLVED that the group report to the  
15 legislative education study committee, the legislative finance  
16 committee and the public education department by November 1,  
17 2020; and

18 BE IT FURTHER RESOLVED that copies of this memorial be  
19 transmitted to the directors of the legislative education study  
20 committee and legislative finance committee and the secretary  
21 of public education.