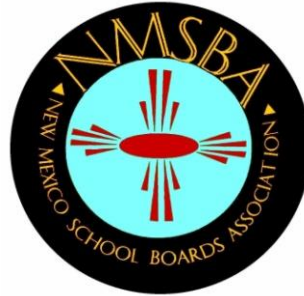


# **NEW MEXICO SCHOOL BOARDS ASSOCIATION 2025 LEGISLATIVE RESOLUTIONS & COMMITTEE RECOMMENDATIONS**



## **RESOLUTIONS Listed Alphabetically by District**

### **TOPIC & NUMBER**

<b>FUNDING</b>	<b>(3)</b>
<b>GOVERNANCE</b>	<b>(3)</b>
<b>BUDGET</b>	<b>(2)</b>
<b>CAPITAL OUTLAY</b>	<b>(1)</b>
<b>LOCAL CONTROL</b>	<b>(1)</b>

**300 GALISTEO STREET, SUITE 204  
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# 2025 LEGISLATIVE RESOLUTIONS & COMMITTEE RECOMMENATIONS

## RESOLUTION #1

**Submitted By: Gallup-McKinley Public Schools**

**Title: FUNDING FOR HOMELESS STUDENTS**

**WHEREAS**, the State of New Mexico has not provided State funding to public schools to support students who are “homeless” meeting the conditions as specified below:

- sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled-up”);
- living in motels, hotels, RV parks, or camping grounds due to lack of alternative adequate accommodations;
- living in emergency or transitional shelters; or
- abandoned in hospitals;
- Children and youths who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a special sleeping accommodation for human beings;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because they are living in the circumstances described above

**WHEREAS**, the as State of New Mexico’s at-risk funding formula calculation in 22-8-23.3 (1978). NMSA does not utilize the “homeless” criteria as an index for calculation, and

**WHEREAS**, the Gallup-McKinley County Schools identified 589 students in fiscal year 2023-2024 who qualified as “homeless” and students identified as “homeless” require additional financial support in order to assure they have equitable access to a free and appropriate public education.

**NOW THEREFORE BE IT RESOLVED** that the Board of Education, the governing body of the Gallup-McKinley County Schools, requests the New Mexico School Board Association (NMSBA) adopts a platform to have the Legislature develop and consistently fund financial support for students who are identified as “homeless”.

**Recommendation: APPROVE**

**Addressing the educational needs of homeless students requires additional resources and financial support.**

## RESOLUTION #2

**Submitted By: Gallup McKinley Public Schools**

**Title: TIMELY INITIAL, FINAL AND CARRYOVER AWARDS**

**WHEREAS**, the Public Education department originates official notifications of initial, final, and carryover awards to Local Educational Agencies (LEAs). These official notifications are required before an LEA can begin the budgeting process. The Public Education Department has an on-going issue (originating prior to the filing of *Wilhelmina Yazzie, et. al. v. The State of New Mexico, et. al.*) of delayed initial, final and carryover award notifications LEAs. This issue is identified again in the New Mexico Consolidated Performance Review Report FY2023, by the U.S. Department of Education, released on 03/18/2024 states that “...NMPED’s current process for period of availability and carryover has programmatic implications for

programs covered in this review and places an undue burden on LEAs to maximize spending and prevent the return of unobligated balances.”; and

**WHEREAS**, the delay in official initial, final and carryover awards prevent the District from budgeting and spending funds outlined in the applications for the various Federal Flowthrough and State below the line funding awards in a timely manner. Delays in starting the budgeting process can prevent timely hiring of staff, timely obligation of funds for goods and services and a delay in services to students. These delays also cause a detrimental cycle of delay in student services and programs which are essential to help support the students who were identified as in-need of the funding.; and

**NOW THEREFORE BE IT RESOLVED**, that the Board of Education, the governing body of the Gallup-McKinley County Schools, requests the New Mexico School Board Association (NMSBA) adopts a platform to have the Legislature develop timelines for the Public Education Department that require a timely award of initial, final and carryover funds to LEAs in compliance with the findings of the New Mexico Consolidated Performance Review Report FY2023 and to allow LEAs sufficient time to fully implement current year funds for current year students.

