



NEW MEXICO
LEGISLATIVE
FINANCE
COMMITTEE

Litigation to Boost Funding for Native American Students

New Mexico's Policy Response

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June 16, 2022

Historic National Events

1928 – The Problem of Indian Administration (Meriam Report)

- Found dismal socio-economic conditions and outcomes for Native Americans and recommended additional support services to remedy issues

1964 – Civil Rights Act

- Prohibited discrimination on the basis of race, color, sex, or national origin in programs receiving federal assistance

1965 – Elementary and Secondary Education Act

- Provided substantial federal aid to education, particularly for students from low-income families

1969 – Indian Education: A National Tragedy (Kennedy Report)

- Pointed to the failure of federal policies (e.g. assimilation) relating to Native Americans and the impacts to their social, economic, and educational outcomes

1983 – A Nation at Risk Report

- Highlighted academic underachievement on national and international metrics

2001 – No Child Left Behind Act

- Established yearly standardized assessment of students to hold each school responsible for student academic performance



Historic New Mexico Events

1974 – Public School Finance Act

- Created the state equalization guarantee (SEG) formula, which was intended to equalize financial opportunity and guarantee each student access to appropriate programs regardless of location

1975 – Public School Capital Outlay Act

- Provided funding to address critical capital outlay needs that local districts could not finance

1981 – “Big Mac” tax cuts

- Reduced property taxes from \$8.95 per \$1,000 to \$0.50 per \$1,000 for school operations

1986 – Public School Reform Act

- Amended class sizes, teacher licensure, student attendance, testing, graduation, and instructional hours requirements

2003 – Indian Education Act

- Established to ensure equitable learning for Native American students, maintain native languages, and improve cooperation between the state, tribes, pueblos, and nations

2008 – Funding Formula Study Task Force (AIR Report)

- Recommended changes to the funding formula and increasing funding amounts by \$336 million



Public Education Finance Lawsuits

1950s-1970s First Wave of Litigation

Focused on racial segregation and equal protection of educational rights

- 1952: *Brown v. Board of Education*
- 1971: *Serrano v. Priest*
- 1973: *San Antonio Independent School District v. Rodriguez*



1970s-2000s Second and Third Wave of Litigation

Focused on equity of resources and adequacy of funding

- Between 1971 and 2018, 116 lawsuits filed in 46 states
- Lawsuits have taken from 1 year to over 20 years to resolve
- Courts have ordered states to develop new funding systems, increase appropriations, conduct cost studies, and adhere to reform plans



New Mexico Education Formula Lawsuits

1999 – *Zuni v. New Mexico*

- Ruled the state’s public school capital outlay funding system was unconstitutional

2004 – *Zuni v. Department of Education*

- Argued the methodology for determining whether New Mexico could credit federal Impact Aid payments in the SEG was unlawful



2018 – *Martinez and Yazzie v. New Mexico*

- Ruled the state failed to provide a constitutionally-sufficient education to at-risk students



Zuni v. NM Lawsuit Timeline

1998	<ul style="list-style-type: none">• <i>Zuni Public Schools</i> files a lawsuit
1999	<ul style="list-style-type: none">• Court rules in favor of plaintiffs• State authorizes \$100 million in bonds for public school capital improvements• State reduces SEG credit for Impact Aid payments in the operational funding formula from 95 percent to 75 percent, earmarking the 20 percent difference for capital outlay
2000	<ul style="list-style-type: none">• State authorizes \$475 million of bonds for public school capital improvements• State creates a new Public School Capital Outlay Task Force
2001	<ul style="list-style-type: none">• State establishes a school facilities deficiencies correction program, appropriates \$200 million to fund new statewide capital outlay system
2002	<ul style="list-style-type: none">• Court special master finds the state “is in good faith and with substantial resources attempting to comply with the requirements”• Public School Capital Outlay Council (PSCOC) adopts new public school facility adequacy standards
2003	<ul style="list-style-type: none">• State appropriates up to \$40 million for deficiencies corrections program• PSCOC implements a standards-based funding process and facilities master plan process• State establishes the Public School Facilities Authority (PSFA)



Zuni v. NM Lawsuit Timeline

2004	<ul style="list-style-type: none">• State provides \$67 million for critical capital outlay and deficiencies corrections• PSCOC awards \$199 million in standards-based awards
2005	<ul style="list-style-type: none">• State establishes the Public School Capital Outlay Oversight Task Force• PSCOC implements a school facility lease assistance program• State increases SB-9 guarantee from \$50 to \$60 per mill per unit• State removes the 20 percent earmark for capital outlay from the SEG Impact Aid credit
2006	<ul style="list-style-type: none">• District court holds status conference; parties agree to an evidentiary hearing
2007	<ul style="list-style-type: none">• State increases school facility lease reimbursement payment from \$600 to \$700 per MEM• State increases SB-9 guarantee from \$60 to \$70 per mill per unit
2008	<ul style="list-style-type: none">• Albuquerque Public Schools reduces funding advances and offsets by \$75.6 million through applications to the standards-based program
2012	<ul style="list-style-type: none">• School for the Blind and Visually Impaired and School for the Deaf participate in the PSCOC standards-based funding process
2014	<ul style="list-style-type: none">• PSCOC implements a broadband deficiencies correction program



Zuni v. NM Lawsuit Timeline

- | | |
|------|--|
| 2015 | <ul style="list-style-type: none">• Zuni plaintiffs ask the court for a status hearing on new claims of inequity, contending property-poor districts cannot raise local revenue to build facilities beyond educational adequacy standards like property-rich districts |
| 2017 | <ul style="list-style-type: none">• PSCOC implements a systems-based program for small projects |
| 2018 | <ul style="list-style-type: none">• PSCOC implements a school security and prekindergarten classroom program |
| 2019 | <ul style="list-style-type: none">• State creates a new local-state match formula, shifting more of the burden for financing projects over time to property-rich districts by 2024• PSCOC implements a teacher housing and outside of adequacy program |
| 2020 | <ul style="list-style-type: none">• State changes the SB-9 guarantee formula to increase the distribution and remove discretionary formula components• Court finds the state's school capital outlay system remain unconstitutional and that a new funding formula would be required |
| 2021 | <ul style="list-style-type: none">• State completely removes SEG credit for Impact Aid payments in the operational formula, allowing uncredited SEG to be used for capital outlay and improvements• Court denies the state's motion to amend the findings or order or grant a new trial |



Zuni v. USDE (Impact Aid) Lawsuit Timeline

1994	<ul style="list-style-type: none">• Congress establishes an Impact Aid disparity test in statute, limiting the U.S. Department of Education's (USDE) authority to determine if a state has an equalized funding formula for purposes of crediting Impact Aid payments
2004	<ul style="list-style-type: none">• Zuni and Gallup file a lawsuit, challenging USDE's methodology for calculating disparity
2007	<ul style="list-style-type: none">• U.S. Supreme Court rules in favor of USDE, noting the statute did not limit the secretary's authority to use a concept of best interest
2010	<ul style="list-style-type: none">• Zuni sues PED for crediting Impact Aid before USDE certification
2018	<ul style="list-style-type: none">• N.M. Supreme Court rules in favor of Zuni, noting PED can only credit Impact Aid after receiving USDE certification
2019	<ul style="list-style-type: none">• PED submits a disparity test calculation to USDE for authority to credit Impact Aid in FY20• USDE allows districts to review the calculation, given funding formula changes in FY20• Central, Gallup, and Zuni request a USDE review of PED's FY20 disparity test calculation
2020	<ul style="list-style-type: none">• USDE reviews the methodology and determines the state cannot credit Impact Aid payments for FY20• PED appeals USDE's ruling and credits FY20 payments – creating a \$60 million liability



