



NEW MEXICO LEGISLATIVE FINANCE COMMITTEE

Update on *Martinez-Yazzie* Legal Action

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October 23, 2024

Timeline

- **March 2014** – *Martinez* and *Yazzie* plaintiffs file separate educational sufficiency litigation
- **November 2014** – 1st Judicial Court consolidates *Martinez-Yazzie* lawsuits
- **June 2017** – Trial begins
- **February 2019** – Court rules in favor of plaintiffs and orders state to take immediate action
- **March 2020** – State files a motion to dismiss lawsuit
- **June 2020** – Court denies the state’s motion, maintains oversight of reforms, and approves a motion for discovery by plaintiffs
- **September 2024** – Plaintiffs file a motion requesting LESC staff to develop a remedial plan for the state



Responsibilities (2018)

Legislature should:

- Fund prekindergarten, K-3 Plus, reading interventions, and **extended learning time** programs
- Provide instructional materials, technology, curricula, and transportation
- Improve **teacher pay**, preparation, certification, and working conditions (e.g. class sizes and training)
- Close formula loopholes and increase **at-risk student** formula funding

PED should:

- Develop appropriate curricular standards and **monitor** student performance
- Monitor and ensure schools budget funds toward evidence-based programs that support **at-risk students**
- Increase tribal consultations and enforce provisions of the Bilingual Multicultural, Indian, and Hispanic education acts
- Refine evaluation systems and provide technical assistance and training

Schools should:

- Expend funds for evidence-based academic and social supports for **at-risk students**
- Monitor student outcomes and provide appropriate interventions to close achievement gaps
- Recruit and retain appropriate staff to meet student learning needs
- Provide professional development and training to school staff



2024 Plaintiff Motion

The motion argues the state is currently noncompliant in several areas related to:

- Student outcomes
- Deficiencies within PED
- Lack of a comprehensive remedial plan

Plaintiffs request the court to order development of a comprehensive remedial plan by LESC staff that includes:

- Specific actions and multi-year timelines
- Funding estimates
- Responsible state actors or agencies overseeing implementation
- Objective measures of progress in meeting goals



Noncompliance: Student Outcomes

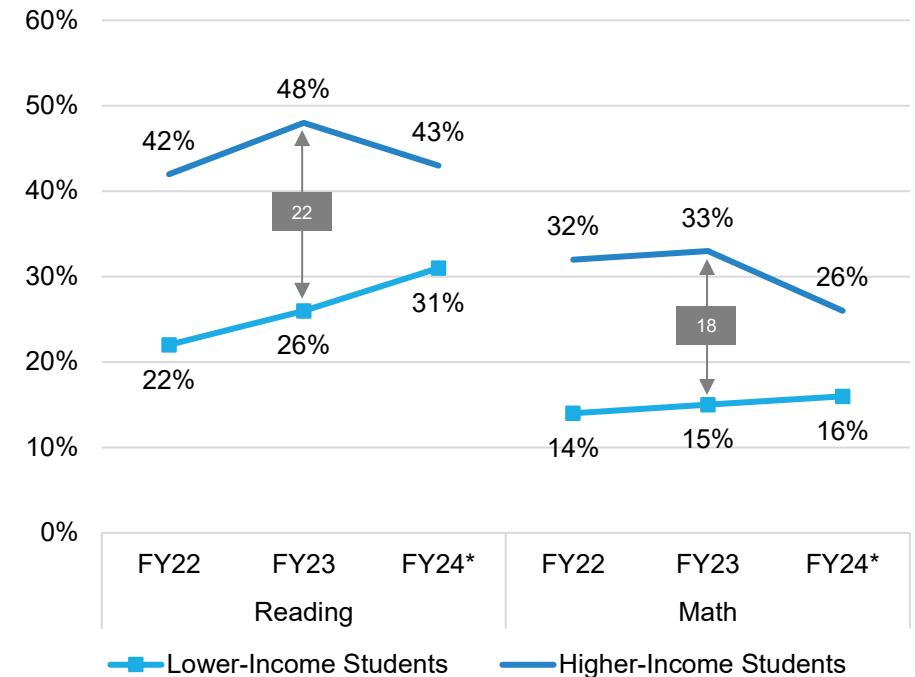
Motion cites dismal performance in 2023 as evidence of noncompliance due to:

- High chronic absenteeism rates
- Persistent achievement gaps
- Low graduation rates
- Low proficiency in reading, math, and science

Preliminary 2024 data suggests:

- Some gaps are narrowing
- Some at-risk groups are showing growth
- Environmental factors may be at play

Achievement Gap by Student Economic Status



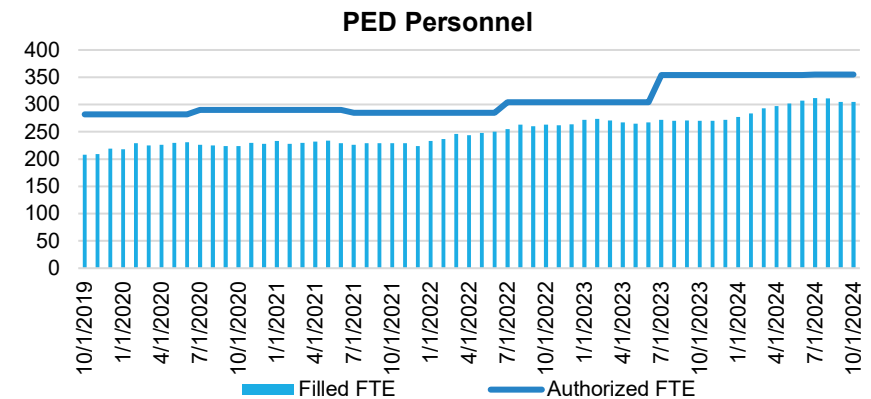
*Preliminary data, all scores include NM-MSSA and SAT tests for grades 3-8 and 11
Source: LESC analysis of PED data



Noncompliance: Deficiencies at PED

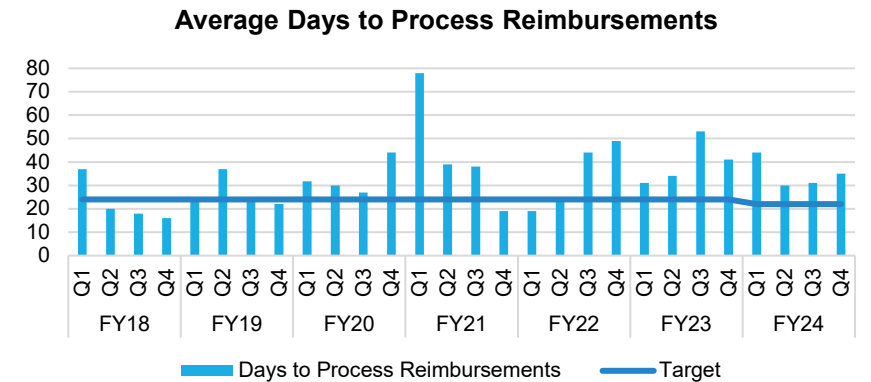
Motion cites agency deficiencies, such as:

- Lack of an implementation plan
- Turnover and vacancies
 - 4 secretaries in 5 years
 - Lack of staff to monitor and ensure compliance
- Lack of system for district accountability



PED

Not updated its draft 2022 Action Plan
 Increased staffing by over 100 FTE
 Changed accountability structures
 Struggled with some administrative functions



