



STATE OF NEW MEXICO
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SECRETARY OF EDUCATION

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GOVERNOR

May 31, 2020

Amanda Ognibene, Senior Analyst, Impact Aid Program
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-6244
Via email to Amanda.Ognibene@ed.gov; Impact.Aid@ed.gov

Re: New Mexico Impact Aid Certification

Dear Ms. Ognibene,

Please accept the included documents as the State of New Mexico's submission to the Impact Aid Office (IAO) of the United States Department of Education (ED) for provisional certification to take Impact Aid credits for the 2020-2021 school year.

As you know, the IAO determined on April 15, 2020 that the State of New Mexico must make changes to its methodology for calculating Impact Aid credits. The state is currently still reviewing whether or not it will choose to appeal this determination. Given the still pending uncertainty with regard to the final outcome in this matter, the Public Education Department (PED) is respectfully submitting for certification two different approaches for calculating Impact Aid credits.

One approach is based on the potential outcome in which the ED's determination of changes to New Mexico's Impact Aid methodology stands. In this potential outcome, the state would adjust its methodology as directed in the determination letter, resulting in a change to the proportion of Impact Aid credits that the state would be allowed to take. It is important to note that submission of this approach is in no way indicative of an acceptance by PED of the determinations in ED's April 15, 2020 determination letter, and that PED retains its right to appeal the decision by the established deadline.

The other approach is based on the potential outcome in which the state chooses to appeal the ED's determination and the state prevails in that appeal. In this potential outcome, the state would continue to apply its existing methodology for calculating Impact Aid credits. This approach is consistent with state statute requiring that PED take 75% credit for Impact Aid; thus, the state feels compelled to submit a methodology that it feels is consistent with both state and federal requirements. While PED recognizes that certification of this approach would likely be conditioned upon both a decision by PED to appeal and a finding in favor of PED in the event of an appeal, we request that IAO review this approach and provide a contingent certification should this be the eventual outcome of the matter.

We appreciate IAO's consideration of each of these requests.

Sincerely,

/s/ Ryan Stewart

Ryan Stewart, Ed.L.D.
Secretary of Education