**Recommendation: APPROVE**

**Will add “timely award of initial, final and carry over funds” to our current position asking for expeditious processing of Requests for Reimbursement.**

**RESOLUTION #3**

**Submitted By: Hobbs Municipal Schools (Similar to resolution #5)**

**Title: RESOLUTION SUPPORTING THE REESTABLISHMENT OF A STATE BOARD OF EDUCATION, AND ASSIGNING THE RESPONSIBILITY OF APPOINTING A STATE SUPERINTENDENT OF EDUCATION**

**WHEREAS**, the State of New Mexico recognizes the critical need for a strong, accountable, and well-funded education system to ensure that every student has access to a high-quality education; and

**WHEREAS**, a State Board of Education provides a specialized body for the oversight, policy-making, and long-term planning of public education within the state; and

**WHEREAS**, the previous New Mexico State Board of Education played a vital role in guiding educational policies, ensuring consistency, and representing the voices of educators, parents, and students; and

**WHEREAS**, the reestablishment of a State Board of Education, with the authority to secure funding and allocate resources, would ensure that the board is empowered to effectively oversee the state’s educational system; and

**WHEREAS**, the State Board of Education would serve as a crucial link between local school districts and the state government, ensuring that educational policies reflect the needs of diverse communities across New Mexico; and

**WHEREAS**, the reestablished State Board of Education would be tasked with promoting educational equity, setting high standards for academic achievement, and ensuring that all students, regardless of background, have the opportunity to succeed; and

**WHEREAS**, the State Board of Education would be granted the authority to appoint a State Superintendent of Education, who would be responsible for the administration and supervision of public schools across the state; and

*WHEREAS*, the State Board of Education would provide an avenue for greater transparency and public participation in the formation of educational policies, fostering trust and collaboration between the public and educational leaders;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOBBS MUNICIPAL SCHOOLS BOARD of EDUCATION that the Legislature of New Mexico hereby supports the reestablishment of a New Mexico State Board of Education as an independent body with the authority to secure funding and resources necessary for its operations and to appoint a State Superintendent of Education; and**

**BE IT FURTHER RESOLVED, that NM Legislature presents to the voters of New Mexico the opportunity at a general election to create the constitutional amendment that provides the appropriate authority, funding and oversight for a robust and accountable education system for all students, educators and communities of New Mexico through the reestablishment of a State Board of Education.**

**Recommendation: APPROVE**

**The last two legislative sessions have considered but did not pass resolutions which would allow voters to consider returning to the state board of education/state superintendent governance system. Recent directives from NMPED regarding school calendar issues and turnover in the Secretary of Education position warrant approval.**

**RESOLUTION #4**

**Submitted By: Las Cruces Public Schools**

**Title: FUND ELECTRIC VEHICLES FOR SCHOOL DISTRICT'S LIGHT DUTY AND BUS FLEETS AND PROVIDE TRAINING AND INFRASTRUCTURE TO MAINTAIN ELECTRIC VEHICLES**

*WHEREAS*, New Mexico has been a nation-wide leader in renewable energy, and the federal government provides financial incentives to address issues of climate change, and American automotive manufacturing is making the transition to building EV cars, trucks, and utility vehicles; and

*WHEREAS*, the purchase of such vehicles by school districts would support American manufacturing; and

*WHEREAS*, schools have the potential to make positive, tangible environmental change in the world while teaching students to be stewards of their communities, the earth and its resources; and

*WHEREAS*, school districts may not currently possess the infrastructure to support electric vehicles, they support the local control of any school district in the state to adapt EVs as part of their fleets; and

*WHEREAS*, The NM General Services Department's agreement with vehicle vendors in New Mexico places the cost of electric vehicles over twice that of gas-powered vehicles, making it out of reach for individual districts and rendering local control of purchasing EVs ineffective; and

*WHEREAS*, SB 30 was introduced in the 2023-24 legislative session to require 75% of state owned light duty vehicles to be electric vehicles; and

*WHEREAS*, the US Department of Transportation has identified that because "vehicle emissions contribute to the formation of ground level ozone (smog), which can trigger health problems such as aggravated asthma, reduced lung capacity, and increased susceptibility to respiratory illnesses, including pneumonia and bronchitis" especially affecting young, school-aged children, that the Department of Transportation has

outlined goals so that "transportation agencies and local jurisdictions can reduce traffic-related air pollution and improve air quality"; and

