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School Accountability: The Role of Governance in School Improvement

While school accountability is often described in terms of student assessment and performance, the education system's health is also contingent on the way it is governed by entities at the state and local level. Those governing must be accountable for fulfilling their specific roles and responsibilities, and, if run well, they enable each other to operate effectively and efficiently.

It is critical then to examine those roles and responsibilities to ensure statutory frameworks, funding structures, and operational systems support state and local entities. Like all systems, the health of the education system can be negatively impacted if even one of its components is not functioning properly or is not supported by other components of the system. A requirement to report on the status of a program, for instance, does not support the system if there is not a mechanism for responding to the report's findings. Instead, such requirements become a meaningless burden on the system and potentially defer scarce human and fiscal resources.

Conversely, when governing entities align expectations and resources, they can positively impact the entire system. The state's push to implement structured literacy and the science of reading—the legislature enacted statute and provided fiscal resources, the Public Education Department (PED) distributed funds and coordinated training, and local school districts and charters provided time and incentives for teachers—is one example of the kind of systemic change possible with good governance.

This brief will describe New Mexico's various state and local governance structures, including how they are explicitly and inherently connected, as well as the responsibilities assigned to each. It will also explore the need for additional support and training to ensure individuals at each governance level understand their roles and responsibilities and best practices that can improve public school governance in the state.

Key Takeaways

Effective governance is crucial to a healthy education system.

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Legislative governance tools may not be accomplishing their intended purposes.

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Local school leaders may need additional training and support to lead complex education systems.

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The state's current education governance structure has resulted in rapid swings in policy and funding and may need review.

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Legislative Governance and Accountability Tools

The Educational Plan. Since the court’s findings in the *Martinez-Yazzie* consolidated lawsuit, the Legislature has passed various measures to increase its governance of public schools, including efforts to improve fiscal and programmatic transparency. The first and most substantial effort was amendments to the Public School Finance Act in 2019 requiring school districts and charter schools to submit an educational plan detailing their efforts to serve students. Section 22-8-6 NMSA 1978 requires educational plans to contain the following:

1. Information on instructional time, including the number of days and hours;
2. A narrative explaining services provided to at-risk students;
3. A narrative explaining services provided in extended learning time programs and K-5 Plus programs;
4. A narrative detailing local teacher mentorship programs, as well as class size and teaching load information;
5. A narrative explaining supplemental programs and services offered to ensure the Bilingual Multicultural Education, the Indian Education, and the Hispanic Education Acts are being implemented;
6. A narrative describing the amount of program cost generated for services for students with disabilities and the spending of those revenues on services to students with disabilities; and
7. A common set of performance targets and performance measures determined by the Public Education Department in consultation with the Legislative Finance Committee and the Legislative Education Study Committee.

The requirements—added to a system previously known as the educational plan for student success (EPSS) that had evolved into an online submission by districts and known as WebEPSS—were closely aligned to the court’s findings in the *Martinez-Yazzie* lawsuit and were clearly intended to help the Legislature monitor the state’s progress toward addressing the lawsuit while simultaneously spurring school districts and charter schools to be more intentional in their budget planning. In subsequent years, the educational plan structure has been used to monitor other initiatives, such as the Family Income Index.

Since the enactment of these requirements, PED and school districts and charter schools have made significant efforts to comply. At the department level, the practical impacts of the changes included planning and developing yet another software application to which school districts and charter schools submit the required narratives. It also meant department staff were responsible for monitoring and reviewing submissions, which might mean asking school staff to revise submissions before final approval. The process has added significantly to department workload during the already busy budget-submission season. At the school district and charter school level, it requires additional submission of information often included in program applications for state or federal grants. While the department has worked to increase efficiency and consolidate submissions, the process is still creating additional workload.

