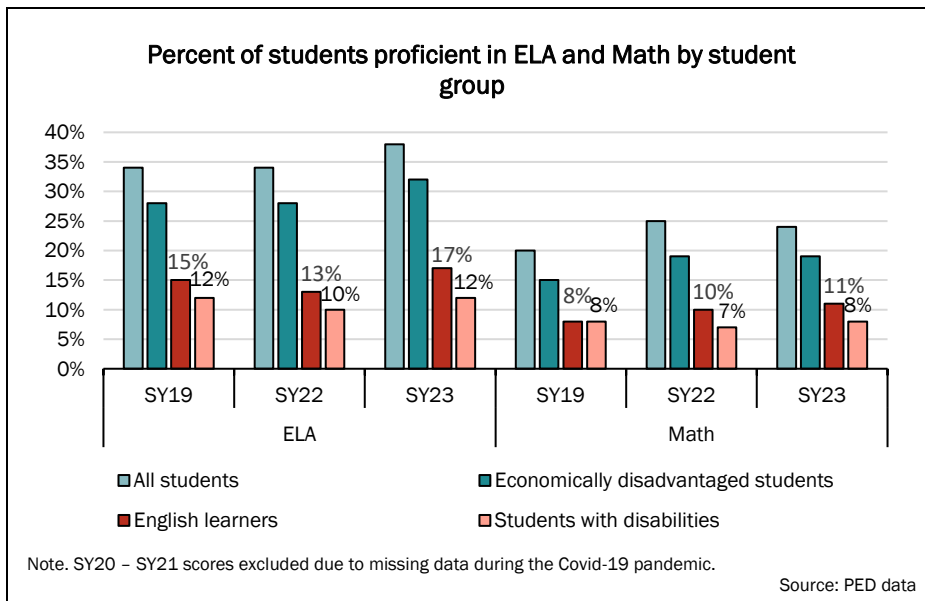


Special Education and Bilingual Teacher Pay Differentials

Research has shown teachers are the most important school-related factor influencing student outcomes such as performance on reading and math assessments, likelihood of on-time, high school graduation, and even distal outcomes such as college attendance, college completion, and [future earnings](#). The *Martinez-Yazzie* consolidated lawsuit ruled effective teachers are key to improving proficiency and “the weight of the evidence [in the lawsuit] leads to the conclusion that the quality of teaching for at-risk students is inadequate.” Two groups of at-risk students highlighted in the lawsuit, special education students and English learners, have consistently suffered from a lack of certified teachers, affecting the quality of education these students receive.

Statewide academic achievement outcomes for special education students continue to lag far behind those of their peers. In the case of English learners, the rate of reclassification in acquiring English continues to remain stubbornly low. While a smaller percentage of economically disadvantaged students consistently score proficient on the state’s English language arts (ELA) and math assessments than the statewide average, the gap between English learners and the statewide average is four times greater in ELA and twice as great in math. Achievement gaps for students with disabilities are even greater. In the 2022-2023 school year (SY23), 17 percent of English learners scored proficient in ELA, and 11 percent scored proficient in math. Of students identified with disabilities, 12 percent scored proficient in ELA, and 8 percent scored proficient in math.



Key Takeaways

Proficiency gaps between students with disabilities and English learners and their peers persists.

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Many of these at-risk students have continually been denied certified teachers due to staffing shortages.

Page 2

Research suggests teacher pay differentials can be effective levers for teacher recruitment and retention.

Page 4

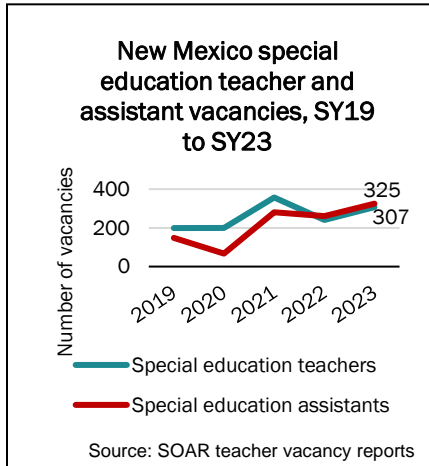
The legislature should consider requiring differential pay for special education teachers and assistants serving students with the greatest needs, as well as for bilingual teachers.

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Staffing Challenges

Despite recent legislative investments in teacher pipeline initiatives and educator compensation, substantial educator vacancies persist. These vacancies are not evenly distributed, affecting some teaching positions and some students more than others.

