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Expected Outcome: Alignment among policy and budget considerations and the *Martinez and Yazzie v. State of New Mexico* consolidated lawsuit.

Martinez and Yazzie v. State of New Mexico: A Legislative Roadmap

Overview

It has been four years since the 1st Judicial District Court issued a Decision and Order, finding the state of New Mexico had violated the Education Clause, the Equal Protection Clause, and the Due Process Clause of the New Mexico Constitution, failing to provide a uniform, statewide system of free public schools sufficient for all students.

Importantly, in reflecting on the violation of each of these clauses, the court declared the state specifically violated the rights of at-risk students in three distinct ways:

- The state has failed to provide programs and services necessary to make students college or career ready;
- Funding has not been sufficient to provide such programs and services, particularly examining the needs of all school districts and charter schools; and
- The Public Education Department (PED) has failed to meet its supervisory and audit functions to assure that money is spent efficiently and effectively by school districts, charter schools, and schools, and ensure at-risk students have the programs and services needed for them to obtain an adequate education.

Critical to these findings was an inherent definition of a sufficient education declared as a right by the New Mexico Constitution. Judge Singleton used case law to examine varied approaches for how educational adequacy is defined. Markedly, she determined the New Mexico Legislature had already defined adequacy in the form of existing statutory provisions that include both statements and educational goals. She cited Section 22-1-1.2 NMSA 1978 that reads:

- A. *The Legislature* finds that no education system can be sufficient for the education of all children unless it is founded on the sound principle that every child can learn and succeed and that the system must meet the needs of all children by recognizing that student success for every child is the fundamental goal.

Key Takeaways

Judge Singleton determined the New Mexico Legislature had defined educational adequacy, located in existing statutory provisions in Section 22-2-1.2 NMSA 1978.

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New Mexico has five symptoms of an uncoordinated education system that may contribute to the inability to fully realize the definition of sufficiency in statute.

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Education stakeholders in New Mexico have identified shared concern and interest in seven major areas the Legislature can address.

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Policy considerations could address accountability, use of data, governance, educator development, and the state's allocation of education funds.

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- B. *The Legislature* finds further that the key to student success in New Mexico is to have a multicultural education system that:
1. Attracts and retains quality and diverse teachers to teach New Mexico's multicultural student population;
 2. Holds teachers, students, schools, school districts, and the state accountable;
 3. Integrates the cultural strengths of its diverse student population into the curriculum with high expectations for all students;
 4. Recognizes that cultural diversity in the state presents special challenges for policymakers, administrators, teachers, and students;
 5. Provides students with a rigorous and relevant high school curriculum that prepares them to succeed in college and the workplace; and
 6. Elevates the importance of public education in the state by clarifying the governance structure at different levels.

The Legislature can strategically address the infringement of constitutional clauses and violation of the rights of at-risk students by: 1) Examining the current status of both policy and budgetary actions taken to address the findings; 2) Cross-referencing past and proposed actions with the definition of adequacy existent in statute and highlighted by Judge Singleton; and 3) Addressing gaps in policy or budget to advance and ensure response to the lawsuit is satisfactory and has generational impact. To best support this, the following roadmap of information should support legislative decisions.

Synthesis of What We Know

Symptoms of an Uncoordinated System

New Mexico's public schools have five primary symptoms of an uncoordinated system that must be addressed to fully uphold its statutory definition of sufficiency.

First, given prior and current assessment data, an unacceptably low number of students are proficient in mathematics and/or reading, both fundamental for academic and lifelong success. Further, persistent achievement gaps for those subgroups named in the lawsuit remain (English learners, economically disadvantaged students, Native American students, and students with disabilities). These achievement gaps were explicitly described in the findings of fact and conclusions of law by Judge Singleton. Even while considering National Assessment of Educational Progress (NAEP) scores through adjusted controls for special education status, ethnicity, free and reduced-price lunch eligibility and English learner status, [New Mexico falls below the midline](#) among the 50 states, though it does exceed many others.

Second, educator quality is difficult to ascertain, despite efforts to create and rebuild an educator evaluation system that is grounded in educator reflection and improvement. Likewise, educator preparation programs do not have consistent metrics for maintaining quality systems across the state. The Public Education Department (PED) created a Professional Practices and Standards Council (PPSC) via administrative code to approve and reauthorize educator prep programs. PED also initiated a new standard of site visits to audit preparation programs for quality programming. Section 22-10A-19.2 NMSA 1978 requires PED to develop a uniform educator accountability reporting system (EARS) to measure and track teacher and administrator candidates and produce an annual report. However, the last report completed by PED was the [2017–2018 report](#), and state accreditation processes could better align with programming that elevates state initiatives such as structured literacy.



