



State of New Mexico
House of Representatives
State Capitol
Santa Fe

January 11, 2024

The Honorable Michelle Lujan Grisham
Governor, State of New Mexico
State Capitol, Room 400
480 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Dear Governor:

We have prefiled House Bill 105 and are writing to request a special message so the bill can be included in the public policy debate during the upcoming 30-day legislative session. The bill establishes a tax credit for contributions made to nonprofit organizations that will use those contributions to provide scholarships to low-income students to attend private school. This legislation will empower families and students with choice, particularly those who find themselves in economically disadvantaged circumstances.

The ideal education system includes an unfettered market in which all students have the financial means to attend their school of choice. Accessible choice helps parents choose a school that aligns with their values and educational preferences and best serves their children academically and socially. Too many New Mexico students, however, continue to remain trapped in underperforming neighborhood schools that are failing to adequately support the unique academic needs of their students.

Despite significant investments in public schools over the past decade, fewer students can demonstrate grade level mastery of reading and math today compared with their peers a decade ago, when the *Martinez* and *Yazzie* sufficiency lawsuit was initially filed. At that time, similar to arguments made nationally by staunch supporters of public education, the plaintiffs were arguing New Mexico public schools were failing at-risk students (including economically disadvantaged students) primarily because insufficient resources were being appropriated annually to public education to maintain the “uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state...” the New Mexico Constitution guarantees. Since that time, state appropriations for public schools have grown by 75 percent – from almost \$2.6 billion in FY14 to more than \$4.5 billion in FY24 (this also doesn’t account for additional, significant one-time finds schools have received from the federal government since 2020). The most recent statewide test score data from the 2022-2023 school year, however, shows almost 27 percent fewer students can read on grade level than during the 2013-2014 school year, and more than 51 percent fewer students can do math on grade level.

Albert Einstein once said, “the definition of insanity is doing the same thing over and over and expecting a different result.” This is precisely what we have done with our public education system, and we are failing our children. House Bill 105 will give low-income families the autonomy to make real decisions

about their children's education; it elevates these parents to the rightful role as decisionmakers, rather than maintaining the status quo in which low-income families cannot afford to choose to send their children to any school other than their neighborhood school. This bill provides an avenue to eliminate educational disparities experienced by many of our low-income and at-risk students.

Thank you for your consideration of our request for a special message for House Bill 105.

Sincerely,



T. Ryan Lane
House Republican Leader District 3



James Townsend
State Representative District 54