Zuni v. USDE (Impact Aid) Lawsuit Timeline

- | | |
|------|---|
| 2020 | <ul style="list-style-type: none">• Central, Gallup, and Zuni file a retraining order against PED requiring the agency to provide USDE correct information for the disparity calculation• USDE gives PED preliminary approval to credit FY21 SEG with a new methodology• State appropriates \$31 million to offset potential liabilities in the FY21 SEG formula |
| 2021 | <ul style="list-style-type: none">• State completely removes the SEG credit for Impact Aid payments and local revenues in the FY22 operational formula• State appropriates \$21 million to the state-support reserve fund to address the FY20 Impact Aid liability• USDE reverses its decision, denying PED's authority to credit FY21 SEG due to the department submitting its application 3 days late |
| 2022 | <ul style="list-style-type: none">• State appropriates \$30 million to the state-support reserve fund to address the FY21 Impact Aid liability |



Martinez-Yazzie Lawsuit Timeline

2014	<ul style="list-style-type: none">• <i>Yazzie</i> plaintiffs file a lawsuit on behalf of Native American and Hispanic children• <i>Martinez</i> plaintiffs file a separate lawsuit for low-income student and English learners
2018	<ul style="list-style-type: none">• Court rules the education system violated students' right to a sufficient education
2019	<ul style="list-style-type: none">• Court orders the state to take immediate action to increase funding, target resources, and establish an accountability system• State appropriates \$411 million from the general fund (a 15 percent increase) to public schools, establishes extended learning time programs (ELTP) in the SEG, increases funding for at-risk students, and raises educator pay levels• <i>Yazzie</i> plaintiffs file a motion requesting the court to enforce the order, claiming noncompliance by the state; <i>Martinez</i> plaintiffs file a motion for discovery, requesting further information
2020	<ul style="list-style-type: none">• Covid-19 pandemic hits; schools close and move to remote learning• State initially appropriates \$206 million from the general fund to public schools, but pulls back the increase due to a projected revenue downturn• State moves to dismiss the lawsuit• Court grants <i>Martinez</i> plaintiffs motion for discovery, denying the <i>Yazzie</i> motion and state motion



Martinez-Yazzie Lawsuit Timeline

- 2021
 - Court orders state to provide computers and internet access to at-risk students
 - State appropriates \$234 million from the general fund to public schools (a 7 percent increase), removes Impact Aid credit, expands ELTPs, and provides \$154 million from the public education reform fund (PERF) for ELTP, family income index, broadband, and instructional time pilots
- 2022
 - Court continues discovery process with parties
 - State appropriates \$425 million from the general fund to public schools (a 12 percent increase), raises educator pay levels, expands department initiatives, and provides \$208 million from PERF for instructional time pilots, teacher preparation, educational technology, career technical education, and community schools



Ongoing State Issues

Impact Aid: Potential disparities

- Recurring Impact Aid payments will shift the balance of resource allocation to select districts

Zuni: Issues accessing public school capital outlay

- School facility conditions have improved; however, fund balances are growing and demand for funds have fallen significantly
- Growth in legislative offsets and the local match rate may be discouraging participation; many districts now requesting waivers

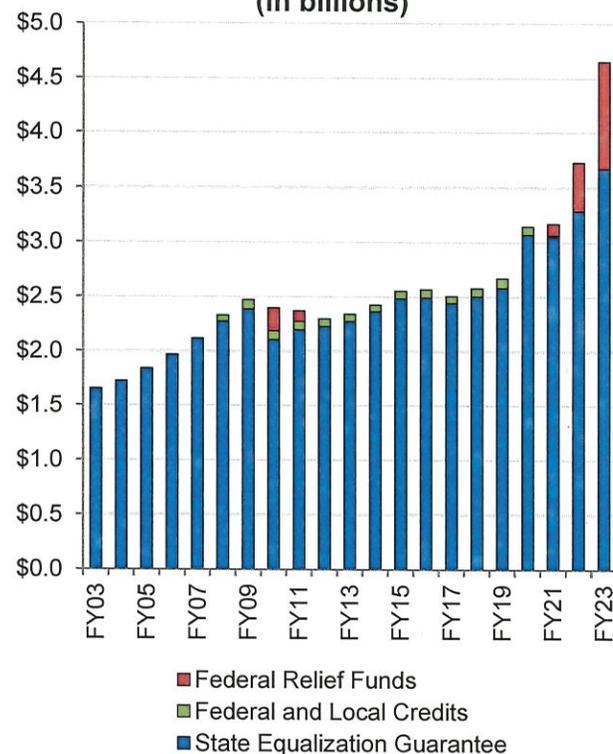
Martinez-Yazzie: Implementation issues

- Lack of participation in evidence-based programs
- Lack of accountability for significant investments



LFC Framework Informs Funding

Operational Funding for Public Schools
(in billions)



Source: LFC Files

High Quality Teaching and School Leadership

- Significant salary increases, funding for recruiting, preparation programs, mentorship and ongoing evidence-based professional development

Extended Learning Opportunities

- Increased funding for services to students learning English or from low-income families, K-5 Plus, longer regular school year, afterschool and enrichment programs

Responsive and Appropriate Curriculum

- Culturally and linguistically responsive curriculum, early literacy, interim standards-based assessments, flexibility for instructional materials

Effective Oversight and Accountability

- Performance-based budgets, PED and regional supports have expanded capacity for oversight and assistance



PED Framework for Action

Acting to Meet the Martinez/Yazzie Ruling

Legislature

- **Fund** PreK, ELTP, K-5 Plus, reading interventions
- **Provide** instructional materials, technology, curricula, and transportation
- **Improve** teacher pay, preparation, certification, and working conditions
- **Close formula loopholes** and increase at-risk student funding



Public Education Department - Investing for tomorrow, delivering today. 4-7-2022

Education Department

- Develop curriculum standards and **monitor student performance**
- Monitor and ensure schools budget funds toward evidence-based programs that **support at-risk students**
- Enforce provisions of the **Bilingual Multicultural, Indian Education and Hispanic Education Acts**



Schools and Districts

- Expend funds for **evidence-based academic and social supports** for at-risk students
- Monitor student outcomes and provide interventions to **close achievement gaps**
- Implement **tribal consultation**, as appropriate
- Provide **professional development** and training for school employees



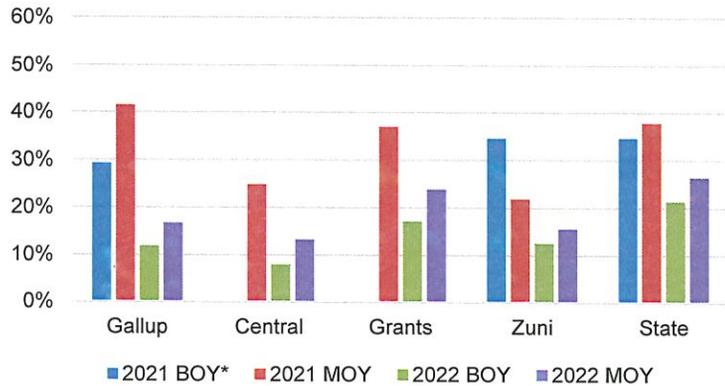
San Juan, McKinley, and Cibola County Trends