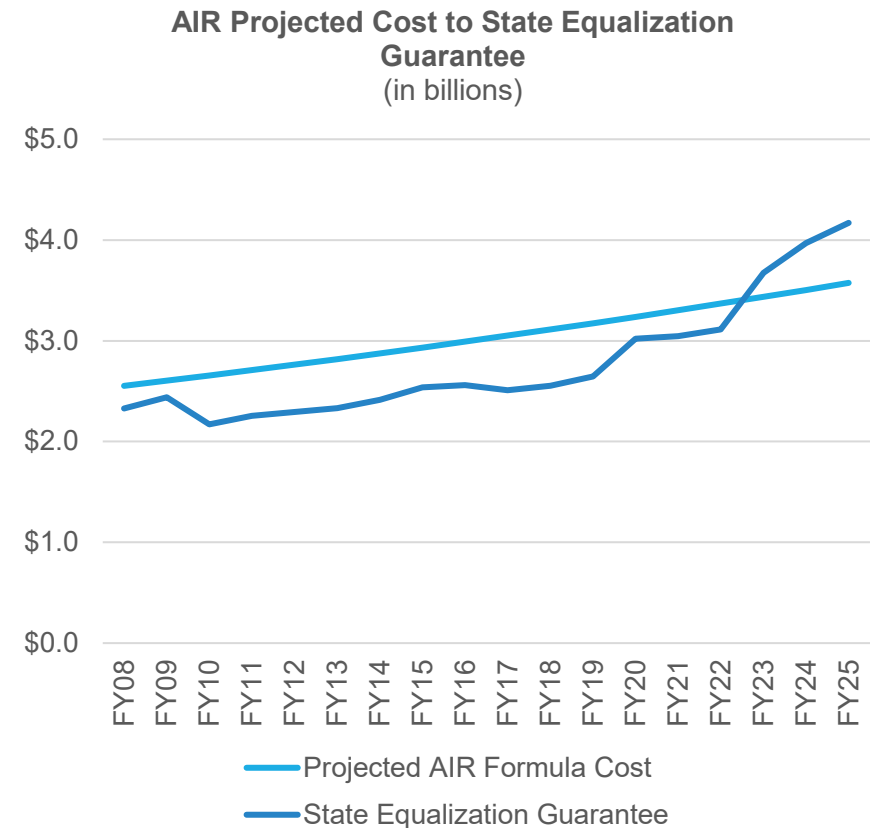
Source: PED



Noncompliance: Remedial Plan

Motion notes the Legislature increased funding significantly, but the state lacks a plan to:

- Direct funds to meet at-risk student needs
- Mandate policy to ensure recurring funding for programs and services
- Insulate at-risk student funding through economic downturns
- Address violations of at-risk student rights
- Improve teacher quality