**WHEREAS**, the Public Education Department allowed schools under an emergency authorization this past August to keep school buses running while waiting for children to board so that air conditioning could be maintained, leading to increased localized pollution in the pick up area for children and subsequent health concerns; and

**WHEREAS**, one of the US Department of Transportation's stated goal which school districts can address is to encourage the purchase of "green fleet vehicles and equipment, including equipment with increased fuel efficiency, hybrid electric vehicles, and equipment that runs on clean fuels; and

**WHEREAS**, the maintenance personnel for school districts would require training to maintain EVs, and the school districts would require infrastructure in the form of charging stations for EVs;

**NOW, THEREFORE, BE IT RESOLVED, that the Las Cruces Public Schools Board of Education requests that the New Mexico Legislature provide financial incentives and resources so that school districts could exercise their local control to have a viable option to purchase electric vehicles or hybrid electric vehicles for their light duty carpool, maintenance vehicles, and bus fleets; and**

**BE IT FURTHER RESOLVED, that the New Mexico Legislature provide increased funding so that local districts may train personnel in maintaining electric vehicles, and that local districts may install EV related infrastructure, such as charging stations.**

**Recommendation: DO NOT APPROVE**

**Committee did not approve citing inadequate funding for traditional types of buses and vehicles particularly in rural areas where electric and other vehicles are difficult to service and operate.**

**RESOLUTION #5 (Similar to Resolution #3)**

**Submitted By: Lovington Municipal Schools**

**Title: RESOLUTION SUPPORTING REORGANIZATION OF GOVERNANCE OF NM PUBLIC SCHOOLS**

**WHEREAS**, the current governance of public schools in New Mexico is mandated through the New Mexico Constitution and places the responsibility of establishing and maintaining public schools on the New Mexico Legislature and directs the establishment of a Public Education Department and Public Education Commission with powers and duties as provided by law. The Department is a cabinet department headed by the Secretary of Public Education, who has administrative and regulatory powers and duties, including all functions relating to the distribution of school funds and financial accounting for the public schools to be performed as provided by law; and

**WHEREAS**, A school district is a political subdivision of the State for the administration of public schools and derives authority from the New Mexico Constitution, New Mexico statutes, and the rules of the Secretary of Public Education, and

**WHEREAS**, each elected Governor of the State of New Mexico currently has the authority to designate the Secretary of Public Education of his/her choice, and

**WHEREAS**, a consistently high turnover rate of the position of Secretary of Public Education creates new and/or altered initiatives, goals and directives for school districts, and

**WHEREAS**, school districts struggle to establish effective strategic plans for student achievement with an ever-changing set of initiatives, goals and directives, and

**WHEREAS**, the impact on student achievement, including graduation rates, are affected by the ever-changing guidelines put forth to districts after each change in leadership at the Public Education Department, and

**WHEREAS**, longitudinal data is difficult to obtain, due to changing directives by different leadership at the Public Education Department

**NOW, THEREFORE BE IT RESOLVED**, that the Lovington Municipal Schools Board of Education supports the Reorganization of Governance of New Mexico Public Schools by replacing the current system with a State School Board, which will be led by a qualified, experienced educational administrator, to be known as the Superintendent of Public Instruction, and who shall be appointed by the established State Board of Education.

**BE IT FURTHER RESOLVED**, that LMS Board of Education supports this taking effect beginning with the election and appointment of the State Board of Education during the 2026 general election cycle, with all terms beginning on January 1, 2027.

