

1 SENATE JOINT MEMORIAL 26

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING A STUDY ON THE USE OF STATE EQUALIZATION GUARANTEE
12 FUNDS TO EDUCATE ADULT STUDENTS IN CERTAIN PUBLIC SCHOOLS.

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14 WHEREAS, New Mexico statutes define a "school-age person"
15 as one who has reached the age of five years and who has not
16 received a high school diploma or its equivalent; and

17 WHEREAS, statute sets a maximum age of twenty-one only for
18 a student who is classified as a special education student in
19 Section 22-1-2 NMSA 1978; and

20 WHEREAS, New Mexico statutes, however, do not set a
21 maximum age for a "school-age person" who is not classified as
22 a special education student; and

23 WHEREAS, as a result, any person over the age of five who
24 does not have a high school diploma or its equivalent and is
25 not classified as a special education student is eligible to be

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1 a fully funded student in any New Mexico public school; and

2 WHEREAS, the Public School Finance Act, enacted in 1974,
3 bases student funding on multiple factors, including the grade
4 and age of a student, a student's verified special needs or
5 accommodations, the training and experience of the student's
6 teacher and the size and location of the student's school; and

7 WHEREAS, historical records indicate that all of these
8 factors were established to address the needs of students who
9 are, generally speaking, between the ages of five and twenty-
10 one; and

11 WHEREAS, since passage of the Charter Schools Act in 1999,
12 state and local school districts have authorized nearly one
13 hundred charter schools, which are public schools that offer a
14 wide range of choices for students and their families; and

15 WHEREAS, some charter schools – approximately twelve
16 percent, according to public education department data – have a
17 stated mission to serve target populations of students that are
18 in need of specialized services, many of whom are students
19 without a high school diploma or its equivalent and who are
20 over the age of twenty-one; and

21 WHEREAS, several school districts and charter schools
22 enroll students over the age of twenty-three; and

23 WHEREAS, according to a 2014 legislative finance committee
24 report, in fiscal year 2013, one thousand one hundred twenty-
25 five adults between the ages of twenty-three and ninety were

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1 enrolled in New Mexico public schools; and

2 WHEREAS, thirty percent of those students are between the
3 ages of thirty-one and forty; and

4 WHEREAS, figures for funding students in public schools
5 indicate that the average amount funded per student is seven
6 thousand six hundred sixty-seven dollars (\$7,667); and

7 WHEREAS, to address the educational needs of those New
8 Mexicans who are beyond the age of twenty-one and who have not
9 earned a high school diploma or its equivalent, the legislature
10 established and annually funds an adult basic education
11 program; and

12 WHEREAS, the current adult basic education programs spread
13 resources thinly among many students; and

14 WHEREAS, in fiscal year 2013, a total of eight million
15 eight hundred thousand dollars (\$8,800,000) in federal and
16 state funds was allocated to twenty-six adult basic education
17 providers to serve nineteen thousand students, reflecting an
18 average allocation of four hundred fifty-three dollars (\$453)
19 per student; and

20 WHEREAS, public schools educating adult students over the
21 age of twenty-two spent more to educate one thousand adult
22 students than the adult basic education system spent to educate
23 more than nineteen thousand students in fiscal year 2013; and

24 WHEREAS, the sufficiency of appropriations to the public
25 school funding formula is currently being examined as part of a

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1 lawsuit that alleges the state is not meeting constitutional
2 requirements for establishment and maintenance of "a uniform
3 system of free public schools sufficient for the education of,
4 and open to, all the children of school age in the state", as
5 stated in Article 12, Section 1 of the constitution of New
6 Mexico;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
8 STATE OF NEW MEXICO that the legislative education study
9 committee, working with the legislative finance committee, the
10 higher education department and the public education
11 department, establish a work group to study the feasibility of
12 amending statutes to clarify the definition of a "school-age
13 person" and the effect of that clarification on the public
14 school funding formula unit value and to provide sufficient
15 funding to support the adult basic education program; and

16 BE IT FURTHER RESOLVED that the legislative education
17 study committee, in cooperation with the legislative finance
18 committee, appoint members to the work group who represent the
19 New Mexico coalition of charter schools, directors of various
20 adult education associations and community-based adult
21 organizations, the higher education and public education
22 departments, the New Mexico coalition of school leaders and
23 directors of institutional research at the university of New
24 Mexico and two-year institutions; and

25 BE IT FURTHER RESOLVED that staff for the work group be

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1 provided by the legislative education study committee, the
2 legislative finance committee, the higher education department
3 and the public education department; and

4 BE IT FURTHER RESOLVED that the results of the work
5 group's study be presented to the legislative education study
6 committee, the legislative finance committee and the governor
7 prior to the start of the second session of the fifty-second
8 legislature; and

9 BE IT FURTHER RESOLVED that copies of this memorial be
10 transmitted to the director of the legislative education study
11 committee, the director of the legislative finance committee,
12 the secretary of higher education, the secretary of public
13 education, the director of the New Mexico coalition of charter
14 schools and the director of the New Mexico coalition of school
15 leaders.