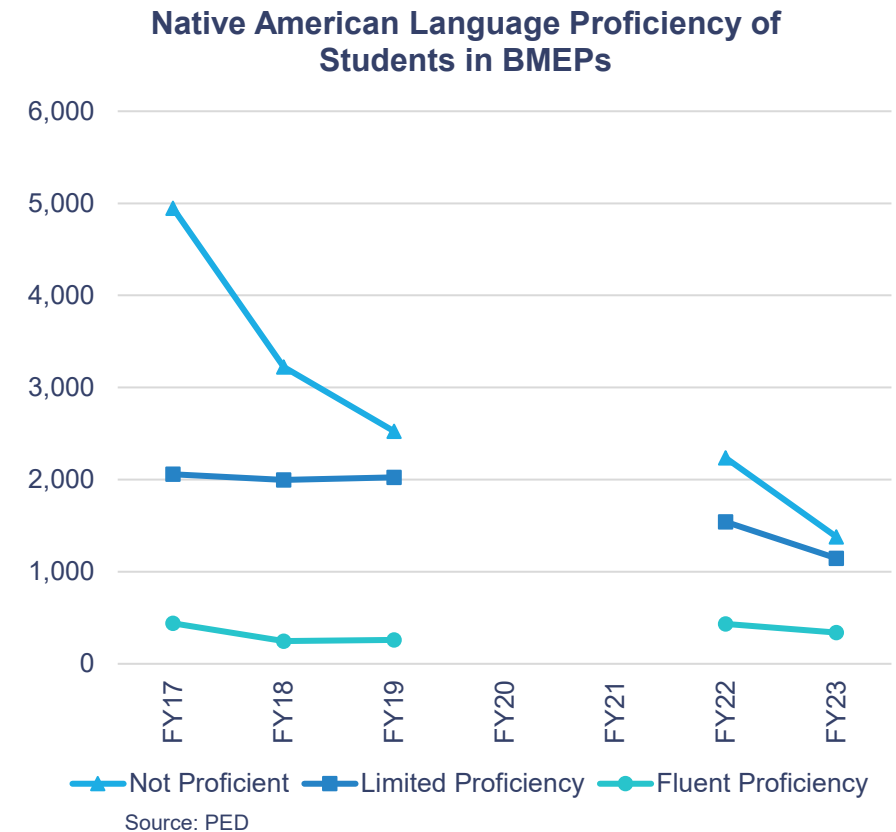


Violation: Native American Student Rights

Motion cites the following deficiencies :

- Student outcomes are dismal
- Failure to implement Indian Education Act
 - Access to relevant curriculum and pedagogy
 - Programming for native languages at districts
 - Reporting of student needs assessments
- Lack of targeted funding

Legislature	Increased Indian education fund appropriations by \$18 million (996%) Raised Native language teacher pay to \$50 thousand Removed the federal Impact Aid credit (\$66 million)
PED	Created Native language teacher pipeline programs with institutions Conducted government-to-government summits with tribes, pueblos, and nations
District	Used additional SEG revenues from the Impact Aid credit primarily on capital outlay projects



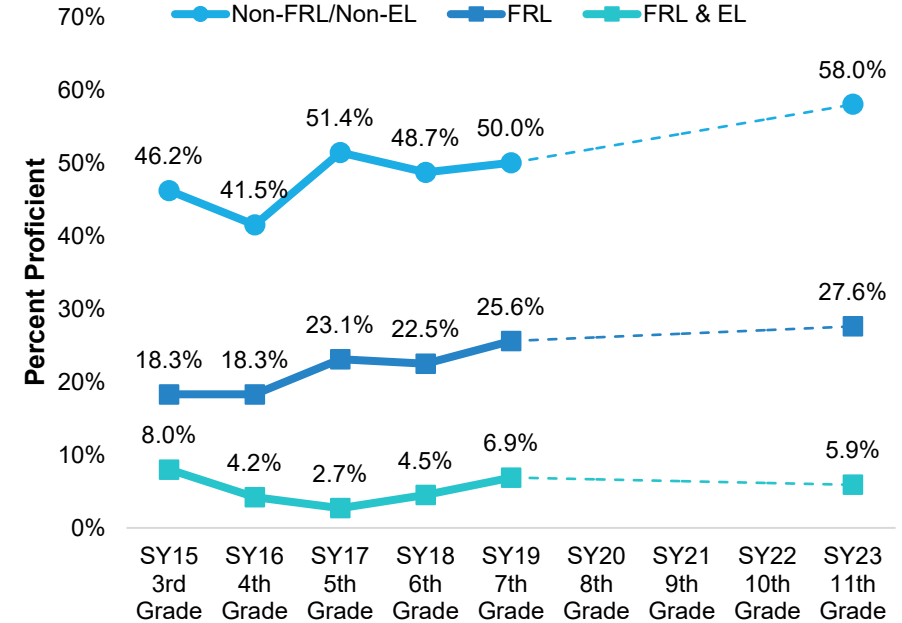
Violation: English Learner Rights

Motion cites the following deficiencies:

- Student outcomes are dismal, even in bilingual multicultural education programs (BMEP)
- Failure to enforce state and federal requirements for English learners
 - Lack of on-site monitoring visits to programs
 - No oversight of EL programs for districts that do not receive state or federal aid

Legislature	Appropriated \$14 million in nonrecurring funds for BMEPs, curriculum, and test development Evaluated BMEP implementation
PED	Begun updating teacher bilingual endorsement exams
District	Hired 4,055 bilingually endorsed teachers but reported only 806 endorsed teachers working in BMEP classrooms

New Mexico Achievement Gap - Reading



Note. Students not tested statewide in SY20 and SY21. 10th graders not tested in SY22.