**Recommendation: APPROVE**

**The last two legislative sessions have considered but did not pass resolutions which would allow voters to consider returning to the state board of education/state superintendent governance system. Recent directives from NMPED regarding school calendar issues and turnover in the Secretary of Education position warrant approval.**

**RESOLUTION #6**

**Submitted By: Rio Rancho Public Schools**

**Title: ADDITIONAL FUNDING FOR CYBER SECURITY**

**WHEREAS**, for K-12 schools, cyber incidents are so prevalent that, on average, there is more than one incident per school day; and

**WHEREAS**, school districts are needing to adopt advanced networking technologies that facilitate learning and make schools more efficient and effective; and

**WHEREAS**, this technological gain has introduced heightened risks; and

**WHEREAS**, many school districts struggle with insufficient IT resources and cybersecurity capacity; and

**WHEREAS**, school districts cannot single handedly identify and prioritize emerging threats, vulnerabilities, and risks;

**WHEREAS**, Gov. Michelle Lujan Grisham issued Executive Order 2024-011 (EO 2024-011), reinforcing New Mexico's defenses against cybersecurity threats with stringent measures to safeguard sensitive state agency information;

**NOW, THEREFORE, BE IT RESOLVED THAT THE RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION respectfully requests that the Governor and the New Mexico Legislature allocate increased funding to support cybersecurity services and equipment for schools;**

**FURTHERMORE, BE IT RESOLVED THAT THE RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION urges the Governor and the New Mexico Legislature to ensure that such funding provide school districts the autonomy to purchase and supplement their own cybersecurity systems and tools, including but not limited to:**

- **Cybersecurity hardware and software licensing costs;**
- **Multi-Factor Authentication (MFA) hardware keys;**
- **Privileged Identity Management (PIM) solutions.**

**Recommendation: APPROVE**

**School Districts must have the resources to implement advanced networking technologies that facilitate learning and prevent cyber incidents.**

**RESOLUTION #7**

**Submitted By: Taos Municipal Schools**

**Title: INCREASE PER DIEM FOR SCHOOL BOARD MEMBER ATTENDANCE AT BOARD OR COMMITTEE MEETINGS OR PERMIT SCHOOL BOARD MEMBERS TO RECEIVE AN ANNUAL SALARY**

**WHEREAS**, NMSA 1978, Section 22-5-5, prohibits School Board members from being compensated for their service;

**WHEREAS**, for attendance at a board or committee meeting, NMSA 1978, Section 10-8-4 (Per diem and mileage rates; in lieu of payment) permits School Board members as a non-salaried public officer to receive either reimbursement of actual expenses or

(1) forty-five dollars (\$45.00) if the officer physically attends the board or committee meeting for less than four hours or the officer attends a virtual meeting of any duration during a single calendar day; or

(2) ninety-five dollars (\$95.00) if the officer physically attends the board or committee meeting for four hours or more during a single calendar day;

**WHEREAS**, State legislators receive a per diem at a rate of \$231 (FY 2024) per day for attendance during the legislative session and attendance at committee meetings;

**WHEREAS**, State legislator per diem rates have historically increased almost every 1 to 3 years;

**WHEREAS**, the per diem rate for School Board members under NMSA 1978, Section 10-8-4 (Per diem and mileage rates; in lieu of payment) decreased in 2003 by distinguishing between meetings of less than four hours versus more than four hours;

**WHEREAS**, in addition to per diem, State legislators have a Legislature Retirement Plan to which they may choose to participate;

**WHEREAS**, by State law (NMSA 1978, §§ 3-10-3, 3-12-3), municipalities through local ordinance may prescribe the compensation and fees to be paid municipal officers including city councilors;

**WHEREAS**, by State law (NMSA 1978, §§ 4-44-1 through 4-44-14), county commissioners receive an annual salary of thirty-nine thousand one hundred six dollars (\$39,106) each for a Class A county; thirty thousand one hundred ninety-six dollars (\$30,196) each for a Class B county; and fifteen thousand eight hundred forty-four dollars (\$15,844) each for an H class county;

**WHEREAS**, by way of example, Taos City Councilors for FY 24, receive an annual salary of \$24,157;

**WHEREAS**, by State law, School Boards must meet at least monthly (NMSA 1978, § 22-5-12(A)), and most School Boards by necessity meet more frequently than monthly;

**WHEREAS**, by State law, School Boards are required to have a Finance Subcommittee and an Audit Committee (see NMSA 22-8-12.3) on which less than a quorum of its members are required to serve;

**WHEREAS**, School Board members are required to prepare for School Board and committee meetings including by reading packets of dense materials for which there is no compensation or per diem;