Third, student well-being is a significant concern in New Mexico. [The Annie E. Casey Foundation](#) ranked New Mexico last for student well-being in its 2022 report and the [Child and Adolescent Health Measurement Initiative](#) finds at least one in six children in New Mexico have experienced more than three adverse childhood experiences (ACEs). In addition, according to PED, statewide data points to a 40 percent chronic absenteeism rate overall.

Fourth, cohesive statewide data systems do not exist that support all levels of stakeholders to understand where issues might be located and addressed—from legislators to classroom teachers, students, and parents. Data should help track spending, allow policymakers and education leaders to make system-level decisions, and most importantly, allow educators to design and reflect on instruction with students, all in a way that is connected and points to system organization and healthy accountability. If evaluation and data analysis is limited to a select few disparate groups, a wealth of information that could support continuous improvement is lost. Further, a lack of cohesion and agreement upon performance metrics could divide focus and confuse prioritization in improvement. The PED [Open Books portal](#) is a promising avenue for public information that could be expanded, but clarity of use and audience is critical in designing data structures that lead to valuable insights. Related to this, because one of the functions of the PED is fiscal responsibility and oversight, with a lack of agility at the state level to process and ensure rapid flow through of dollars, a further symptom is the inability of schools and districts to use dollars in a targeted and thoughtful manner.

Fifth, turnover in leadership remains a burden to the state, individual school districts, and schools across the state. The executive director of the New Mexico Coalition of Education Leaders (NMCEL) has cited 52 new superintendents among 89 total superintendents statewide in the last 18 months. Further, only five superintendents across the state have been in place for 10 years or more. Additionally, four PED secretaries have led the agency across the past four years with even greater turnover at the senior leadership level. Similarly, there has been turnover of leadership for the Legislative Education Study Committee (LESC). This type of volatility disrupts system focus, creates further issues with principal and educator retention, and does not provide for the stability needed for local and statewide strategic improvement.

Public Education Department Action Plan

The Public Education Department (PED) released a draft action plan that addresses the *Martinez-Yazzie* consolidated lawsuit on May 9, 2022. The department asked for public input via a designated email address, open until July 8, 2022. Virtual sessions were then held with tribal leaders and a question-and-answer document was developed to support community engagement and provide a synthesis of public feedback. PED intended to have a second version of the action plan by September 30, 2022, including interagency feedback. Trends in the feedback included specific comments on improving Native American outcomes, ensuring consultation with community, establishing

II. VISION

NMPED is planning a future in which students are engaged in a culturally and linguistically responsive educational system that meets their academic, social, and emotional needs.

To that end, this action plan is focused on the following long-term goals:

1. Assuring external factors like race, language, economic status, and family situations do not equate with lower rates of success in educational achievement and career prospects.¹
2. Increasing academic proficiency in math, science, and languages to ensure that all students graduate well prepared for the ever-changing world of college, career, and civic engagement.
3. Eliminating achievement gaps among New Mexico students, particularly English learners, economically disadvantaged students, Hispanics, Native Americans, African Americans, and students with disabilities.
4. Respecting, honoring, and preserving students' home languages and cultures by implementing culturally and linguistically responsive instruction and learning for all students.

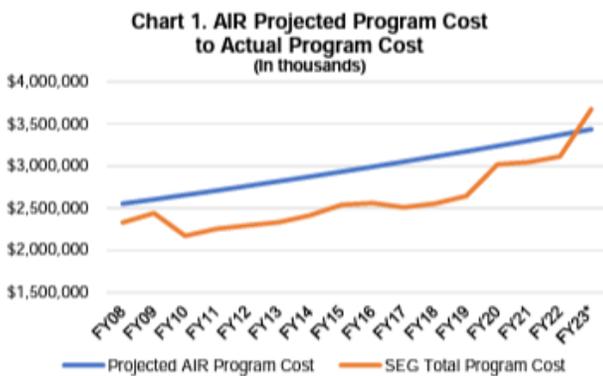
Source: PED Action Plan, May 2022

greater accountability for outcomes and strategies outlined in the action plan, asking for greater specificity in the plan including milestones, disaggregated outcome targets, and funding allocations, and requesting equitable distribution of funds that target programs to support at-risk students. As the department completes a second draft of the action plan, the Legislature should reflect not just on whether the findings of the lawsuit are addressed, but also on the comprehensive issues that point to an uncoordinated system to ensure an equitable and adequate public education for New Mexico’s children.