Source: LFC analysis of PED data

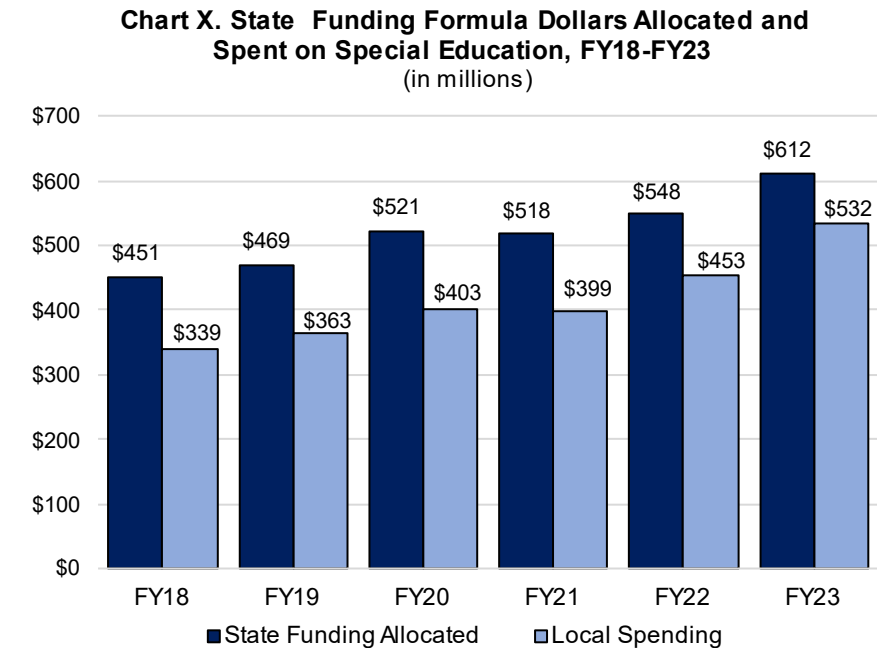


Violation: Students with Disabilities Rights

Motion cites the following deficiencies:

- Student outcomes are dismal
- Inadequate services for special education
 - No training for individualized education plans (IEP)
 - Lack of uniform IEP process and services
 - No monitoring of special education funding
 - No monitoring of restraint and seclusion cases

Legislature	Increased funding levels for special education, piloted hard-to-staff stipends, and uniform IEP system Created a special education ombudsman office
PED	Established an office of special education
District	Spent less funding than allocated for special education in SEG



Note: LFC staff identified local operational spending on special education in PED's financial actuals data through PED fund code 11000 (operational fund) and program code 2000 (special education programs).