- **Recent test data suggests students are performing below their peers across the state**
 - Changes to the state assessment limit comparability with pre-pandemic performance
- **Participation in extended learning time (ELT) programs is mixed**
 - Test data shows students showing academic growth when they are in school and losing ground over the summer
 - Gallup is not participating in any state programs to extend the school year
 - Grants is implementing K-5 Plus and ELT districtwide
 - Central added K-5 Plus after switching to a 4-day school week, effectively keeping the same 5-day school week
- **Districts are budgeting Impact Aid and federal relief on capital outlay projects**
 - State reporting on the use of at-risk, Impact Aid, and federal relief funds is limited and provides little detail on local strategies to address student needs
 - Although districts budgeted \$57.5 million in federal relief for instruction, about 40 percent of expenditures were for general supplies, small assets, and materials

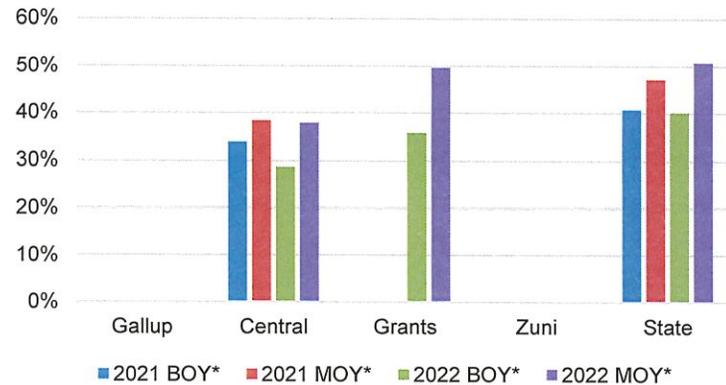


Local School District Interim Test Scores

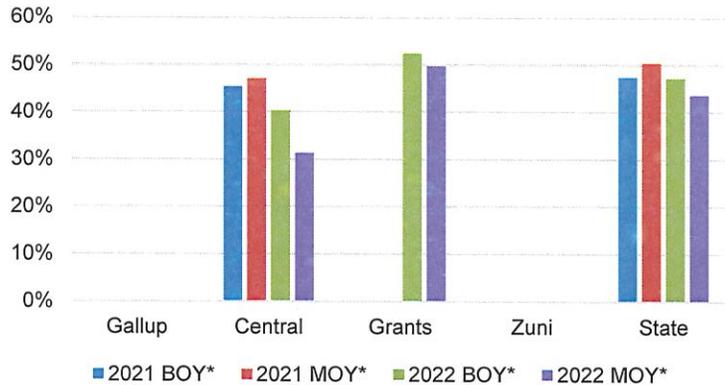
iStation (K - 2nd) Reading Proficiency



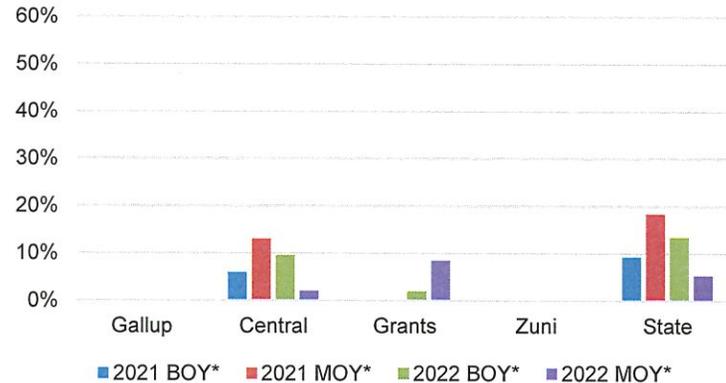
iMSSA (3rd - 8th Grade) Language Proficiency



iMSSA (3rd - 8th Grade) Reading Proficiency



iMSSA (3rd - 8th Grade) Math Proficiency



Source: PED

*PED did not provide iStation 2021 beginning-of-year (BOY) scores for Central and Grants or iMSSA scores for Gallup and Zuni. PED also did not provide 2021 BOY and middle-of-year (MOY) scores for Grants. iMSSA data may not be a representative sample of the student population.



District Participation in K-5 Plus and Extended Learning Time (ELT) Programs

District	FY20 Student Participation	FY21 Student Participation	FY22 Student Participation	FY23 Student Participation
Gallup	K-5 Plus: 1,112 (21%) ELT: 10,665 (100%)	K-5 Plus: 0 (0%) ELT: 11,844 (100%)	K-5 Plus: 0 (0%) ELT: 0 (0%)	K-5 Plus: 0 (0%) ELT: 0 (0%)
Central*	K-5 Plus: 0 (0%) ELT: 0 (0%)	K-5 Plus: 2,325 (100%) ELT: 4,328 (100%)	K-5 Plus: 2,066 (100%) ELT: 4,804 (100%)	K-5 Plus: 2,102 (100%) ELT: 4,838 (100%)
Grants	K-5 Plus: 314 (23%) ELT: 0 (0%)	K-5 Plus: 0 (0%) ELT: 3,127 (100%)	K-5 Plus: 1,417 (100%) ELT: 3,100 (100%)	K-5 Plus: 1,412 (100%) ELT: 3,063 (100%)
Zuni	K-5 Plus: 0 (0%) ELT: 0 (0%)	K-5 Plus: 0 (0%) ELT: 1,216 (100%)	K-5 Plus: 0 (0%) ELT: 1,142 (100%)	K-5 Plus: 0 (0%) ELT: 1,118 (100%)



Source: PED

*Central participated in K-5 Plus but changed from a 5-day school week to a 4-day school week, effectively maintaining a 5-day school week and keeping the same calendar by counting the fifth day as a K-5 Plus day.

Districts' At-Risk Expenditures

Local districts plan to distribute FY23 SEG at-risk dollars relatively evenly across individual schools for general operational uses. Some specific uses include:

Gallup: \$19.4 million

- Salaries with benefits for staff dedicated to at-risk based on the percentage of at-risk students at each school site.

Central: \$7.5 million

- Dual language and heritage language curricular resources aligned to district pacing guides and Navajo Nation's Department of Dine Education.

Grants: \$6.8 million

- Multiple support services for at-risk students based on needs determined by MLSS.

Zuni: \$2 million

- Programs to improve career and college readiness, including dual credit, CTE, guidance counseling, and parental engagement.