**WHEREAS**, meetings such as Finance Subcommittee and Audit Committee meetings and some School Board meetings occur during the business day;

**WHEREAS**, School Board packets including those for Finance Committee meetings are often 400 pages or more;

**WHEREAS**, School Board members attend numerous school events throughout the year such as graduation for which there is no compensation or per diem;

**WHEREAS**, by State law, School Boards have tremendous responsibility including but not limited to fiscal responsibilities; acquiring, leasing and disposing of property; suing and being sued; providing for the repair and maintenance of all property belonging to the school district; and employing and evaluating the superintendent;

**WHEREAS**, it is difficult to recruit candidates to run for School Board, particularly those who are employed (such as working parents) who have to take paid or unpaid leave to fulfill their obligations as a School Board member;

**NOW, THEREFORE, BE IT RESOLVED that the per diem for School Board members be increased or School Board members be allowed to receive a salary commensurate with the compensation of a county commissioner or city councilor, taking into account equitable factors such as the size and budget of the school district.**

**Recommendation:**

- **NO ACTION NECESSARY on return to full per diem as it is already addressed in our legislative program.**
- **DO NOT APPROVE proposal to provide salaries for school board members similar to other elected officials.**

**RESOLUTION #8**

**Submitted By: Truth or Consequences Municipal Schools**

**Title: RESOLUTION TO LOWER MILL LEVY REQUIREMENT FOR A PUBLIC SCHOOL CAPITAL OUTLAY WAIVER**



**WHEREAS**, the Public School Capital Outlay Act has as its purpose “to ensure that, through a standards-based process for all school districts, the physical condition and capacity, educational suitability and technology infrastructure of all public school facilities in New Mexico meet and adequate level statewide and the design, construction and maintenance of school sites and facilities encourage, promote and maximize safe, functional and durable learning environments in order for the state to meet its educational responsibilities and for New Mexico’s students to have the opportunity to achieve success.” NMSA 1978, § 22-24-2;

**WHEREAS**, the Public School Capital Outlay Fund (“Fund”) was created to be used only for capital expenditures deemed necessary by the Public School Capital Outlay Council (“PSCOC”) for an adequate educational program. NMSA 1978 § 22-24-4(B);

**WHEREAS**, the money from the public school capital outlay fund may be used for purposes that include, but are not limited to: purchase of portable classrooms; project management expenses; building system repair, renovation or replacement initiatives; and making lease payments for facilities; assist school districts in developing and updating five-year facilities plans required by the Public School Capital Outlay Act; demolishing abandoned school district facilities; an education technology infrastructure deficiency corrections initiative; for a pre-kindergarten classroom facilities initiative project; and for pre-kindergarten classrooms. NMSA 1978, § 22-24-4 (C), (H), (I), (K), (L), (M), (N), and (O);

**WHEREAS**, all school districts in New Mexico are eligible to apply for funding from the fund, regardless of percentage of indebtedness, however, before making any adjustment to the local share, the Public School Capital Outlay Council must consider whether the school district has, among other requirements, “a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligations bonds.” NMSA 1978, § 22-24-5(B)(9)(a);

**WHEREAS**, the Truth or Consequences Municipal School District (“TorC Schools”) serves students in a rural area with poverty levels that are higher than the national average;

**WHEREAS**, the residential property tax rate for the TorC Schools is \$8.15 on each \$1,000 of taxable value;

**WHEREAS**, because of the high poverty level, the TorC Schools are unable to increase property tax rates to \$10.00 as required by § 22-24-5(B)(9)(a), and, as a result, are unable to qualify for PSCOC funding;

**WHEREAS**, many other New Mexico school districts also serve rural areas with poverty levels higher than the national average and are unable to raise property tax rates to meet the requirements of § 22-24-5(B)(9)(a);

**WHEREAS**, the requirements of § 22-24-5(B)(9) (a) should be amended from “a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value,” to “a residential property tax rate of at least eight dollars (\$8.00) on each one thousand dollars (\$1,000) of taxable value;