Source: LFC staff analysis of PED funding formula and OBMS spending actuals

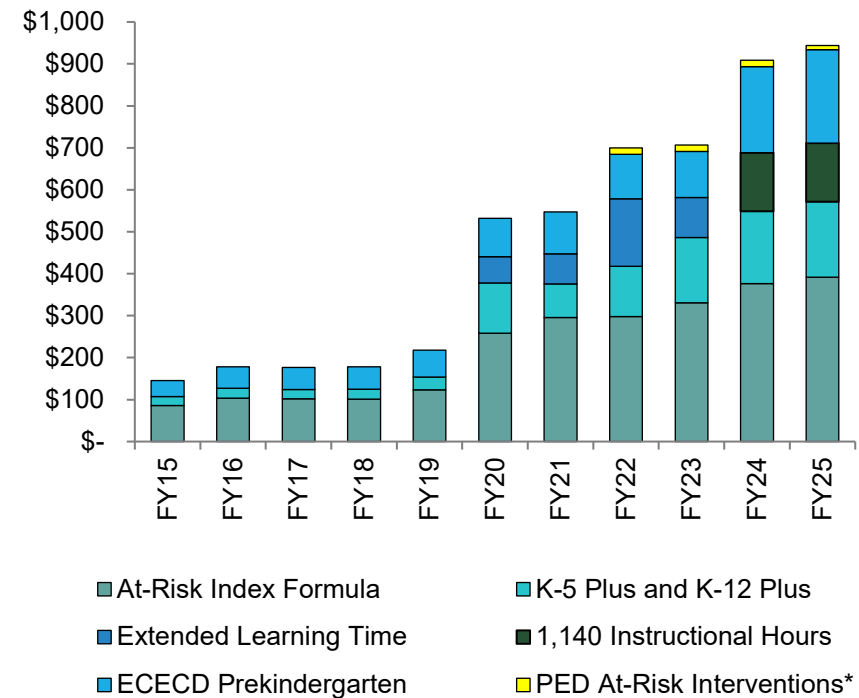


Violation: Low-Income Student Rights

Motion cites the following deficiencies:

- Inadequate services for at-risk students
 - Insufficient prekindergarten services
 - Inconsistent and inequitable participation in extended learning opportunities
 - Insufficient and piecemeal funding for structured literacy
 - Granting class size waivers
 - Insufficient health, social service, and support needs

At-Risk Student Program Funding
(in millions)



*Includes family income index
Source: LFC Files

Legislature	Created ECECD and early childhood trust fund Increased appropriations for additional hours and days Expanded funding for healthcare workforce
PED	Trained elementary teachers in the science of reading
District	Added an average of one week of additional school days statewide Sued PED for mandating 180 days of instruction for all schools

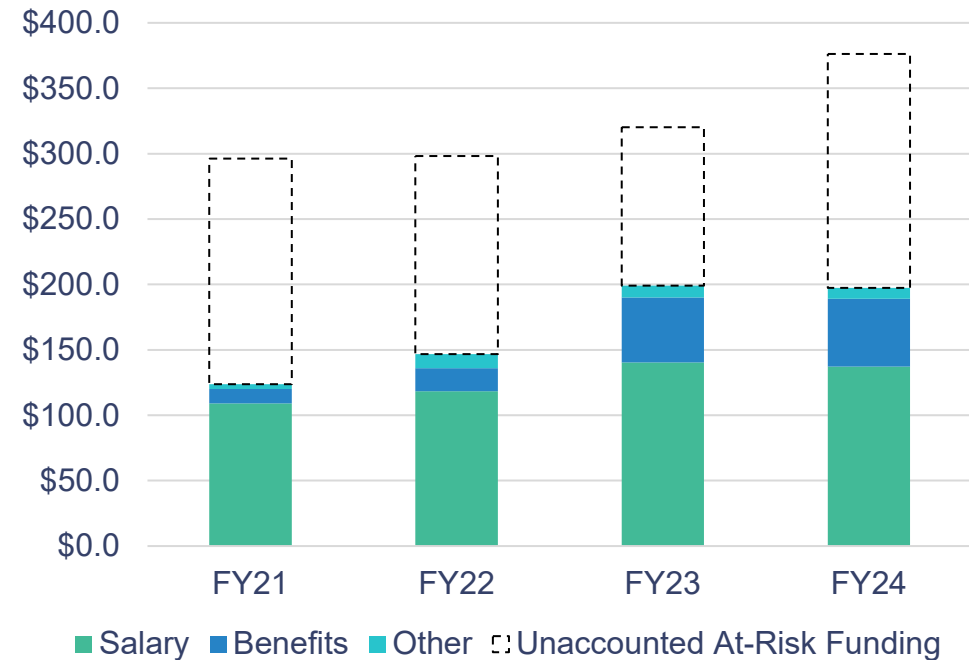


At-Risk Index Formula Funding Uses

State law authorizes the use of SEG at-risk index funding for:

- case management, tutoring, reading interventions and after-school programs that are delivered by social workers, counselors, teachers or other professional staff;
- culturally relevant professional and curriculum development, including those necessary to support language acquisition, bilingual and multicultural education;
- additional compensation strategies for high-need schools;
- whole school interventions, including school-based health centers and community schools;
- educational programming intended to improve career and college readiness of at-risk students, including dual or concurrent enrollment, career and technical education, guidance counseling services and coordination with post-secondary institutions; and
- services to engage and support parents and families in the education of students.

Alternative and At-Risk Program General Fund Uses
(in millions)



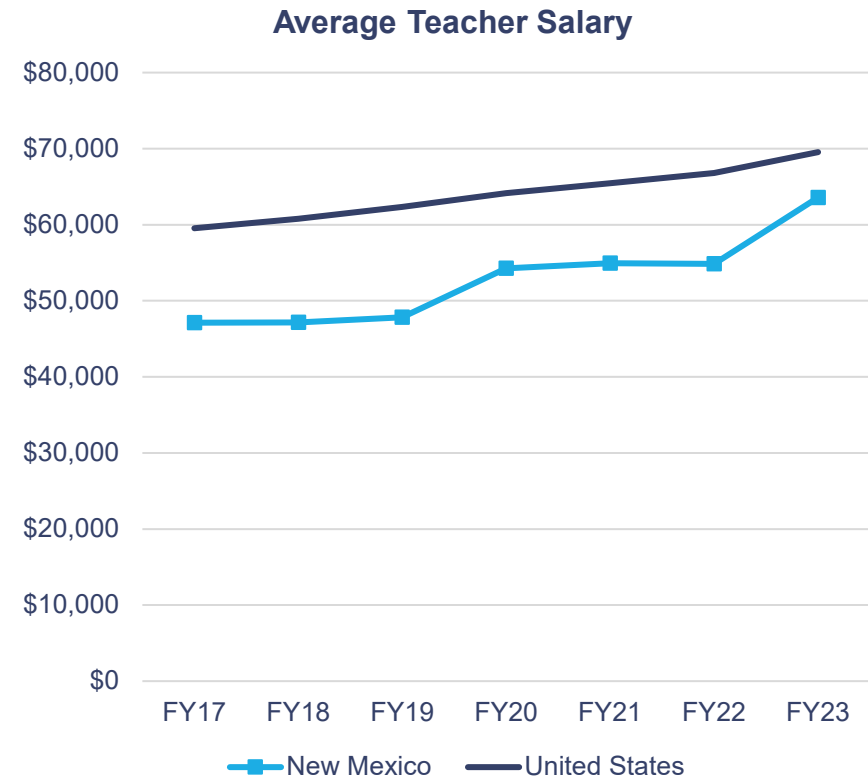
Source: PED OpenBooks, LFC Files



Violation: Teacher Recruitment and Retention

Motion cites the following deficiencies:

- Inadequate teacher recruitment and retention
 - Persistent teacher vacancies and turnover
 - Insufficient teacher pay
 - Inexperienced teachers placed in high poverty schools
 - Lack of teacher diversity
 - Lack of bilingual, TESOL, Native American, and special education teachers



Source: NEA

Legislature	Raised teacher pay faster than the nation Expanded financial aid for teacher candidates Increased educator benefits
PED	Created new teacher pipeline programs
District	Increased educator pay and benefits above state requirements