Districts' Impact Aid Expenditures

Local districts plan to mostly use FY23 Impact Aid dollars for capital outlay. Other uses include:

Gallup: \$62.2 million for capital outlay

- \$59.1 million for purchased property services
- \$3.1 million for property

Central: \$16 million for capital outlay and support services

- \$10 million for capital outlay
- \$6 million for support services

Grants: \$3.5 million for capital outlay, support services, and classroom needs

- \$2 million for support services
- \$1.075 million for capital outlay
- \$425 thousand for instructional supplies and professional services

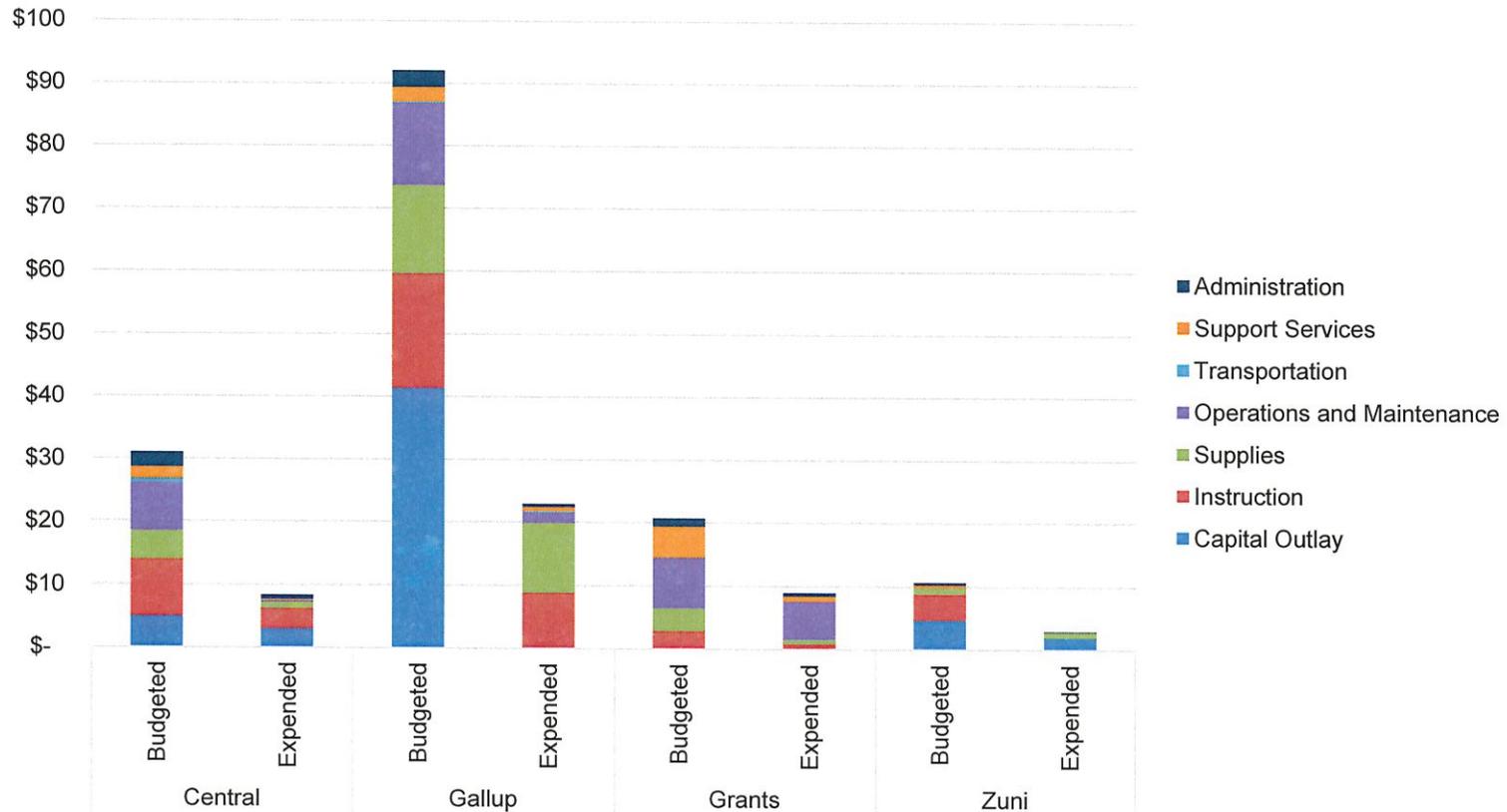
Zuni: \$10.8 million for capital outlay

- \$10.8 million for capital outlay



Districts' Use of Federal Emergency Relief (ESSER) Funds

New Mexico (CRRSA and ARPA) ESSER Budgets and Expenditures
(in millions)



Source: PED
Note: Expenditures are as of the third quarter of FY22



Questions?

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More LFC Budget and Policy Documents can be found at:
<https://www.nmlegis.gov/Entity/LFC/Default>



**Tribal Remedy Framework Request
and FY23 Appropriations**

No.	Agency	Purpose	FY22 Tribal Remedy Framework Request	FY22 OpBud Recurring	FY22 OpBud Nonrecurring	Agency	FY23 OpBud Recurring	FY23 OpBud Nonrecurring	Notes			
1	PED	Native language education formula factor	\$ 53,400.0		\$ 100.0	PED		\$ 13,310.3	Tribal and rural community-based extended learning pilots			
2			\$ 53,400.0	\$ -	\$ 100.0		\$ -	\$ 13,310.3				
3		Tribal Government - Education Blueprints	\$ 5,750.0		\$ 4,500.0			\$ 3,000.0				
4	IAD	Tribal education departments (TED) - culturally and linguistically relevant (CLR) curricula, assessment	\$ 3,400.0	\$ 5,250.0		PED	\$ 14,988.6		Recurring includes \$15 million from the Indian education fund and \$220 thousand from SB1 (Laws 2022 3rd S.S.). Nonrecurring includes \$7 million estimated remaining public education reform fund appropriations from SB377 (Laws 2021) and \$300 thousand from SB1.			
5		Tribal Libraries - CLR afterschool and summer programs	\$ 5,750.0		\$ 4,500.0					\$ 3,000.0		
6		Native Language Programs	\$ 3,400.0		\$ 1,615.7					\$ 1,077.1		
7		TED - IT departments and broadband	\$ 3,400.0					IAD		\$ 220.0	\$ 300.0	
8	UNM	School of Architecture	\$ 1,000.0									
9			\$ 22,700.0	\$ 5,250.0	\$ 10,615.7		\$ 15,208.6	\$ 7,377.1				
10	IAD	Tribal Libraries Capital Outlay and Acquisitions	\$ 66,682.9		\$ 1,267.9	PED		\$ 12,000.0		Includes \$2 million in for planning and design and \$10 million for construction; language requiring coordination with IAD and DCA.		
11		Broadband - Tribal schools and libraries	\$ 4,600.0									
12		Broadband/IT - Navajo Nation	\$ 6,000.0		\$ 5,226.2	IAD	\$ -					
13		Broadband - Jicarilla Apache Nation	\$ 500.0									
14		Curriculum Materials Development - NTU	\$ 2,500.0									
15		Curriculum Materials Development - Zuni	\$ 1,500.0	\$ 5,067.8		PED	\$ 5,100.0		PED initiative for indigenous, multicultural, multilingual, and SPED			
16		Curriculum Materials Development - Mescalero Apache	\$ 1,500.0									
17		Early Childhood Practicum - NTU**	\$ 1,500.0									
18		Education Resource Center - DEAP	\$ 1,500.0									
19		Education Resource Center - Jemez Pueblo	\$ 2,500.0									
20		Early Childhood Center - Jemez	\$ 1,000.0									
21	Child care and development center - Kewa	\$ 5,000.0			ECECD	\$ 1,575.0		Tribal early childhood grants from the ECE Trust Fund				
23			\$ 94,782.9	\$ 5,067.8	\$ 6,494.1		\$ 6,675.0	\$ 12,000.0				
24	UNM	Hispanic Studies	\$ 316.0	\$ 266.2	\$ 125.0	UNM	\$ 2,560.8	\$ 50.0	Recurring includes existing minority student-related RPSPs. Nonrecurring includes \$50 thousand to UNM for Chicano and Chicana studies from SB1 (Laws 2022 3rd S.S.).			
25		African American STEM	\$ 316.0	\$ 369.1	\$ 50.0							
26		College of Education (COE) - American Indian Ed. Institute	\$ 550.0									
27		AI Language Policy Research and Teacher Training Center	\$ 500.0									
28		AI Curriculum and Material Development Center	\$ 500.0									
29		NA Leadership Doctoral Cohort	\$ 450.0									
30		NA Educational Leadership Programs	\$ 1,300.0									
31		Bilingual Ed. Degree Programs (English/Navajo/Spanish)	\$ 545.0									
32		Gallup Branch - Dual License in SPED/Elem.	\$ 170.0									
33		Technical Assistance Center	\$ 550.0									
34		AI Student Services	\$ 946.2	\$ 744.3								
35		NA Studies program	\$ 2,810.0	\$ 232.4	\$ 50.0							
36		School of Medicine	\$ 1,430.0	\$ 328.6								
37		School of Law	\$ 393.0	\$ 185.4								
38		School of Architecture	\$ 950.0									
39		School of Social Policy - NA Budget and Policy Institute	\$ 484.0									
40								UNM		\$ 1,050.0		Tribal Education Initiatives RPSP
41								UNM		\$ 100.0		Increase of \$100.0 for AI Summer Bridge RPSP
42								UNM-G		\$ 100.0		Tribal Education Initiatives RPSP
43		UNM Subtotal	\$ 12,210.2	\$ 2,126.0	\$ 225.0	\$ -	\$ 3,810.8	\$ 50.0				
44	NMHU	Ben Lujan leadership institute and COE	\$ 850.0	\$ 487.7		NMHU	\$ 907.2		Existing minority student-related RPSPs			
45		Center for Education and Study of Diverse Populations	\$ 775.0									
46		School of Social Work	\$ 350.0	\$ 209.9	\$ 50.0							
47		AI Student Services	\$ 250.0									
49		AI college, workforce and civic readiness	\$ 850.0	\$ 159.6								
50					NMHU	\$ 200.0		Tribal Education Initiatives RPSP				
51		NMHU Subtotal	\$ 3,075.0	\$ 857.2	\$ 50.0	\$ -	\$ 1,107.2	\$ -				