Special Education Teachers



According to the [Southwest Outreach Academic Research Center \(SOAR\)](#), vacancies for special education teachers in New Mexico have been consistently high over the past five years, ranging from 199 in SY19 to 357 in SY21. In SY23, special education teachers had the highest number of shortages (268 vacancies) of all positions after special education assistants (325). The SOAR report is the state’s sole mechanism for quantifying teacher demand but is limited by its methodology of using public job postings to estimate vacancies. One such limitation is the lack of details on special education vacancies by educational setting.

New Mexico’s special education staff shortages reflect national trends. The [School Pulse Panel](#), a nationally representative survey released by the National Center for Education Statistics, found most schools felt understaffed in classroom aides (67 percent) and special education (63 percent) going into the 2024 school

year. Most schools found it very (35 percent) or somewhat (19 percent) difficult to fill special education teacher positions with a fully certified teacher—far greater than any other teaching position. The most common reasons cited for difficulty filling teaching positions were few applications (70 percent), lack of qualified candidates (66 percent), and salary and benefits below candidate expectations (35 percent). [Research](#) demonstrates that special education teachers have higher turnover rates than any other teaching area, with turnover being five times higher in schools serving large populations of students of color.

In SY23, 1,344 special education licensed teachers had a general education teaching assignment in New Mexico, indicating an untapped resource in that state. The 2023 SOAR report gives reason to believe the supply of special education teachers may be gradually increasing. In SY23, 437 candidates were admitted

to special education licensure programs, a 15 percent increase from the prior year. However, a greater portion of these candidates (76 percent) were admitted to alternative licensure programs than in prior years. Some research indicates alternatively licensed teachers have higher attrition rates than traditionally licensed teachers. To close special education vacancies, New Mexico should consider ways to create incentives for teachers

already licensed in special education to teach in this licensure area. In addition, the state should continue to invest in highly effective special education teacher preparation pathways to continue growing the teacher pipeline.

In SY23, 1,344 teachers with special education licenses had general education teaching assignments.

Special education staffing needs were a common theme cited by stakeholders in [LESC’s special education stakeholder listening sessions](#). Schools and districts spoke of shortages in qualified special education staff and insufficient support, leading to burnout among special education teachers. [A 2019 meta-analysis](#) of special education teacher attrition and retention found working conditions to be the strongest contributor to attrition. Special educators have many complex responsibilities and report noninstructional demands—such as managing individualized education plans (IEPs) and ensuring compliance with special education laws—that interfere with serving students and contribute to attrition. Insufficient support from

administrators, colleagues, and support staff also contributed to attrition. A [2020 meta-analysis](#) of special education teacher burnout found increased support from school personnel correlates with reductions in special education teacher emotional exhaustion.

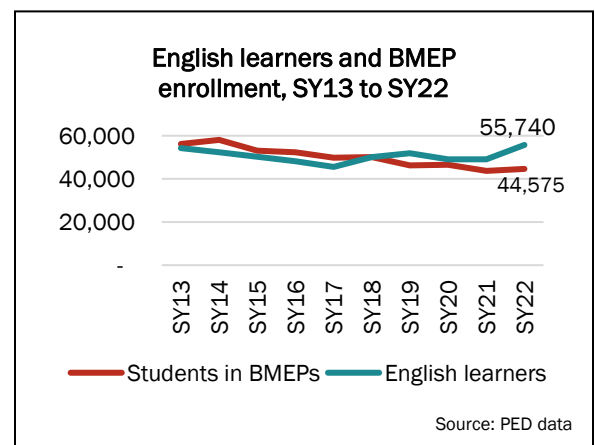
Special education teachers often state students are their primary motivation to remain in their position. However, special education teachers also report overwhelming and complex caseloads challenge their effectiveness and contribute to attrition. In [LESC's special education stakeholder listening sessions](#), school staff spoke of an uptick in extreme behaviors from some special education students after the Covid-19 pandemic, with many educators reflecting that the switch to online learning disproportionately impacted students with disabilities. [Several studies](#) indicate teachers who serve students with the most extensive needs, such as those with behavioral and emotional disorders, are significantly more likely to plan to leave the field of teaching than other special education teachers.

Teachers of students with the most extensive special education needs are more likely to leave the field of teaching than other special education teachers.