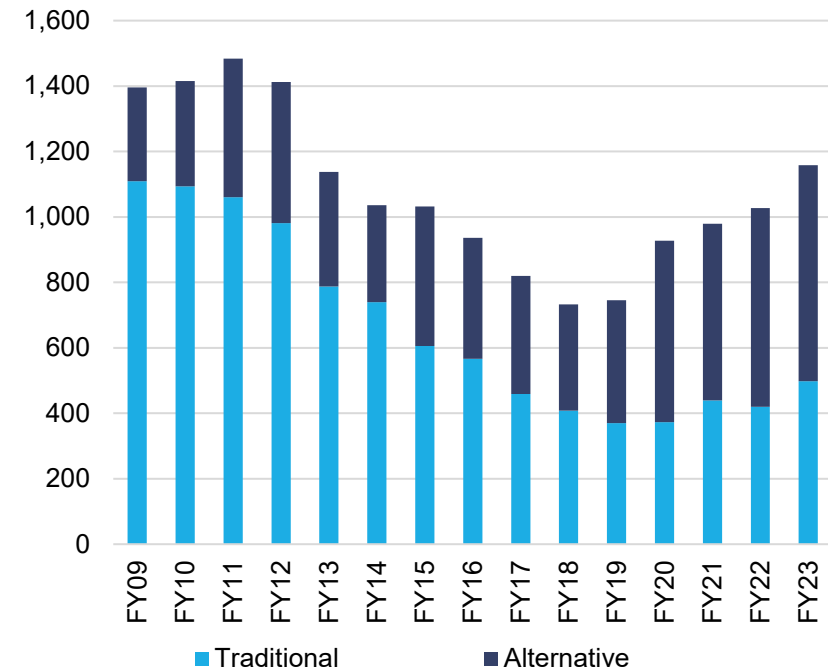
Violation: Teacher Quality

Motion cites the following deficiencies:

- Inadequate preparation of teachers
 - Teacher graduates lack necessary skills to teach at-risk students
 - Professional development is not monitored
 - Teacher residencies are not evaluated
 - Teacher mentorships are not monitored
 - Teacher evaluations are not tracked

PED
Decentralized evaluation systems
Reduced testing requirements for licensure
Created micro-credentials for advancement

Educator Preparation Program Completers



Source: USDE, SOAR, LFC Files



Requested Order: Comprehensive Remedial Plan

Plaintiffs request the court to order:

- LESC staff to lead development of a comprehensive remedial plan, drafted by May 1, 2025, detailing state actions and obligations through the end of 2030.
- LESC to submit quarterly status reports to the court beginning on September 1, 2025.

The plan must include the following components:

1. Student needs assessments, multicultural and multilingual programs, and anti-racist learning environments;
2. Staffing and services for special education students and standardized measures to reduce removal, restraint, and seclusion of students with disabilities;
3. Curriculum, instructional programs, and assessment for at-risk students to be equally prepared for college, career, and civic engagement;
4. Training, recruitment, placement, evaluation, and retention of high-quality teachers;
5. Technology and IT support for at-risk students to access broadband and digital devices;
6. Student and family support services to support holistic development and well-being;
7. Equitable, recurring, and predictable funding targeted to at-risk student needs;
8. Accountability and enforcement system to direct local spending; and
9. Staffing at PED to increase capacity to support implementation.



Governance

July 2018 Court's Decision and Order:

“PED also defends against any claim that it is responsible for failure to provide programs that would ameliorate the education gap suffered by at-risk students by **claiming that it cannot control the districts' spending**. In making this claim, **PED reads its authority under the statutes too narrowly, and it forsakes its oversight role.**

PED has a statutory obligation to —supervise all schools and school officials coming under its jurisdiction, **including taking over the control and management of a public school or school district that has failed to meet requirements of law or department rules or standards**, and to —determine policy for the operation of all public schools and vocational education programs in the state. NMSA 1978 § 22-2-2(C) (2004).

This authority is broad enough for PED to review and assure that districts are using the money provided by the State to provide programs to assist at-risk students.”



Questions?



For More Information

- <http://www.nmlegis.gov/lcs/lfc/lfcdefault.aspx>
 - Session Publications – Budgets
 - Performance Report Cards
 - Program Evaluations

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