**Tribal Remedy Framework Request
and FY23 Appropriations**

No.	Agency	Purpose	FY22 Tribal Remedy Framework Request	FY22 OpBud Recurring	FY22 OpBud Nonrecurring	Agency	FY23 OpBud Recurring	FY23 OpBud Nonrecurring	Notes
52	NMSU	COE - AI program	\$ 350.0			NMSU	\$ 255.7		Existing minority student-related RPSPs
53		Career Exploration Camp	\$ 100.0						
54		Outreach and Recruitment - Ethnic Studies	\$ 250.0	\$ 255.7					
55	NMSU	Outreach and Recruitment - Teacher Preparation	\$ 250.0			NMSU-G	\$ 100.0		Tribal Education Initiatives RPSP
56									
57									
58		NMSU Subtotal	\$ 950.0	\$ 255.7	\$ -				
59	NNMC	AI Affairs Program	\$ 350.0			NNMC	\$ 150.0		\$150.0 Native American student center RPSP
60		Pueblo Indian Studies Program	\$ 350.0						
61		Teacher Preparation Program	\$ 250.0						
62						SJCC	\$ 100.0		Tribal Education Initiatives RPSP
63						WNMU		\$ 50.0	Indigenous student program from SB1 (Laws 2022 3rd S.S.)
64	HED	NTU - Curriculum and Materials Development Center	\$ 800.0			HED	\$ 500.0		Tribal Education Initiatives for Tribal Colleges
65		NTU - Public School Literature							
66		NTU - Education Outreach	\$ 750.0						
67		NTU - Early Childhood Practicum	\$ 1,795.8						
68		NTU - Nursing Program	\$ 422.0	\$ 225.0					
69		NTU - Dual Credit	\$ 210.0	\$ 263.0					
70		NTU - Technical Assistance Center	\$ 500.0						
71		Dine College - BMEP teacher recruitment	\$ 1,500.0						
72		Dine College - Navajo curriculum and IM	\$ 500.0						
73		Dine College - Dual language teacher education center	\$ 500.0						
74		Dine College - CLR education and ELTP	\$ 800.0						
75		SWIPI - Teacher prep	\$ 246.0						
76		SWIPI - Outreach and recruitment (Behavioral Health and Social Work Students)	\$ 200.0						
77		SWIPI - Outreach and recruitment (High School Students)	\$ 200.0						
78		SWIPI - Dual credit and scholarships	\$ 100.0	\$ -					
79	HED Subtotal	\$ 8,523.8	\$ 488.0	\$ -	\$ -	\$ 500.0	\$ -		
80	SUBTOTAL	\$ 25,709.0	\$ 3,726.9	\$ 275.0	\$ -	\$ 6,223.7	\$ 50.0		
GRAND TOTAL			\$ 196,591.9	\$ 14,044.7	\$ 17,484.8	\$ 28,107.3	\$ 32,737.4		

FY22 OpBud Notes:

PED: Includes \$100.0 in HB2 Jr. (SB377) to develop a Native language program unit in the SEG

IAD: Includes \$10.6 million from the public education reform fund (PERF) appropriation for FY21-FY23 and \$5.25 million from the Indian education fund.

IAD: Includes \$500 thousand for tribal libraries and broadband (SB 270), 2020 GOB (\$500.0, full balance), 2018 GOB (\$750.0, \$728.0 balance), and 2016 GOB (\$750.0, \$39.9 reverted); \$5 million from STB capital outlay for tribal broadband (specifically to SFIS), \$218.0 in severance tax bonds HB285 (\$15K for Acoma in Cibola county, \$50K for Navajo Nation in McKinley county, \$120K for Nambe in SF county, \$20K for Pojoaque in SF County, \$13K for San Ildefonso in SF county), \$8.2 thousand remaining

HEI: Includes RPSPs and HB2 Jr. (SB377) appropriations for UNM's Chicano studies, African American student services (AASS), Africana studies, AASS summer bridge academy, American Indian summer bridge program, minority student services (MSS), Native American studies, Native American health center, Native American suicide prevention, and Southwest Indian law clinic; NMHU's MSS, Native American social work institute, and Center for Professional Development and Career Readiness (CPDCR); NMSU's Indian resources development; and HED's tribal dual credit and flow-through to NTU's nursing program.

FY23 OpBud Notes:

UNM: Existing RPSPs include \$325.0 for Chicano studies, \$171.6 for AASS, \$273.5 for Africana studies, \$100.0 for American Indian summer bridge program, \$944.3 for MSS, \$232.4 for Native American studies, \$240.5 for Native American health center, \$88.1 for Native American suicide prevention, and \$185.4 from Southwest Indian law clinic.