Bilingual Teachers

While the number of bilingual educator vacancies reported by SOAR has decreased in recent years (35 vacancies in SY23, down from 98 in SY21), the Public Education Department (PED) [issued 170 waivers](#) for teachers without a bilingual endorsement to teach in a bilingual multicultural education program (BMEP) in SY22. Other evidence also suggests the number of BMEPs in New Mexico may not be enough to meet student needs.

The number of students [served by BMEPs](#) in New Mexico has decreased even as the number of English learners has increased. In SY13, 52 percent of English learners in the state were enrolled in a BMEP. By SY22, that proportion decreased to only 38 percent.



In SY22, 54 percent of school districts and 26 percent of charter schools in the state implemented a BMEP (84 percent Spanish/English and 26 percent Native American languages/English). Only one-quarter of the programs offered are dual language programs, which [research demonstrates result in stronger academic outcomes](#) for English learners than other models or English-only instruction. A 2022 Legislative Finance Committee (LFC) evaluation of bilingual multicultural education programs reported an [inability to find or retain endorsed teachers](#) as one reason schools chose not to offer BMEPs.

However, data suggests classroom shortages may not be caused by a shortage of bilingual endorsed teachers, but by these teachers choosing not to teach in bilingual programs. [LFC's 2022 evaluation of BMEPs](#) reported 4,055 bilingual endorsed teachers in the state, of which only 20 percent taught in BMEP programs. Research suggests [teachers leave bilingual classrooms](#) due to “invisible work” that often goes unrecognized and unsupported—much like special education. Bilingual teachers report having insufficient materials in the language they teach, requiring translation of English resources and creation of original material.

New Mexico has an untapped resource of over 4,000 bilingual endorsed teachers, most of whom are not teaching in BMEPs.

Recruitment and Retention Mechanisms

A [2016 report](#) by the Learning Policy Institute identified five factors that influence teachers' decisions to enter and remain in the teaching profession, including compensation, preparation, hiring and personnel

management, support for new teachers, and working conditions. While compensation represents one policy lever to address teacher recruitment and retention, the report cautions that other factors, particularly working conditions, must also be addressed. To address special education teacher shortages, the National Association of State Boards of Education recommends improved data collection, improved working conditions, partnerships with teacher preparation programs, and differentiated pay scales. While this report primarily examines differential pay, effective recruitment and retention requires a holistic approach.

Educator Differential Pay in New Mexico

In New Mexico, tier minimum salaries for all teaching positions are established through the School Personnel Act (Section 22-10A NMSA 1978). From these tiered minimum salaries, school districts and charter schools create their own salary schedules, resulting in sometimes substantial variations in teacher compensation policies. Teacher salary differentials are an example of this variation, with some districts offering stipends for new and/or existing employees in hard-to-staff areas.

LESC staff surveyed teacher pay differentials among 30 large, medium, and small school districts in New Mexico. Overall, nearly every large district, most medium-sized districts, and only two small districts surveyed offer at least one subject area pay differential. Districts are most likely to offer stipends for bilingual endorsed teachers (15 districts), TESOL endorsed teachers (9 districts), and special education

teachers (9 districts). A few districts also offer stipends for recruitment, retention, and relocation; rural placements; gifted teachers in high-need schools; special education and bilingual education assistants; and various ancillary positions.

In recent years, New Mexico implemented three statewide teacher differential pay initiatives based on teacher credentials, performance, and subject

New Mexico statewide differential pay

National Board-Certified Teaching (NBCT). In response to research suggesting NBCT-certified teachers are more effective at improving student outcomes, the Legislature approved a differential for these teachers in 2003 and expanded eligibility to all NBCT-certified personnel in 2023. NBCT-certified staff generate program units in the public school funding formula (Section 22-8-23.4 NMSA 1978). For SY24, the formula produced \$7.5 million for SY24 for 800 NBCT-certified staff, each receiving approximately \$9,000 stipends.

(STEM) and hard-to-staff teacher stipend grant program. From FY14 to FY16, PED awarded \$2.8 million through this program, which provided stipends of \$5 thousand to \$10 thousand per year to effective, highly effective, and exemplary teachers in STEM courses (grades six to 12), special education, bilingual, and other hard-to-staff positions in low-performing schools.

Pay-for-performance pilot program. PED implemented this program from FY15 to FY17, to improve teacher and principal performance, student outcomes, and teacher retention. The grant targeted teachers with effective and exemplary teacher evaluations, based in part on student achievement. At least two-thirds of the funding was paid to individual teachers in the form of stipends of at least \$1,500. From FY15 to FY17, the Legislature made approximately \$21.6 million available for the pilot program.

