

Martinez and Yazzie Revisited

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- In July 2018, Judge Sarah Singleton found the state had failed to meet its constitutional obligation to provide an adequate, sufficient education to at-risk students – the court defined at-risk as economically disadvantaged students, English learner students, Native American students, and students with disabilities.
 - Since the court’s findings, the Legislature has made myriad investments totaling more than \$1 billion in both discretionary funding to school districts and charter schools and to the Public Education Department to increase access to programming and teacher preparation and training.
 - Despite these large investments, though, and in part because of the effects of the Covid-19 pandemic, it is unclear whether New Mexico’s students, and particularly those named in the lawsuit, are any better off.
 - The Legislature should revisit its efforts to increase funding and programmatic offerings to determine whether funding is being directed effectively and whether individual programs and initiatives are being used in a way that maximizes their impacts and improves student outcomes.

Funding for At-Risk Students

Court Finding	FY20 Legislative Action	FY21 Legislative Action	FY22 Legislative Action	FY23 Legislative Action	Is it working?
<i>Contrary to Defendants' argument, current funding through the at-risk formula and Title I does not provide the money needed to educate at-risk students and to offer these programs.</i>	<ul style="list-style-type: none"> ➤ Nearly doubled the at-risk factor from .13 to .25 ➤ \$113 million (SEG, recurring) ➤ Passed legislation requiring accountability for at-risk funds 	<ul style="list-style-type: none"> ➤ Increased at-risk factor from .25 to .30 ➤ \$50 million (SEG, recurring) 	<ul style="list-style-type: none"> ➤ Funded the Family Income Index ➤ \$15 million per year for two years 	<ul style="list-style-type: none"> ➤ Funded the Family Income Index ➤ \$15 million per year for two years 	<ul style="list-style-type: none"> ➤ It is still unclear whether all LEAs are using at-risk funds to serve at-risk students
<i>If fully implemented, K-3 Plus would have short and long-term benefits and would improve academic outcomes for New Mexico's economically disadvantaged and ELL students.</i>	<ul style="list-style-type: none"> ➤ Created K-5 Plus in statute ➤ Provided funding for all elementary school students to participate ➤ \$119 million (SEG for participants) 	<ul style="list-style-type: none"> ➤ Continued to fund K-5 Plus with reduced appropriation because of pandemic ➤ \$79 million (SEG for participants) 	<ul style="list-style-type: none"> ➤ Continued to fund K-5 Plus ➤ \$119 million (SEG for participants) 	<ul style="list-style-type: none"> ➤ Continued to fund K-5 Plus ➤ \$119 million (SEG for participants) ➤ Funded Rural and Tribally based extended learning ➤ \$13.3 million (BTL) 	<ul style="list-style-type: none"> ➤ School districts and charter schools have not participated in K-5 Plus the way it was intended ➤ Flexibility has helped participation, but it is unclear if it has improved outcomes
<i>Extended learning time through longer school days, longer school years, and tutoring have a positive causal effect on student achievement.</i>	<ul style="list-style-type: none"> ➤ Created ELTP in statute ➤ Provided funding for about one third of secondary students ➤ \$62.5 million 	<ul style="list-style-type: none"> ➤ Provided additional ELTP funding ➤ \$8.9 million 	<ul style="list-style-type: none"> ➤ Provided additional ELTP funding ➤ \$38.7 million 	<ul style="list-style-type: none"> ➤ Continued ELTP funding 	<ul style="list-style-type: none"> ➤ For FY23, about 125,000 students, more than one third of all students, are expected to participate ➤ It is unclear whether ELTP positively impacts students achievement

Funding for At-Risk Students (cont.)