Legislative Finance Committee Education Note, September 2022

The Legislative Finance Committee (LFC) evaluation unit produced an [education note](#) for its September 23, 2022 meeting. The report measures the state’s progress towards sufficiently resourcing public schools, particularly focused on at-risk student supports and evidence-based programs in comparison to a 2008 American Institutes of Research (AIR) study cited during the lawsuit as a possible benchmark for sufficient funding. The LFC found New Mexico has now surpassed recurring formula funding targets adjusted for inflation by 6 percent, or \$220 million, given the AIR benchmark set by plaintiffs during original *Martinez-Yazzie* consolidated lawsuit testimony. The note recognizes that today,

public schools receive about 45 percent of the state’s \$8.4 billion budget.



Note: FY23 reflects SEG appropriation as Final Funded Run is not yet available.
Source: LFC analysis of PED Final Funded Runs and AIR Cost Estimates

Source: LFC Education Note, Sept. 2022

While having surpassed the AIR benchmark for program cost, as demonstrated in the LFC chart, the clear gap in funding across FY08 through FY22 could have a collective impact. A persistent under investment from 2008 until 2022 has compounding effects on the system; a negative relationship potentially signals a year over year compounding of deleterious effects on students in New Mexico who eventually become our educators and workforce. Continuing to invest in education at the necessary levels articulated by AIR and pointed out by the LFC should be of great interest to the Legislature.

The LFC report also finds two challenges to improving student outcomes: 1) District implementation of programs and services designed to meet the needs of at-risk students; and 2) State oversight of budgets, activities, and compliance with the state’s education acts. The note provides possible next steps including suggestions for the Legislature to increase instructional time and couple increased funding of at-risk dollars with approaches that better direct and track the money for those students. Given a strictly budgetary examination, the Legislature has moved aggressively and swiftly to address the lawsuit. However, comprehensive policy reforms that might address all of the findings of the lawsuit in addition to the symptoms of an uncoordinated system should be considered in concurrence with this increased funding.

Legislative Education Study Committee Review of Legislative Action, September 2022

During the September 2022 LESC interim meeting, staff presented a synthesis of actions taken to address the major findings of the lawsuit over the past four legislative sessions. While substantial work has been done, questions remained about how investments and policy changes have impacted students. The review of the lawsuit found clear roles and responsibilities for implementing systemic change. This included identification that an accountability system that assures school districts and charter schools are spending funds to meet the needs of at-risk students may be missing. Further, there is no shared understanding of how long-term systemic change will take place or agreement about what success looks like.

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.

Themes Gathered through Policy Priorities from Stakeholders

Multiple education stakeholder and advocacy groups from across New Mexico have provided policy platforms across the past four years. These groups include but are not limited to: the New Mexico Coalition of Education Leaders (NMCEL), the teacher unions (NEA-NM and AFT-NM), Teach Plus New Mexico, the Public Charter Schools of New Mexico, the New Mexico School Boards Association (NMSBA), the All Pueblo Council of Governors and Tribal Remedy Framework, the LANL Foundation, the Thornburg Foundation, the Maddox Foundation, Think New Mexico, Future Focused Education, the New Mexico Chamber of Commerce, the Hispano Chamber of Commerce, Transform New Mexico, the Deans and Directors of Education Preparation Programs, New Mexico KidsCan, Dual Language New Mexico, and the New Mexico Parent Teacher Association. Gathered from various documents, the following seven themes emerge as recurring priorities across the groups.

Culturally Relevant Instruction and Rigorous Curriculum. While the state has adopted content standards in all core academic subjects, the curriculum and instructional materials used by educators to teach those standards has, for too long, not met the criteria set forth by the definition in state statute to, “integrate the cultural strengths of its diverse student population into the curriculum with high expectations for all students.” See Section 22-1-1.2 NMSA 1978. Varied stakeholders advocate for relevant curriculum that ensures students are both globally prepared and ready to be local leaders in their communities. The critical nature of this theme is the amalgamation of cultural relevance and rigor that ensures students have opportunity for success upon graduation from high school.

Career Technical Education and High School Revision. Career Technical Education (CTE) is a broad term for education that combines academic and technical skills with knowledge and training needed to succeed in the present-day labor market. [High quality career technical education](#) is further characterized as:

- Having rigorous academic curriculum incorporated, where applied, hands-on learning is co-equal with traditional academic instruction;
- Linking education systems to larger economic goals;
- Including explicit pathways to postsecondary training;
- Offering a clear connection to the job market; and

- Spanning across a wide range of career sectors, not just traditionally vocational occupations.