**WHEREAS**, this amendment would serve to ensure that the physical condition and capacity, educational suitability and technology infrastructure of all public school facilities in New Mexico meet and adequate level statewide and the design, construction and maintenance of school sites and facilities encourage, promote and maximize safe, functional and durable learning environments in order for the state to meet its educational responsibilities and for all New Mexico’s students, including those in rural communities with high poverty levels, to have the opportunity to achieve success;”

**WHEREAS**, the New Mexico School Boards Association (“NMSBA”) is known as the leading advocate for local boards in their role of insuring that all students will graduate from New Mexico high schools prepared

for a quality life and committed to improving society and advocates at the state and federal level for commonly held needs;

**WHEREAS**, the NMSBA has called for local school districts to submit resolutions and priorities for the 2025 New Mexico legislative agenda; and,

**WHEREAS**, the inability of school districts with high poverty levels to qualify for PSCOC funding and the need to amend § 22-24-5(B)(9)(a) is a matter of importance that has statewide impact.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TRUTH OR CONSEQUENCES MUNICIPAL SCHOOL DISTRICT NO. 6, IN THE COUNTY OF SIERRA AND THE STATE OF NEW MEXICO:**

1. **The Board fully supports amending NMSA 1978, § 22-24-5(B)(9)(a) as set forth herein.**
2. **The Board respectfully requests the NMSBA to include the amendment of NMSA 1978, § 22-24-5(B)(9)(a), as set forth herein, in its priorities for the 2025 New Mexico legislative session.**

**Recommendation: APPROVE**

**Match waiver requirements should be reduced and/or relaxed for all districts.**

### **RESOLUTION #9**

**Submitted By: Truth or Consequences Municipal Schools**

**Title: SCHOOL CALENDAR AUTONOMY**

**WHEREAS**, in December 2023, the New Mexico Public Education Department proposed changes to Rule 6.5.10 NMAC that require school districts to maintain a five-day instructional week, including one thousand, one hundred and forty (1,140) instructional hours;

**WHEREAS**, prior to this Rule change, school districts were given the ability to focus their instructional time across four (4) weekdays to fulfill the instructional hours requirement; and

**WHEREAS**, on July 1, 2024, Rule 6.5.10 changes were to take effect and would impact the operation of school districts state-wide for the 2024-2025 school year; and

**WHEREAS**, Rule 6.5.10 did not include funding to four-day districts to compensate for the additional day requirement, leaving districts to make crucial funding decisions, if implemented; and

**WHEREAS**, the New Mexico School Superintendents Association, with the support of over fifty (50) of the state's eighty-nine (89) school districts, requested an injunction from the Court to stop the implementation of Rule 6.5.10; and

**WHEREAS**, The Honorable Judge Dustin K. Hunter approved a Court Order granting a preliminary injunction to prohibit Rule 6.5.10 from taking effect for the 2024-2025 school year on May 14, 2024; and

**WHEREAS**, Truth or Consequences Municipal Schools has implemented its own academic calendar, based on the needs of its community, in the past and hopes to continue this practice in the future; and

**WHEREAS**, Truth or Consequences Municipal Schools has benefitted from the autonomy of creating its own academic calendar, based on the needs of its community in the areas of teacher recruitment, transportation costs, and student engagement; and

**WHEREAS**, the implementation of such a Rule change should allow four-day school districts to plan and prepare accordingly, for one entire fiscal year, before such implementation takes effect; and

**WHEREAS**, New Mexico school districts should have the ability to choose an academic school calendar that meets their individual needs

**THEREFORE, BE IT RESOLVED** that the Truth or Consequences Board of Education supports the following action to directly address concerns:

1. Rule 6.10.5 NMAC's language that disallows school districts from adopting a school's calendar that fits their needs be removed prior to implementation;
2. New Mexico school districts return to a mandatory instructional hours requirement without a school day requirement;
3. New Mexico school districts should be allowed to implement any academic school calendar that fits their needs, including a four-day week, without fiscal consequences from the state;
4. School districts are given one (1) entire fiscal year to plan and prepare for any adjustments to the school-day or total mandatory instructional hours per year requirement, if implemented.

**Recommendation: APPROVE**

**An important responsibility of local school boards is adoption of a school calendar that meets the unique needs of each community as expressed by staff, parents, students and community members. Adoption of this resolution is consistent of our local decision making priority.**