Court Finding	FY20 Legislative Action	FY21 Legislative Action	FY22 Legislative Action	FY23 Legislative Action	Is it working?
<i>Research shows that smaller class sizes are associated with higher achievement, higher earnings, higher high school graduation rates, and higher college completion rates.</i>	<ul style="list-style-type: none"> ➤ Increased overall education funding, eliminating the need for class-size waivers. ➤ SEG \$3.07 billion 	<ul style="list-style-type: none"> ➤ Increased overall education funding, eliminating the need for class-size waivers. ➤ SEG \$3.154 billion 	<ul style="list-style-type: none"> ➤ Increased overall education funding, eliminating the need for class-size waivers. ➤ SEG \$3.288 billion 	<ul style="list-style-type: none"> ➤ Increased overall education funding, eliminating the need for class-size waivers. ➤ SEG \$3.684 billion 	<ul style="list-style-type: none"> ➤ Student-teacher ratios across the state are well below statutory limits, but it's unclear if at-risk students are appropriately staffed.
<i>Literacy programs and practices that are based on valid research are essential to ensure that low-income students learn how to read at grade level.</i>		<ul style="list-style-type: none"> ➤ Included SEG-based funding and BTL funding for professional development for teachers in the science of reading. ➤ \$8 million (SEG) ➤ \$1.66 million (BTL) 	<ul style="list-style-type: none"> ➤ Included SEG-based funding and BTL funding for professional development for teachers in the science of reading. ➤ \$8 million (SEG) ➤ \$1.66 million (BTL) 	<ul style="list-style-type: none"> ➤ Included SEG-based funding and BTL funding for professional development for teachers in the science of reading. ➤ \$8 million (SEG) ➤ \$11.5 million (SEG) 	<ul style="list-style-type: none"> ➤ Limited assessment data means it's unclear whether training is having an impact yet.
<i>Defendants have failed to provide sufficient resources for counselors, social workers, and other non-instructional staff that all students, especially at-risk students, need to succeed.</i>	<ul style="list-style-type: none"> ➤ Increased at-risk funding; nearly doubled the at-risk factor from .13 to .25 ➤ \$113 million ➤ Provided \$2 million for community schools 	<ul style="list-style-type: none"> ➤ Increased at-risk funding; increased at-risk factor from .25 to .30 ➤ \$50 million ➤ Provided \$3.32 million for community schools 	<ul style="list-style-type: none"> ➤ Funded the Family Income Index ➤ \$15 million per year for two years ➤ Provided \$5 million for community schools 	<ul style="list-style-type: none"> ➤ Funded the Family Income Index ➤ \$15 million per year for two years ➤ Provided \$8 million for community schools 	<ul style="list-style-type: none"> ➤ It is unclear whether school districts or charter schools are using at-risk funds hire additional support staff

Services for English Learners

Court Finding	FY20 Legislative Action	FY21 Legislative Action	FY22 Legislative Action	FY23 Legislative Action	Is it working?
<i>New Mexico is not meeting its state and federal requirements to assist students who are not proficient in English.</i>	<ul style="list-style-type: none"> ➤ Increased BMEP funding ➤ \$6.95 million (SEG) ➤ Funded supports for ELs and BMEP ➤ \$2.5 million (BTL) 	<ul style="list-style-type: none"> ➤ Funded BTL Indigenous, Multilingual, Multicultural, and Special Education Initiatives ➤ \$4.56 million 	<ul style="list-style-type: none"> ➤ Funded BTL Indigenous, Multilingual, Multicultural, and Special Education Initiatives ➤ \$5 million 	<ul style="list-style-type: none"> ➤ Funded Martinez-Yazzie Student and Program Supports ➤ \$5 million (BTL) ➤ Provided funding for Hispanic Education Act ➤ \$500 thousand (BTL) 	<ul style="list-style-type: none"> ➤ Despite consistent BMEP funding, fewer students are enrolled in a program.
<i>Effective programs for English language learner (ELL) students must have qualified teachers—meaning bilingual-certified or TESOL-endorsed teachers.</i>	<ul style="list-style-type: none"> ➤ Prioritized English learners and minorities in awarding of Teacher Preparation Affordability Scholarship 				

Services for Native American Students

Court Finding	FY20 Legislative Action	FY21 Legislative Action	FY22 Legislative Action	FY23 Legislative Action	Is it Working?
<p><i>If school factors, such as curriculum, —support and strengthen students’ cultural and ethnic identities, student achievement tends to benefit[, but] [c]onversely, to the extent that curriculum and other school factors undermine students’ cultural and ethnic identity, achievement may well be undermined as well.</i></p>	<ul style="list-style-type: none"> ➤ Increased funding for Indian Education Fund; ➤ \$6 million ➤ Funded Indigenous Education Initiatives ➤ \$1 million (BTL) ➤ Passed HB250, Native American student needs assessment 	<ul style="list-style-type: none"> ➤ Increased funding for Indian Education Fund ➤ \$5.25 million ➤ \$1.6 million for Native language programs ➤ \$4.56 million (BTL, Indigenous, Multicultural, and Special Education Initiatives) 	<ul style="list-style-type: none"> ➤ Eliminated practice of taking credit for federal Impact Aid funds ➤ \$67 million ➤ \$5.25 million (Indian Education Fund) ➤ \$5 million (BTL, Indigenous, Multicultural, and Special Education Initiatives) ➤ Appropriated \$4.5 million for tribal libraries for afterschool services and summer programming 	<ul style="list-style-type: none"> ➤ Significantly increased funding for Indian Education Fund ➤ \$15 million ➤ Appropriated \$7 million non-recurring for tribal afterschool and summer programs, creation of education blueprints, and Native language programs ➤ Appropriated capital funds for tribal libraries ➤ \$12 million ➤ Appropriated 	<ul style="list-style-type: none"> ➤ Limited assessment and other data mean it’s unclear whether programs are having a positive impact