NMHU: Existing RPSPs include \$209.9 for the Native American social work institute, \$159.6 for the CPDCR, and \$487.7 for MSS

NMSU: Existing RPSPs include \$255.7 for Indian resources development

Martinez-Yazzie, Native American, and At-Risk Student Appropriations
(in thousands)

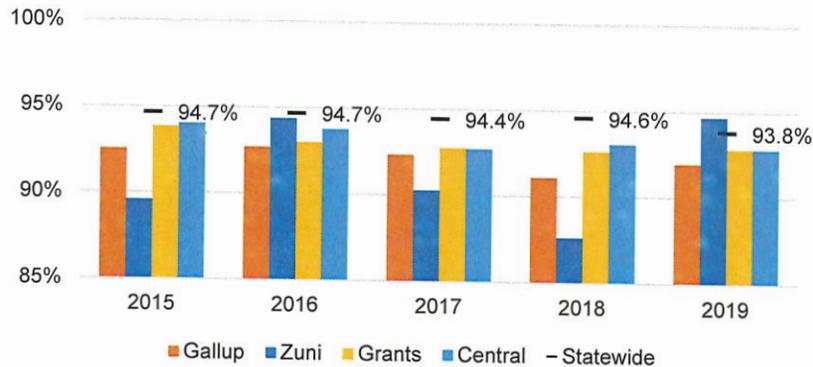
Recurring (Year-over-year Change)						
Agency	Purpose	FY20 Operating Budget	FY21 Operating Budget	FY22 Operating Budget	FY23 Operating Budget	Total Change from FY19
SEG	Educator Across the Board Raises	\$ 121,672.8		\$ 35,119.0	\$ 176,813.0	\$ 333,604.8
SEG	At-Risk Index	\$ 113,177.9	\$ 50,152.1			\$ 163,330.0
SEG	K-5 Plus	\$ 119,895.9	\$ (40,000.0)	\$ 40,000.0		\$ 119,895.9
SEG	3-Tier Minimum Salary Increase	\$ 40,433.0			\$ 76,768.2	\$ 117,201.2
SEG	Extended Learning Time Program	\$ 62,497.5	\$ 8,896.6	\$ 38,773.9	\$ (15,168.0)	\$ 95,000.0
SEG	Impact Aid Formula Credits		\$ 31,000.0	\$ 35,000.0		\$ 66,000.0
SEG	K-5 Plus and ELTP Salary Increase				\$ 64,027.5	\$ 64,027.5
SEG	Instructional Materials	\$ 30,000.0		\$ 5,000.0	\$ 8,000.0	\$ 43,000.0
SEG	Mentorship and PD		\$ 11,000.0		\$ 10,000.0	\$ 21,000.0
PED	Indian Education Fund	\$ 6,000.0	\$ (750.0)		\$ 9,738.6	\$ 14,988.6
PED	At-Risk Interventions				\$ 10,000.0	\$ 10,000.0
SEG	Early Literacy		\$ 8,000.0			\$ 8,000.0
PED	Early Literacy		\$ 1,661.0		\$ 6,339.0	\$ 8,000.0
SEG	BMEP	\$ 6,954.5				\$ 6,954.5
PED	Educator Professional Development	\$ 5,000.0	\$ 361.0		\$ 139.0	\$ 5,500.0
PED	Indigenous, ELL, and SPED	\$ 1,000.0	\$ 3,567.8	\$ 500.0	\$ 32.2	\$ 5,100.0
PED	College and Career Initiatives	\$ 3,000.0	\$ (508.5)	\$ (2,491.5)		\$ -
PED	Community Schools	\$ 2,000.0	\$ 1,322.0	\$ (3,322.0)		\$ -
HED	Tribal Education Initiatives				\$ 2,250.0	\$ 2,250.0
ECECD	Tribal ECE Grants				\$ 1,575.0	\$ 1,575.0
SUBTOTAL		\$ 511,631.6	\$ 74,702.0	\$ 148,579.4	\$ 350,514.5	\$ 1,085,427.5

Nonrecurring (Total)						
Agency	Purpose	FY20 Operating Budget	FY21 Operating Budget	FY22 Operating Budget	FY23 H AFC Sub for HB2	
DoIT	Educational Technology				\$ 10,000.0	
HED	Endowed EPP Faculty Positions				\$ 50,000.0	
HED	Teacher Prep and Loan Repayment			\$ 25,000.0	\$ 25,000.0	
PED	At-Risk Interventions				\$ 5,000.0	
PED	College and Career Initiatives	\$ 2,000.0	\$ 2,000.0	\$ 3,000.0	\$ 10,000.0	
PED	Community Schools			\$ 5,000.0	\$ 8,000.0	
PED	Extended Learning Time Program			\$ 70,052.5		
PED	Family Income Index			\$ 30,000.0		
PED	Impact Aid Liabilities			\$ 20,899.6	\$ 30,000.0	
PED	Instructional Materials	\$ 27,000.0	\$ 9,000.0			
PED	K-12 Plus and ELTP				\$ 44,734.8	
PED	Residencies and Student Teaching	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0	\$ 21,500.0	
PED	School Budget Transparency		\$ 3,000.0		\$ 1,000.0	
PED	TEDs and Tribal Libraries			\$ 9,000.0	\$ 12,000.0	
PED	Tribal and Rural Extended Learning				\$ 13,310.3	
PED	520 Licensee Pay				\$ 1,250.0	
PED	Early Literacy				\$ 3,500.0	
PSFA	Public School Capital Outlay	\$ 34,000.0	\$ 18,867.0			
SUBTOTAL		\$ 64,000.0	\$ 33,867.0	\$ 163,952.1	\$ 235,295.1	

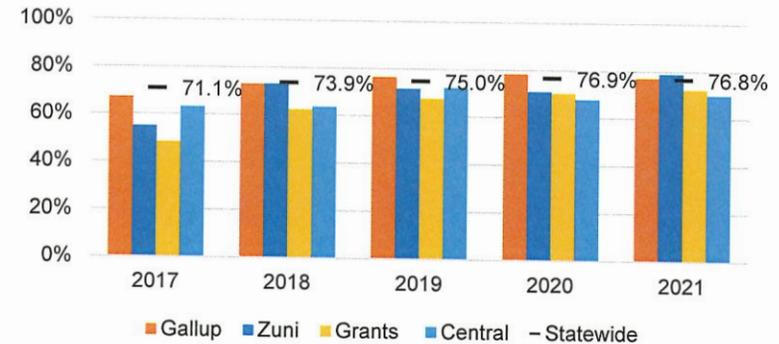
McKinley, San Juan, and Cibola County Schools Summary

- Three-quarters of McKinley County’s population is Native American (majority Navajo, Hopi, and Zuni); at 4,857 square miles, Gallup McKinley County is New Mexico’s largest school district.
- Attendance in Gallup is consistently below statewide averages and lags behind attendance rates for neighboring schools districts.
- Graduation rates in Gallup and Zuni have remained on par with statewide averages but pull ahead of rates in Grants and Central.
- Unlike neighboring districts, Gallup has not participated in K-5 Plus or Extended Learning Time (ELT) programs this year or next; Central switched to a 4-day school week and then added K-5 Plus, effectively maintaining the same calendar by keeping the fifth school day each week
- Teachers in Gallup have smaller class sizes and make more than state averages. Teachers in Grants make less than statewide averages and have class sizes similar to Gallup.