It is also unclear whether the process has improved department oversight of budgets or programs. School district and charter school submissions vary greatly depending on local capacity and expertise and can range from detailed plans to compliance-focused responses that feature minimal details but still meet the requirements of the law. Another challenge with using the educational plan as an oversight tool is that it is just that, a plan. School districts and charter schools are not held to the plan in a substantive way. Because

the educational plan asks school districts and charter schools to describe how they will spend state funding included in the state equalization guarantee (SEG), the state's public school funding formula, which can be spent at local discretion, the department has little authority to dictate that schools change the way they spend. Lastly, there is currently no requirement that the department or school districts and charter schools reconcile their educational plans with actual budget expenditures, effectively making the educational plan, at best, a list of best intentions and, at worst, a waste of time and energy at both the state and local level.

Open Books. Despite the implementation of the educational plan, there was a call for additional fiscal transparency and another effort was made to improve accountability at the state level. During the 2020 legislative session, the Legislature passed additional amendments to the Public School Finance Act to require the department to create an online financial reporting system. Legislators appropriated \$3 million to the department for creation of the system. The system should:

1. Allow for the comparison between schools, between school districts, and between regional educational cooperatives
2. Allow for the display of administrative costs at every school site and school district
3. Make it possible to determine how schools budget funds to support at-risk students, offer bilingual and multicultural educational services, and support students with disabilities
4. Make it possible to determine actual expenditures, including salary and benefits expenditure by job category
5. Report the expenditures for the major categories specified in the chart of accounts

After two years of development, PED began hosting the transparency site, called [Open Books](#). It now contains all data from FY21, 99 percent of fiscal data from FY22, and partial data from FY23. While the site contains all required data at the district level, it does not contain school-level information. Department officials report creating a system to report school level budget and expenditures would mean an overhaul of the Operating Budget Management System (OBMS), the system the department and school districts and charters use for fiscal tracking, because it currently does not accommodate site-level reporting. PED officials have advocated for amendments to the law to eliminate the requirement for school-level data.

While access to fiscal data increases transparency, without technical expertise or context, the site may not be helpful to the general public in determining whether school districts and charter schools are using funds effectively or efficiently. Like educational plans, the requirements add another layer of reporting of information that is currently submitted and housed in other forms. And similarly to educational plans, the fiscal transparency requirements do not on their own dictate how school districts or charter schools should spend their money.

Local Governance Authority and Capacity

State law provides local school boards, school districts, and charter schools with broad authority over the operations of schools. It's unclear, though, if adequate support structures exist to ensure local officials are appropriately trained and have the expertise necessary to run a complex educational system.

School Boards. Local school boards are responsible for high-level oversight and operations of their school districts. Their primary duties include setting local education policy in accordance with state law and department regulations, hiring a school superintendent, and approving an annual budget. To enable board members to effectively fulfill their duties, statute requires PED to “develop a mandatory training course for local school board members” that explains department rules, policies, and procedures; statutory powers and duties of school boards; legal concepts pertaining to public schools; finance and budget; and other subjects deemed relevant by the department. State law also requires the names of school board members who do not complete required training be reported on a school district’s annual accountability report.

PED regulations further expand on statutory requirements and specify board members must complete five hours of annual training. The regulation does not specify what topics or types of training members must complete. However, the department has delegated its statutory responsibility to the New Mexico School Boards Association (NMSBA). The bulk of school board training is conducted at an annual conference conducted by NMSBA, where school board members can attend a variety of sessions and show proof of their attendance by completing sign-in sheets. Additionally, NMSBA conducts regional meetings and training throughout the year and provides a series of one-hour, online training modules. While this approach provides members with the opportunity to learn about a variety of topics from state and local experts, there is no clear indication the training is sufficient to ensure members acquire adequate expertise.

NMSBA is responsible for reporting school board member compliance with training requirements to the department. Prior to September 1 of each year, NMSBA submits a list of the training hours attended by each member. The 2022-2023 report lists 337 members as having completed training requirements, while 100 have not. Of those 100, 48 attended no training. Additionally, 13 of 89 school districts reported three or more of their school board members not having met requirements. Neither statute nor department rule provides for any consequence for not having fulfilled training requirements. Furthermore, districts have not publicized the names of school board members who have not fulfilled training since 2018. Since the breadth and depth of each school board member’s training will vary depending on each member’s interest, it is often left to school superintendents and school district staff to fill in the gaps, assuming local staff has the skills, knowledge, and capacity to do so.