Services for Students with Disabilities

Court Finding	FY20 Legislative Action	FY21 Legislative Action	FY22 Legislative Action	FY23 Legislative Action	Is it Working?
<i>There is not sufficient funding in New Mexico allocated for professional development opportunities necessary to have special education students join more in the general education setting.</i>		<ul style="list-style-type: none"> ➤ Funded BTL Indigenous, Multicultural, and Special Education Initiatives ➤ \$4.56 million (BTL) 	<ul style="list-style-type: none"> ➤ Funded BTL Indigenous, Multicultural, and Special Education Initiatives ➤ \$5 million (BTL) 	<ul style="list-style-type: none"> ➤ Funded Martinez-Yazzie Student and Program Supports ➤ \$5 million (BTL) 	<ul style="list-style-type: none"> ➤ Limited assessment and other data mean it's unclear whether programs are having a positive impact
<i>There is inadequate supervision and oversight of how special education funds are being used in New Mexico</i>		<ul style="list-style-type: none"> ➤ Created office of the special education ombud 			<ul style="list-style-type: none"> ➤ The special education ombud is tasked with a yearly report to PED

Services for Economically Disadvantaged Students

Court Finding	FY20 Legislative Action	FY21 Legislative Action	FY22 Legislative Action	FY23 Legislative Action	Is it Working?
<i>When a school district receives funding through the at-risk calculation, PED does not do anything to ensure districts use at least a portion of those funds that are generated under the at-risk calculation on at-risk kids.</i>	<ul style="list-style-type: none"> ➤ House Bill 5 (2019) required school districts and charter schools to report how they plan to spend funds generated by the at-risk factor. 	<ul style="list-style-type: none"> ➤ Senate Bill 96 (2020) required the creation of a fiscal transparency site to track school district and school-level spending. 			<ul style="list-style-type: none"> ➤ PED has created an online portal and is reporting at the district level.
<i>NM's high poverty schools have a disproportionately high number of lower quality teachers. The quality of teaching for at-risk students is inadequate.</i>	<ul style="list-style-type: none"> ➤ Increased teacher salary minimums ➤ \$ 40.4 million ➤ Raises for all school personnel ➤ \$125 million 		<ul style="list-style-type: none"> ➤ 1.5 percent salary increase for all school personnel ➤ \$35.7 million 	<ul style="list-style-type: none"> ➤ Increased teacher salary minimums ➤ \$76.7 million ➤ Raises for all school employees ➤ \$180.3 million ➤ Target Compensation for K-5 Plus and ELTP Personnel ➤ \$64 million ➤ Targeted Compensation for Instructional and Social Service Personnel ➤ \$10 million 	<ul style="list-style-type: none"> ➤ PED reports issuing more than 2,000 new licenses ➤ We don't have current vacancy rates

Overarching Issues

Court Finding	FY20 Legislative Action	FY21 Legislative Action	FY22 Legislative Action	FY23 Legislative Action	Is it Working?
<i>The instructional materials stipend is insufficient and many districts have had to supplement PED funds with their own district's operational funds.</i>	<ul style="list-style-type: none"> ➤ Moved Instructional Materials appropriation to SEG ➤ \$30 million 		<ul style="list-style-type: none"> ➤ Increased instructional materials appropriation in SEG ➤ \$5 million 	<ul style="list-style-type: none"> ➤ Increased instructional material appropriation and expanded use to technology ➤ \$8 million 	<ul style="list-style-type: none"> ➤ Costs vary and further study is needed to determine whether funding is sufficient
<i>The funding insufficiency for transportation requires districts to divert money that could be spent on classroom programs.</i>	<ul style="list-style-type: none"> ➤ Increased transportation from \$97 million to \$116 million 	<ul style="list-style-type: none"> ➤ \$110 million 	<ul style="list-style-type: none"> ➤ \$107 million 	<ul style="list-style-type: none"> ➤ \$114 million 	<ul style="list-style-type: none"> ➤ Some districts are still using operational funds to supplement transportation funding
<i>Being proficient in technology is an essential skill for students; however, a lot of children in New Mexico are still struggling to have adequate access and reliable access to technology.</i>			<ul style="list-style-type: none"> ➤ Authorized capital outlay funds for a statewide education network ➤ Up to \$10 million in PSCOF per year 	<ul style="list-style-type: none"> ➤ Allocated funding for student connectivity and devices, especially in tribal and rural areas of the state ➤ \$10 million 	



Questions to Consider

- Have the Legislature's actions addressed the court's finding **and** improved student outcomes?
- Have investments addressed the shortcomings of the system by ensuring every public school has the resources necessary to provide a sufficient education for all at-risk students?
- Are there clear roles and responsibilities for implementing systemic change, including an accountability system that assures districts are spending funds to meet the needs of at-risk students?
- Is there a shared understanding of how long systemic change will take and agreement about what success looks like?
- What is needed to ensure continuous, sustained efforts as leadership at various levels changes?