Attendance Rates
(All Students)



Four-Year High School Graduation Rates
(All Students)



Student Attendance

- Gallup: Below average student attendance
- Zuni: Below average student attendance
- Grants: Below average student attendance
- Central: Below average student attendance

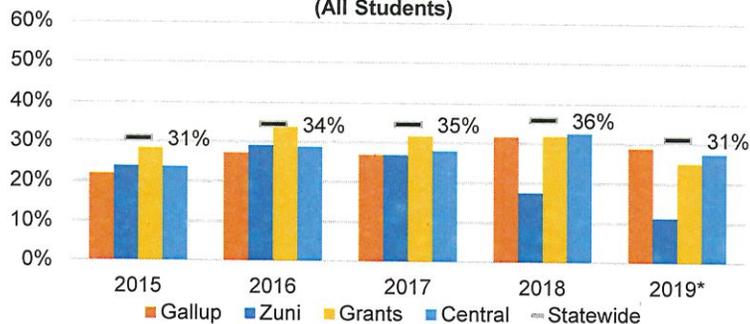
Student Graduation

- Gallup: Graduation rates on par with statewide averages
- Zuni: Graduation rates on par with statewide averages
- Grants: Graduation rates below statewide averages
- Central: Graduation rates below statewide averages

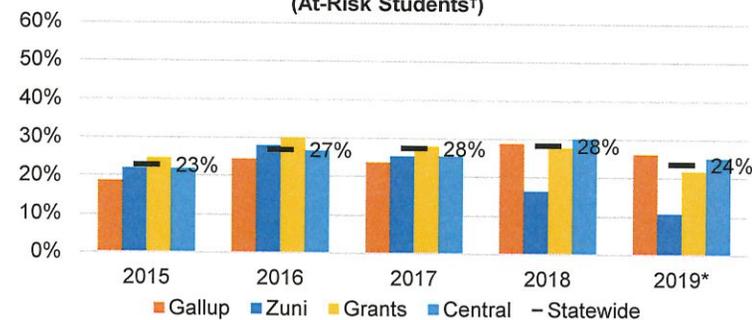
*Change from PARCC assessment to TAMELA assessment
 †Economically disadvantaged, English learner, Native American, and special education students
 Source: PED

School Accountability Report

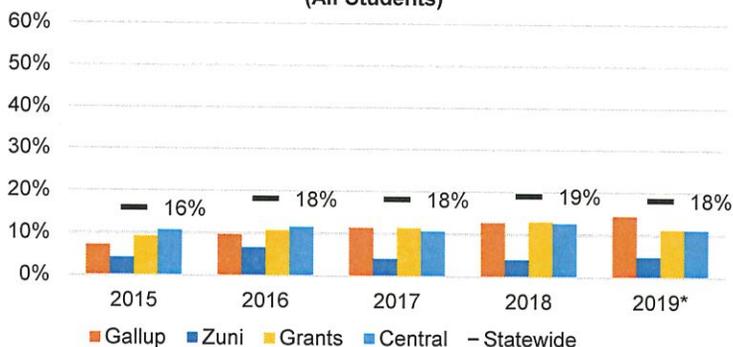
**Reading Proficiency Rates
(All Students)**



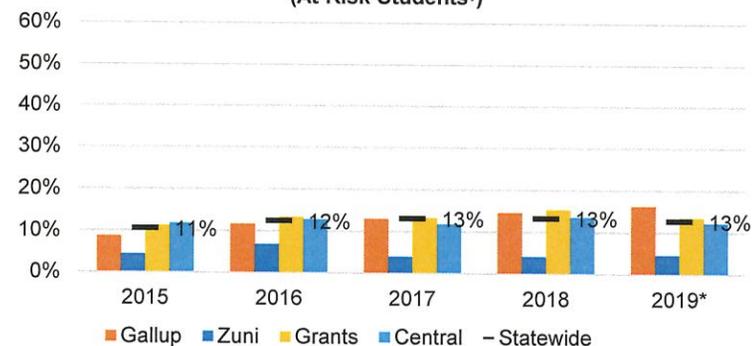
**Reading Proficiency Rates
(At-Risk Students†)**



**Math Proficiency Rates
(All Students)**



**Math Proficiency Rates
(At-Risk Students†)**



Overall Student Performance

- **Gallup:** Below statewide averages in reading and math
- **Zuni:** Far below statewide averages in reading and math
- **Grants:** Below statewide averages in reading and math
- **Central:** Below statewide averages in reading and math

At-Risk Student Performance

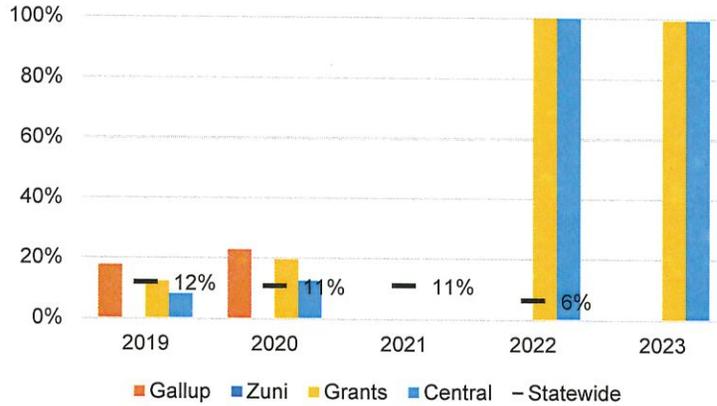
- **Gallup:** On par with statewide averages in reading and math
- **Zuni:** Below statewide averages in reading and math
- **Grants:** On par with statewide averages in reading and math
- **Central:** On par with statewide averages in reading and math

*Change from PARCC assessment to TAMELA assessment
 †Economically disadvantaged, English learner, Native American, and special education students
 Source: PED