Interest in CTE is a recurring theme for most, if not all, stakeholders in New Mexico. Of broader context, industry, community, parents, and educators are resoundingly concerned with how high schools tie to economic and community health, provide platforms for students to envision next steps, and enrich students' social and emotional well-being foundational for healthy adulthood. Common ideas include innovation zones, work-based learning, competency-based learning, establishing profiles of a New Mexico graduate, capstone projects for seniors, and addressing graduation requirements—either to provide further flexibility for student pathways, or to tighten and compel further topical content areas stakeholders feel are requisite for college, career, and civic readiness.

Investing in the Educator Workforce. Many stakeholder groups acknowledge [research](#) reflects the vital role educators play in student success. Advocacy for investing in the educator workforce includes: funding improved salaries that support a robust career ladder, ensuring strong benefits for educators, investing in higher education, and investing in recruitment efforts that focus on diversity, and bridging pathways from high school through early career educators. Frequent ideas that emerge from stakeholders and align with building a high quality workforce include [teacher residency programs](#), supporting mentorship of new educators, providing stipends for hard-to-staff positions, building “grow your own” scholarship programs, and the need to fund classified and support staff.

Behavioral Health and Community Schools. Nearly all stakeholder groups recognize the toll the Covid-19 pandemic had on the social and emotional well-being of students and educators. In addition, prior to the pandemic, [community schools](#) looked to establish wraparound services for students and families as well as serve as transformational models whereby schools aim to serve the whole child. Stakeholder voice reflects a need for state investments in behavioral health and professional development for educators in [social-emotional practices](#) that create a positive and productive classroom environment. Advocates also point to the need to expand access to school-based health clinics, access to mental health services, increase funding for physical education, sports, and out-of-school time services that support overall student health.

Prioritizing Languages. Several stakeholder groups acknowledge the profundity of heritage languages that maintain identity and culture in New Mexico. Culturally responsive education includes linguistic responsiveness, not just in assisting English learners in their mastery of English literacy skills, but in valuing literacy development among multiple languages, and significantly, home languages other than English. [Studies that compare](#) English-only instruction to bilingual instruction demonstrate that students instructed in their native language, as well as English, perform better, on average, on measures of English reading proficiency than students instructed only in English. In addition, a National Literacy Panel meta-analysis reached the same conclusion: learning to read in the home language promotes reading achievement in the second language. Further, stakeholders point to the responsibility of the state to ensure compliance with the Indian Education Act, the Bilingual Multicultural Act, and the Hispanic Education Act.

Leadership. Resoundingly, stakeholders agree the state needs to invest in educational leadership. Community voice across New Mexico includes the need to invest in principal professional development, superintendent specialization, and training for school boards and charter school governing bodies. Further advocacy includes increased pay for

education leaders, ensuring high quality principal preparation programs, and investing in grow your own leadership pipeline programs that reflect the diversity of New Mexico students and communities. [Research confirms](#) principal residency programs and leadership investments contribute to positive school culture and improved school environments; a June 9, 2022 LESC policy brief identified the positive relationship between principal effectiveness with educator retention and strong, effective school climates.

Correct Funding. Stakeholders largely identify correct funding as a theme in addressing the needs of public schools in New Mexico. Different topics that emerge under correct funding include: access to capital outlay dollars, targeting funding for at-risk students, increasing dollars that address the requirements of the education acts, funding transportation adequately, and appropriately funding the costs of instructional materials. Some contrasting ideas that fall under correct funding include: protecting school district and charter school operational reserves, attempting to better understand the differences in district performance based on administrative allocations vs classroom allocations, and needing more accountability tied to how dollars are spent.

The synthesis of information that the Legislature has at its disposal to act strategically in addressing the lawsuit comprise: identified symptoms of an uncoordinated public education system, the PED action plan that will incorporate community feedback, an LFC education note examining state funding in comparison with a 2008 AIR study, the LESC review of legislative action over the past four years, and themes that have emerged as policy priorities across various stakeholders.

Cornerstones of Transformative Systems: Research

International and national research can support the state to realize a multicultural education system that moves the state and families towards collective advancement. Five documents give the Legislature frameworks from which to examine policy considerations.

Aspen Institute. A universal reminder for the purposes of public education is articulated in the Aspen Institute brief, [We Are What We Teach](#). The brief identifies the three purposes of schooling as: 1) Developing a sense of self; 2) Preparing for American democracy and civic life; and 3) Preparing for a world of work. The brief notes public education may be the most important investment America makes in its future. Leveraging this frame, the Legislature can examine whether policies and funding support these purposes, and whether there are others it deems other purposes significant to the state as well, such as community health.