The Legislature has recently considered various changes to school board governing structures and training requirements. Proposed legislation has also included giving the secretary of education the authority to suspend individual board members, rather than having to suspend an entire board as currently outlined in statute and rule. Those proposals have all failed.

Local School District Leaders. School district superintendents are ultimately responsible for the day-to-day running of New Mexico’s schools. The role of the superintendent varies across the state depending on the size and structure of a school district and can encompass everything from making instructional and operational decisions to being responsible for state reporting to driving a school bus. Because of the wide-ranging set of skills and knowledge required to be an effective district leader, it is crucial school district superintendents receive proper training and ongoing support.

In New Mexico, school superintendents must hold a level 3-B educational administration license issued by PED. To qualify for a level 3-B license, a candidate must have a level 2

license and meet all the requirements for a level 3-A teaching license, complete a PED-approved administrative apprenticeship program, earn a minimum of 18 graduate credits, and pass the licensure test for administration. However, there is no distinction in the requirements for someone who wants to be a school administrator versus someone who wants to serve as a superintendent.

There are few formal structural supports or resources for practicing superintendents. The New Mexico Coalition of Education Leaders (NMCEL) holds an annual conference, which includes a variety of workshops presented by state and local education experts. They cover topics such as recently adopted legislation to department policies and procedures. In many ways, NMCEL training opportunities are similar to those offered by NMSBA. They cover a broad set of topics but rarely offer the opportunity to receive in-depth training. Cooperative Educational Services (CES), which serves primarily as a purchasing cooperative, also offers year-long training and coaching for aspiring and new superintendents. Lastly, PED's Priority Schools Bureau, which offers a suite of professional development for teachers and school leaders, also offers professional development specifically aimed at invited superintendents. The disparate manner in which superintendent training and support occurs in New Mexico means there is no consistent expectation for what it means to be a superintendent, or the skills and knowledge needed to do the job well.

Statewide Educational Governance

Educator Preparation Programs. Educator preparation programs (EPPs) hold a unique place in New Mexico's governance structure. They are statutorily overseen by PED while simultaneously being housed and overseen by their respective higher education institution. They are nearly solely responsible, with the exception of one alternative teacher preparation program, for preparing New Mexico's teachers.

Because of their responsibility to prepare high quality educators—and because teachers are the most important in-school factor impacting student performance—EPPs have faced scrutiny in recent years. Previous attempts at accountability included giving A-F grades to EPPs based on criteria such as admission standards, diversity of candidates, and student assessment performance. Like other accountability efforts that leaned heavily on student test scores, the EPP grading system was eliminated.

More recently, policymakers have worked to ensure EPPs are preparing educators with adequate tools to teach, specifically a strong background in the science of reading. A recent assessment by the National Council of Teacher Quality found programs in New Mexico range in their teaching of science-based literacy. Western New Mexico University, for example, earned an A-plus from the organization, while the University of New Mexico (UNM) earned a D. Since then, UNM faculty have begun training in the science of reading.

In addition to training teachers, EPPs also play a crucial role in preparing school and school district leaders. As mentioned previously, EPPs are currently tasked with covering a range of topics to ensure graduates can fulfill one or all of the many roles encompassed in the educational administration license. The New Mexico Association of Colleges of Education, more commonly known as the deans and directors, recently appointed a task force to address issues of principal preparation specifically. The group helped shape the requirements of a legislatively funding principal residency program and is currently

working on proposals to standardize and improve practices at education leadership programs across the state.

State Governance Structures. Since 2003, New Mexico’s education system has been led by a secretary of education appointed by the governor. Prior to 2003, New Mexico had an elected state school board responsible for hiring a state superintendent of education who managed the state education agency and oversaw New Mexico’s schools. The constitutional change to the state’s governing structure has meant each new governor since 2003 has appointed a new secretary of education upon election. With the exception of Veronica Garcia, who served until the end of Bill Richardson’s two terms as governor, no secretary has remained for a governor’s full time in office. Susana Martinez had two secretaries during her two terms as governor, while there have been four secretaries since Michelle Lujan Grisham was elected as governor. It is worth noting that other members of department leadership also serve at the will of the governor. So a change in the governor’s office also means almost wholesale reshuffling among department leadership, resulting in a lack of consistency and institutional knowledge.