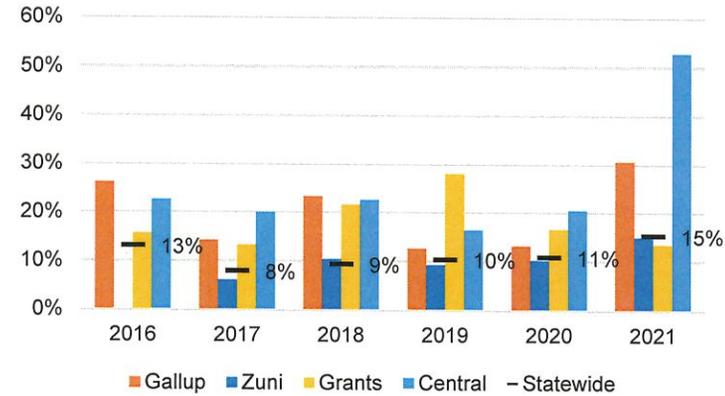
School Accountability Report



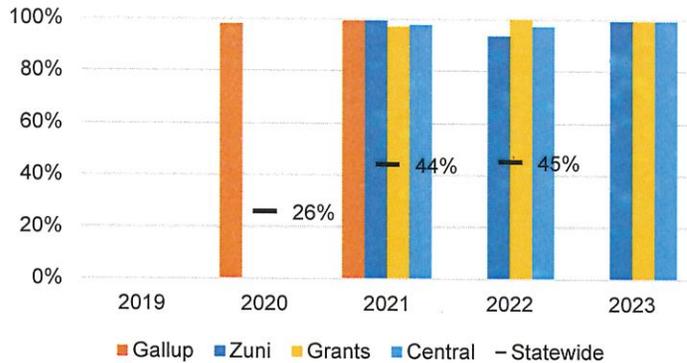
K-5 Plus Participation



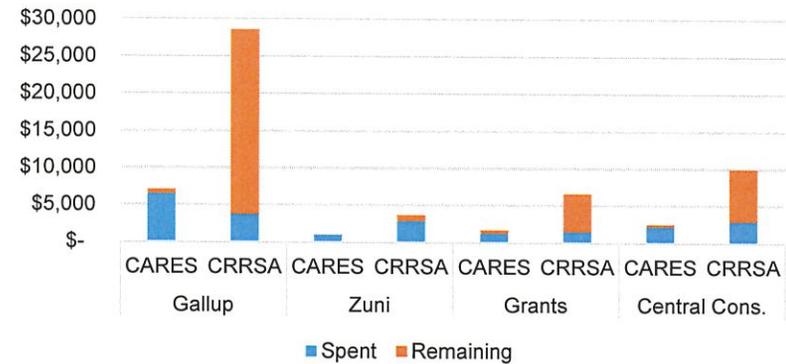
Cash Balance Percentages†



Extended Learning Time Participation



Federal Emergency ESSER Funds (in thousands)



K-5 Plus and Extended Learning Time Programs

- **Gallup:** No K-5 Plus or ELTP participation in FY23
- **Zuni:** No K-5 Plus; near-universal ELTP participation in FY23
- **Grants:** Universal K-5 Plus and ELTP participation in FY23
- **Central:** Universal K-5 Plus* and ELTP participation in FY23

Spending Cash and Resources

- **Gallup:** Higher cash balances; lower ESSER spending rate
- **Zuni:** On par cash balances; higher ESSER spending rate
- **Grants:** On par cash balances; lower ESSER spending rate
- **Central:** Higher cash balances; lower ESSER spending rate

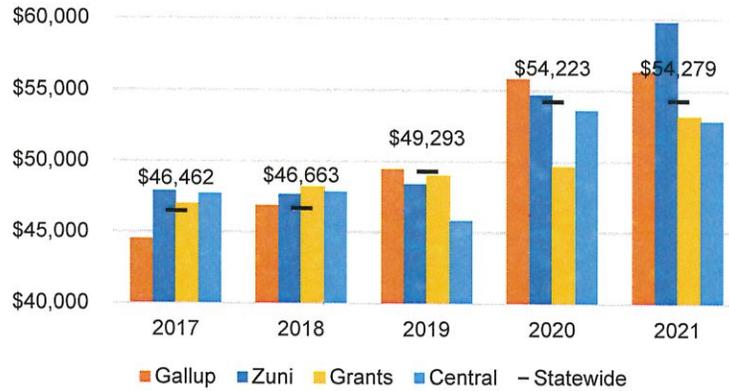
†Unrestricted cash balance percentages are in relation to total program cost appropriation

*Central moved to a 4-day school week but maintained its former 5-day school week by counting the fifth day as a K-5 Plus day, effectively resulting in no significant calendar change. Source: PED

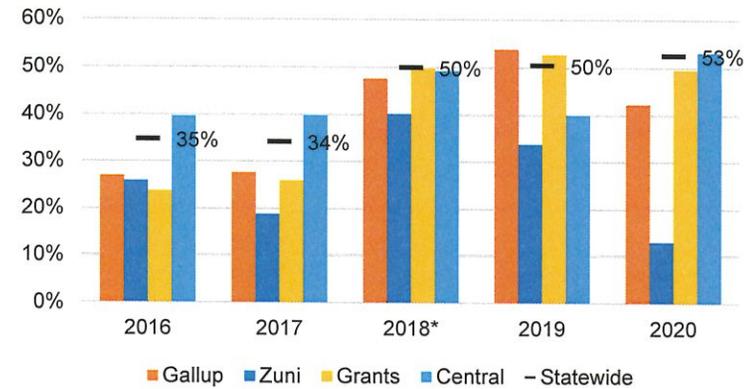
School Accountability Report



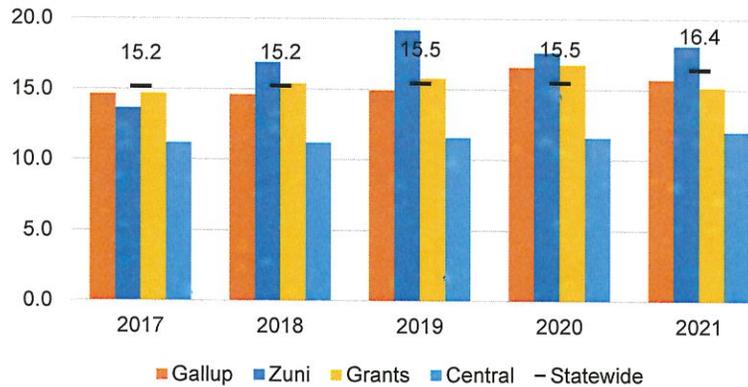
Average Teacher Salaries*



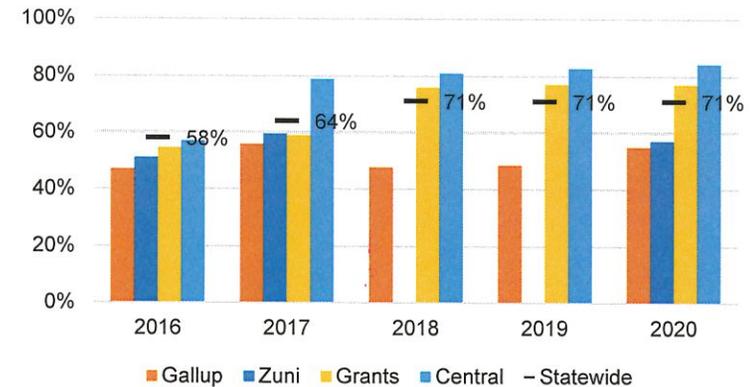
Average Facility Condition Index**



Student to Teacher Ratios



Facility Maintenance Score



Teacher Working Conditions

- **Gallup:** Above average salaries and below average STR ratio
- **Zuni:** On par salaries* and above average STR ratio
- **Grants:** Below average salaries and below average STR ratio
- **Central:** Below average salaries and below average STR ratio

Facility Conditions

- **Gallup:** Better facility conditions; below average maintenance
- **Zuni:** Better facility conditions; below average maintenance
- **Grants:** Better facility conditions and maintenance
- **Central:** On par facility conditions, above average maintenance

*2021 Zuni teacher salary data includes additional compensation for days teaching in ELTP, creating a higher than average salary. Ratings are based on 2020 salary trends.

** In FY19, PSFA changed the methodology for calculating the facilities condition index. A lower Facility Condition Index demonstrates better facilities.

Source: PSFA