



Every child in NM has the right to a sufficient and equitable education.

House Bill 455 amends the school funding formula to:

- 1) Increase the **At-Risk factor** from 0.13 to 0.366, so that at-risk students (low-income, English-learner, and mobile students) are funded at 25% above non-at-risk students. The bill also identifies at-risk students by using the income requirements for the Free and Reduced Lunch Programs (185% of federal poverty level), rather than the census poverty level.
 - 2) Increase **bilingual multicultural educational units** from 0.5 to 1.0 to fund the hiring of bilingual teachers, better train existing teachers, and provide increased stipends.
 - 3) Re-establish **rural isolation unit** eligibility for Gallup McKinley County Schools and expand eligibility to additional districts.
 - 4) Create a supplemental fund for necessarily **small school districts** with fewer than 200 students.
- This bill will move the State toward compliance with the Yazzie/Martinez court order.**

The Court ruled that the State is violating the constitutional rights of students to a sufficient education that prepares them for college and career. (Yazzie/Martinez Decision, July 2018)

The court ruled that a sufficient education is a constitutional right that is “entitled to priority funding”. (at 56)

The court found **that a lack of funds is not a defense to violating students’ constitutional rights**, and that the answer is “not to deny public school children a sufficient education, but rather **the answer is to find more funds**”. (at 56)

The Court found that the State has **“failed to fund adequately** programs necessary to provide an opportunity for all at-risk students to have an adequate education.” (Findings of Fact & Conclusions of Law, at 398)

New Mexico’s schools need significantly more funding for our children, but year after year, the public schools are severely under-resourced.

- Funding for schools is less now than it was in 2008 – by 12.8%. When adjusted for inflation, funding in FY2019 was **\$381 million less** than it was in FY2009.¹

At Risk Factor:

- At-risk student funding helps schools provide a full spectrum of programs and personnel for at-risk students including teachers, nurses, social workers, enrichment opportunities, etc.
- The court acknowledged testimony that at-risk student funding should be raised to provide at least 25% more funding for at-risk student (than non-at-risk students).²
- Several other states that have better educational outcomes provide upwards of 50% more funding for at-risk students, while New Mexico’s current at-risk factor provides only 8.9% extra funding to the state’s predominantly at-risk student population.³
- Most other states use FRPL data to identify at-risk students, and New Mexico should too because the achievement gap for students living at 185% FPL is no different than those living at 100% of the poverty line.⁴

¹ Yazzie/Martinez Court Decision and Order, July 2018 at 50, n 31, *Trial Declaration of Stephen Barro* at 28-32 (findings updated for FY 2019).

² Id.

³ Yazzie/Martinez Court Decision and Order, July 2018 at 48, *Trial Declaration of Stephen Barro*, at 70, Exhibit C.

⁴ *Trial Declaration of Stephen Barro* at 76-81.

Bilingual Multicultural Education Funds

The Court found that educational programs for English language learners is inadequate. The State is not meeting state and federal requirements to assist students (Findings of Fact and Conclusions of Law at 72-73).

The number of schools with Bilingual Multicultural Programs have declined over the years. (Findings of Fact and Conclusions of Law at 84).

Testimony by school districts established a glaring insufficiency in programs and teachers to help students learn English. (Decision & Order at 31).

- Increasing bilingual multicultural funding is necessary to support students who are learning English as a second language.
- 28% of New Mexico's students speak a language other than English at home.⁵
- New Mexico serves the third largest English language learner (ELL) population in the country.⁶
- Although bilingualism is proven to have tremendous benefits for students, expert testimony by professor of bilingual education Rebecca Blum-Martinez, established for the court that New Mexico is not meeting its statutory duties to English language learners.⁷

Rural Isolation Unit and Small District Funds

- Amending rural isolation unit eligibility prevents funding shortfalls for rural districts with small, rural schools.
- The Court agreed with district testimony that maintaining sufficient cash balances was necessary in order to maintain cash flow and bond ratings, as districts are often forced to supplant shortfalls in funding streams for various services with such funds⁸ – This is a particularly chronic problem among New Mexico's smallest districts.

*This legislation is part of the **Platform for Action** developed by the **plaintiffs in the sufficiency lawsuit, the Transform Education NM coalition, and hundreds of education and community leaders** including educators, parents, tribal leaders, experts and researchers. For information about this bill, contact Tom Sullivan at (505) 330-2600 or Christopher Sanchez, Attorney at NM Center on Law and Poverty, (505) 255-2840, christopher@nmpovertylaw.org.*

⁵ Yazzie/Martinez Findings of Fact and Conclusions of Law, December 20, 2018 at #298, p. 72.

⁶ American Fact Finder, US Census data for 2017.

⁷ Yazzie/Martinez Findings of Fact and Conclusions of Law, December 20, 2018 at #303, 306, 307, 308.

⁸ Yazzie/Martinez Findings of Fact and Conclusions of Law, December 20, 2018 at #2166, #2168, #2170, p. 414-15.

Transform Education NM

Platform for Action

To transform education for our students and meet the constitutional mandates of the Yazzie/Martinez education ruling, a Platform of Proposed Remedies was developed by the plaintiffs in the Yazzie lawsuit, the Transform Education NM coalition, and hundreds of education and community leaders including educators, parents, tribal leaders, and experts.

Find the full platform at: <http://nmpovertylaw.org/wp-content/uploads/2018/12/Transform-Education-NM-Platform-2018-12-11.pdf>



The platform is endorsed by Transform Education NM: New Mexico Center on Law and Poverty, College Horizons, Dual Language Education of NM, Native American Community Academy (NACA), NACA Inspired School Network (NISN), Learning Alliance NM, AFT-NM, National Education Association NM (NEA-NM), NM School Boards Association, New Mexico Association for Bilingual Education (NMABE), New Mexico Voices for Children, Keres Learning Center, Coalition for the Majority, Native American Budget & Policy Institute (NABPI), New Mexico Education Action Alliance, CHI St. Joseph's, NGAGE NM, NM Dream Team/United We Dream, Southwest Organizing Project (SWOP), The Santa Fe Indian School Leadership Institute, The Sun Project, and current and former superintendents of school districts and plaintiff school districts (Cuba Independent School District, Gallup-McKinley County Schools, Lake Arthur Public Schools, Moriarty Edgewood School District, Rio Rancho Public Schools, Santa Fe Public Schools).