Top teacher stipend areas of districts surveyed by LESG staff

| Position | Number of districts | Stipend range |
|----------------------------|---------------------|-------------------|
| Bilingual teachers | 12 | \$300 - \$5,000 |
| TESOL teachers | 9 | \$300 - \$3,000 |
| Special education teachers | 6 | \$1,500 - \$5,000 |

Source: LESG staff 2023 survey of 30 large, medium, and small school districts

area. However, the effects of these programs on teacher recruitment and retention or student outcomes are uncertain, as no evaluations of the programs have been publicly released. PED informed LESG staff that teacher-level data was not collected from the STEM and hard-to-staff grants, prohibiting teacher recruitment and retention analysis.



Evidence of Differential Pay Effectiveness

Existing research suggests stipends can be effective mechanisms for recruitment and retention of teachers in hard-to-staff settings when stipend amounts are recurring and sufficiently large.

From 2001 to 2004, North Carolina offered statewide annual bonus stipends of up to \$1,800 for secondary teachers in math, science, or special education who taught in high-poverty or low-performing public schools. [Studies of the program](#) suggested the stipends reduced turnover rates for recipient teachers by approximately 12 percent. However, this effect did not extend to special education teachers. From 2000 to 2002, [Florida provided recruitment and retention bonuses](#) in critical-need areas from \$850 to \$1,200. The bonus was associated with a 32 percent reduction in the likelihood the teacher would cease teaching in Florida. [A randomized control trial](#) in 10 school districts across seven states offered \$20 thousand stipends to the highest-performing teachers in tested grades and subjects who agreed to transfer into one of the lowest-achieving schools in their district and stay for at least two years. The stipend was paid in five installments over the two-year period. Teachers who received the bonus were more likely to remain in their positions the second year (93 percent of teachers) compared to those in the control group (70 percent). However, this effect did not continue after the bonus program ended.

Teacher stipends are most effective when they are sufficiently large, long-term, and accompanied by work condition improvements.

Beginning in 2020, [Hawaii began offering annual salary bonuses](#) to teachers in areas with the most severe shortages—special education, Hawaiian language immersion programs, and hard-to-staff geographic locations. Special education teachers were eligible for \$10 thousand stipends, and Hawaiian language immersion teachers were eligible for \$8,000 stipends. These teachers could receive additional stipends ranging from \$3,000 to \$8,000 for teaching in a hard-to-staff school. A [2023 causal study](#) published by the American Institutes for Research found implementation of these policies significantly reduced the proportion of special education teaching positions vacant or filled by an unlicensed teacher by an estimated 35 percent, or 4.0 percentage points. This impact was primarily driven by general education teachers moving into special education teaching positions and was largest in hard-to-staff schools. This is of particular interest to New Mexico, given the 1,344 teachers licensed in special education but teaching in general education. Notably, the bonus policy did not significantly impact retention of existing special education teachers. Researchers hypothesize stipends may need to be larger to retain these teachers or coupled with working condition improvements.

Hawaii teacher differential stipends

| Teacher positions | Differential |
|-----------------------------|--------------|
| Special education | \$10,000 |
| Hawaiian language immersion | \$8,000 |
| Hard-to-staff Tier 1 | \$3,000 |
| Hard-to-staff Tier 2 | \$5,000 |
| Hard-to-staff Tier 3 | \$7,500 |
| Hard-to-staff Tier 4 | \$8,000 |

Source: Hawai'i State Department of Education 2020 report on Teacher Salary Modernization Project

Policy Considerations

Long-term investments in teacher recruitment and retention to ensure at-risk students consistently receive high quality instruction from certified teachers will be key in closing achievement gaps in New Mexico and addressing the *Martinez-Yazzie* consolidated lawsuit. Over the next interim, LESC staff will continue to research how the Legislature can support teacher educator recruitment, preparation, and retention.

Teacher Pay Differentials

Evidence suggests teacher differential pay can be effective in recruiting and retaining teachers in hard-to-staff areas. Special education teachers and assistants who primarily serve students with extensive to

maximum special education needs face particular challenges in the classroom and represent particular staffing challenges. Special education assistants play a critical role in supporting the needs of students and teachers in these settings. To address New Mexico’s substantial and persistent vacancies in special education, the Legislature could consider funding stipends to recruit and retain these staff. A stipend of 15 percent of the estimated average teacher salary in FY24 would be \$10 thousand for teachers and \$4,000 for education assistants. Implementation at this amount would cost the state an estimated \$29.3 million in FY25.

