



RE: HB 253 Public Education Changes – NMBC Opposes

Dear Members of the Legislature,

I write in opposition to **House Bill 253**, which makes sweeping changes to New Mexico's Public School Finance Act and the newly renamed Distance Learning Act. While the bill is presented as a framework for accountability and oversight, its practical effect will be to **harm small, independent public schools and charter schools—particularly those that rely on distance learning to remain viable.**

HB 253 fundamentally changes how distance learning students are treated in the school funding formula by **excluding distance learning membership from size adjustment program units and rural program units.**

These adjustments exist specifically to help small and rural schools overcome scale inefficiencies. Removing distance learning students from these calculations will **reduce funding for schools that already operate on the thinnest margins**, making it harder to keep classrooms open, retain staff, and offer essential programs.

The bill also places strict caps on full-time distance learning enrollment—generally limiting it to 10% of MEM (the number of qualified students officially enrolled in a school or district on specific reporting dates).

For small and independent schools, distance learning is not a luxury; it is often a necessary tool to stabilize enrollment, serve geographically dispersed students, and prevent school closures. These caps restrict flexibility and disproportionately harm schools that depend on innovative delivery models to meet local needs.

HB 253 further adds significant administrative and reporting requirements, including membership projections, detailed recordkeeping, expenditure tracking, and repeated compliance reviews. While large districts may be able to absorb these costs, smaller schools often lack the staffing and resources to manage expanded bureaucracy, diverting time and money away from instruction and student support.

Perhaps most concerning, the bill centralizes authority in the Public Education Department by requiring **prior approval for full-time distance learning programs and making denials final and not subject to appeal**. This creates uncertainty for schools that must plan staffing, technology investments, and enrollment well in advance, and it introduces the risk that viable programs could be denied with no recourse.

New Mexico should be supporting—not undermining—small, independent schools that are working to serve students through flexible and innovative models, especially in rural and underserved communities. HB 253 instead reduces funding stability, limits

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enrollment options, increases administrative burden, and concentrates decision-making authority, all of which threaten the sustainability of these schools.

For these reasons, I respectfully urge you to **vote NO on House Bill 253** and to work collaboratively with educators and school leaders on solutions that strengthen accountability **without sacrificing the survival of small and independent schools or the students they serve.**

Thank you for your consideration.



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President & CEO