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NEW MEXICO SENATE DEMOCRATS

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STATE IN JEOPARDY OF LOSING TENS OF MILLIONS IN FEDERAL SPECIAL EDUCATION MONEY

Legislators were only recently made aware of a looming possibility that the state stands to lose at least \$43 million in federal funds, and potentially more than \$100 million, designated for special education programs.

The Joint House and Senate Public Education Committees officially learned yesterday, January 28, 2013, that the state Public Education Department requested a waiver from the maintenance of effort requirements under the federal Individuals with Disabilities Education Act (IDEA) from the U.S. Department of Education in August 2012. The state receives about \$97 million a year for the programs as long as it funds Special Education at the same levels as in years past.

While the state has been forced to reduce statewide funding every year since fiscal year 2009 due to the economic downturn, Public School spending, including funding to special education, suffered budgetary cuts at a lower percentage rate than other programs. Although officials at the state Public Education Department knew about the need for a waiver since they requested it on August 17, they did not make members of the Legislative Finance Committee or Legislative Education Study Committee aware of a possible funding loss during a budgetary planning meeting in early December 2012.

Only recently were Legislators made aware of the possible loss of federal funds when a \$20 million special appropriation was requested to offset the possible loss of federal dollars. The state is currently requesting more time until February 1, 2013, to provide the US Department of Education with additional statewide Special-Education information to support the waiver request.

“Obviously, this sets us back in planning for the Public Education budget,” says Senator John Sapien (Bernalillo, Sandoval, District 9, chairman of the Senate Education Committee. “Without knowing in advance how much federal money we are in jeopardy of losing, it makes it quite difficult to plan an effective budget to cover the loss.

“Even now, we are not getting the proper details we need to make an informed decision.”

Other legislators are very concerned about the loss of dollars, but they see the possible loss in more humanistic terms.

“It saddens me that a lack of communication has put us in this situation,” said Senator Howie Morales (Catron, Grant, Socorro, District 28). “Our most vulnerable children are at risk with this situation. We need to keep these programs at current levels.”

Senate Majority Floor Leader Senator Michael S. Sanchez (Valencia, Bernalillo, District 29) said he is disappointed that the executive agency did not do a better job of communicating this predicament. “The administration has made many overtures of transparency to the public, yet very few people outside of this administration knew that this waiver was in the works or that the funding was in jeopardy.”