An Education Commission of the States comparison finds four distinct governance models, all of which include a combination of state education chief and either elected or appointed board. New Mexico is one of 14 states that does not fall into any of the four models.

While the current structure allows for the executive branch to have more direct involvement with education and the ability to shape policy and funding, it has also led to inconsistency in policies between executive administrations and rapid swings in direction for local school practitioners. In the last 10 years, for example, the state has experienced multiple changes in assessments, teacher evaluations, and funding priorities. Some of those were prompted by changes in federal education law, but others were driven by state political swings.

This lack of consistency prompted legislation during the 2023 legislative session that would have restored a state board of education made up of elected and appointed members that would be responsible for hiring a state “superintendent of public instruction.” The constitutional changes in Senate Joint Resolution 1 would have required voter approval and would not have occurred until after Governor Lujan Grisham’s current term.

Other states, many of whom have faced sufficiency lawsuits similar to New Mexico’s, have instituted commissions or task forces to create education plans, direct education policy, and ensure consistency across political changes. Legislative attempts to implement similar commissions in New Mexico have failed to gather traction.

Policy Considerations

Legislative Tools

The Legislature should consider revising and aligning the multiple reporting and accountability statutes currently in place. In particular, the educational plan in its current form has created additional burden and expense for both the department and local school officials while not providing the level of information or data necessary to monitor or improve student outcomes.

Currently, the Legislative Finance Committee, Department of Finance and Administration, and PED collaborate to develop annual performance metrics for the agency. The

Legislature should consider developing a set of comprehensive education goals and metrics while aligning reporting requirements to those metrics. Doing so would provide more meaningful monitoring tools, allow lawmakers to target investments to needed areas, and allow education officials to provide targeted interventions.

Any changes should be part of a cycle of monitoring and feedback that connects school districts' and charter schools' plans with their actual expenditures and activities. Because of the number of school districts and charter schools, along with the department's limited capacity, a staggered schedule of detailed reviews might be more useful than annual, perfunctory reviews.

Additionally, fiscal transparency must include more contextualized information to allow for true comparisons between school districts and schools. Per pupil expenditures, for example, are only valuable when comparing like districts. The nature of education funding, however, means some school districts will inherently spend more per pupil because of student characteristics.

Local Governance

The Legislature should consider clarifying school board training requirements. By outlining specific requirements, the Legislature can better ensure school board members are equipped with the appropriate knowledge to understand the state's complex funding mechanisms, track legislative changes more effectively, and better guide local decision making. Specifying the type and amount of training required will also help board members target their learning rather than being overwhelmed with the range of training currently offered by NMSBA. Lastly, the Legislature or PED should improve accountability for attending training.

The Legislature should consider specifying the components of high-quality school leadership programs at educator preparation programs, along with tasking PED to develop tools and processes to ensure programs meet specifications. Better defining those components could help EPPs shape their curricula to prepare school leaders for the realities of the job. Additionally, the body should consider continued funding for professional development for both school leaders and superintendents.

State Governance

The Legislature has made significant investments in educator preparation in the form of teacher residencies, paid student teaching, and scholarship and loan repayment funds. The ability for EPPs to offer high quality practicum experiences are aligned with best practice and helps to ensure teaching candidates are more prepared when they enter the classroom. It will be crucial for EPPs to continue to offer these experiences as a core component of their programs. The Legislature should consider continued, recurring funding for these practices.

Changes in executive leadership, along with turnover at the PED, has meant rapidly changing priorities and made it difficult for school districts and charter schools to make meaningful improvement. That turnover, coupled with calls for the state to find long-term solutions for the issues identified in the *Martinez-Yazzie* consolidated lawsuit, points to the need for stable, consistent leadership for New Mexico's education system. The Legislature should consider whether current governance structures are able to address those long-

term needs or whether a changes to that structure in the form of a state school board or a statewide education commission might aid in creating stability over time.