As enrollment in New Mexico BMEPs has decreased, the number of English learners has increased. A shortage of bilingual educators willing to teach in BMEPs means many students are taught by teachers who lack bilingual certification, and the expansion of bilingual programs is slowed. To create incentives for the thousands of bilingual-endorsed teachers in New Mexico who do not teach in BMEPs to do so, the state could consider offering stipends to bilingual-certified teachers teaching in a state-approved BMEP. A stipend of 15 percent of the estimated average teacher salary in FY24 would be approximately \$10 thousand. Implementation at this amount would cost the state an estimated \$6.3 million in FY25.

Estimated stipend costs, FY25

| | Estimated FTE | Proposed stipend amount | Estimated total cost (in thousands) |
|---|---------------|-------------------------|-------------------------------------|
| Special education teachers serving level C and D students | 2,040 | \$10,000 | \$20,400.0 |
| Special education assistants serving level C and D students | 2,231 | \$4,000 | \$8,924.0 |
| Bilingual teachers in BMEPs | 633 | \$10,000 | \$6,330.0 |
| TOTAL | 4,904 | | \$35,654.0 |

Note. Only special education teachers and assistants serving students with extensive to maximum special education needs are included in the estimate.

Source: LESC files

Research suggests stipends of this magnitude would effectively motivate special education licensed teachers to teach in special education positions. Although research is mixed, the stipends could also increase the number of teacher candidates pursuing special education licensure and improve special education teacher retention. To evaluate the effectiveness of these stipends, PED should collect teacher-level data that allows analysis of the impact of stipends on recipient recruitment and retention.

Complimentary Recruitment and Retention Mechanisms

Ensuring all students with disabilities and English language learners are taught by certified teachers will require more than teacher pay differentials. The following policy considerations are based on best practices and [LESC’s special education stakeholder listening sessions](#).

- **Personnel data.** While the SOAR educator vacancy report provides important information to stakeholders, difficulty collecting important metrics for quantifying educator demand results in data limitations. PED should collect and report timely and detailed staffing data that considers student enrollment, student-teacher ratios, school district surveys of hard-to-staff positions, licensure data, retirement trends, and long-term substitute positions.
- **Pipeline.** The Legislature allocated \$27.5 million for educator pipeline initiatives in FY24. The Legislature should continue to fund high quality preparation programs, including residencies.
- **Principal preparation.** Research indicates effective and supportive administrators can improve teacher retention. The Legislature allocated \$2 million for a pilot program for principal, counselor, and social worker residency programs in FY24. The Legislature should continue to support highly effective principal preparation pathways.

In FY24, the Legislature appropriated \$27.5 million for educator preparation initiatives

| Teacher preparation initiatives | FY24 appropriations (in thousands) |
|--|---|
| Teacher residency programs | \$13,000.0 |
| Student teaching stipends | \$6,500.0 |
| Principals, counselors and social workers residency pilot | \$2,000.0 |
| Special education training and credentials | \$2,000.0 |
| Bilingual multicultural education programs | \$2,000.0 |
| Educator preparation programs for financial aid and professional development | \$2,000.0 |
| TOTAL | \$27,500.0 |

Source: LESC files

- **Innovative staffing strategies.** LESC staff will study innovative staffing strategies that support teachers in the classroom and provide compensated career advancement opportunities that do not require leaving the classroom to become an administrator.
- **Inclusion limits.** LESC staff will study the LESC special education stakeholder listening session recommendation to limit the percentage of special education students in inclusion classrooms to support general education teachers teaching special education students.
- **Caseload limits for special education ancillary providers.** LESC staff will study the special education stakeholder listening session recommendation to provide caseload limits for special ancillary providers based on area of disability; while some caseload limits currently exist, stakeholders advocated for caseload limits for all areas of disability.
- **A statewide Individualized Education Program (IEP) and Behavior Improvement Plan (BIP) system.** The Legislature should consider requiring PED to establish a mandatory statewide IEP and BIP system to reduce the administrative burden on special education teachers.
- **Clerical support.** School districts can consider hiring clerical staff to support special education teachers by reducing the burden of required paperwork.
- **Bilingual instructional materials.** Bilingual and multicultural education programs generated \$51.2 million through the public school funding formula in FY23. Using a portion of these funds to develop or purchase bilingual instructional materials could reduce the workload of bilingual teachers.