Learning Policy Institute. In support of state policymakers, the Learning Policy Institute developed a [toolkit](#) that outlines components of a whole child education system. A whole child education is described as prioritizing the full scope of a child’s developmental needs—social, emotional, cognitive, physical, and psychological, as well as academic—to ensure all children are able to reach their full potential. Echoing themes from local stakeholders across New Mexico, five key elements frame actions states can take as: 1) Setting a whole child vision including convening stakeholders to set and sustain the vision; 2) Transforming learning environments including extending learning time and ensuring culturally responsive instruction; 3) Redesigning curriculum, assessment and accountability to ensure rich learning experiences and continuous improvement; 4) Building adult expertise including investing in educator preparation and ensuring proactive recruitment, retention, and evaluation systems; and 5) investing resources equitably and efficiently.

National Conference of State Legislatures' *No Time to Lose* Report. Under strong legislative leadership, New Mexico has addressed three of four large elements named in the [No Time to Lose](#) report. Investments in early childhood, educator salaries, and funding of CTE programs help support key ideas of the report including children coming to school ready to learn, building a world class teaching profession, and providing a highly effective, intellectually rigorous system of career and technical education. Still, work remains to ensure the state, including all stakeholders, understand and work to ensure individual reforms are connected, aligned, and clearly planned as part of a comprehensive system. States like Delaware, Maryland, Tennessee, and Washington have benefited from a group of individuals that set a long-term vision for public education in an effort to sustain across political or leadership changes.

Hattie. Perhaps the foremost leader in education meta-analysis, John Hattie, published two documents in June of 2015: [What doesn't work in education: The politics of distraction](#), and [What works best in education: The politics of collaborative expertise](#). Key takeaways for the Legislature followed two themes. The first is to avoid distractions based in an assumption that we need to fix deficits, such as fixing infrastructure, schools, student, or teacher inadequacy. For instance, while ensuring rigorous, culturally relevant curriculum was a finding of the lawsuit and a recurrent theme among stakeholders, Hattie points to distractions involved with simply seeking better curriculum. Rather, a profundity of research demonstrates the art of teaching is to balance the need for foundational skills and knowledge with deep processing, or deeper learning. Incidentally, one thing realized as a result of the pandemic was how to right size, prioritize, and condense curriculum. This science of learning needs to be realized in New Mexico schools. The second theme, and the path to get to this, is to invest in the expertise of educators. Hattie outlines additional research that influences student learning, finding teacher and student expectations have the greatest impact.

The greatest influence on learning is the expectations of students and teachers. Students with teachers that have with high expectations will gain a year's worth of progress.

Policy Considerations

The Legislature has made unprecedented investments in response to the *Martinez-Yazzie* education sufficiency lawsuit. However, current data from the 2021–2022 summative assessments confirm the achievement gap remains wide; economically disadvantaged students, English learners, students with disabilities, and Native American students continue to need targeted support. Additional multiple measures of system and student success are also troublesome such as leadership turnover, dropout rates, and chronic absenteeism. Yet, collective commitment to addressing the issues is evident, and information for what and how to address the issues is abundant.

Given the synthesis of information the Legislature has above, and an understanding that systemic change requires iterative commitment, the following broad policy considerations aim to continue the Legislature's efforts towards comprehensive improvements that address an uncoordinated system and the major findings of the lawsuit in pursuit of a world-class, multicultural education system. These considerations set the parameters of a high quality system designed for and by New Mexicans to flourish.

Ensure long-term vision to move the needle. If the state has failed to “provide programs and services necessary to make students college and career ready,” it behooves the Legislature to reflect on which programs and services and to what end. If the system remains uncoordinated, programs and services remain siloed and ineffective without a collective design that is bracketed by purpose and vision. PED’s vision is a strong foundation, coupled with the definition of a multicultural education system in statute. However, a committee of individuals that represents community voice can bridge organizational intent with statewide perseverance and progress.

Relevant Policy Considerations:
<ul style="list-style-type: none"> Establish an oversight committee, commission, or task force comprised of varied leaders and community voice to establish and maintain a vision for a whole child education system for New Mexico. The group should establish realistic benchmarks that demonstrate movement in achievement and addresses the health of the system using expertise from PED and other education leaders.

Investing in the educator profession and adults who serve students. If funding has not been sufficient to provide for effective programs and services for students, particularly examining the needs of all school districts and charter schools, the Legislature should principally recognize the impact of adults on the system and delivery of programs and services. A coordinated system ensures a competitive workforce.

Relevant Budget Line Items:	Relevant Policy Considerations:
<ul style="list-style-type: none"> Continue to invest in educator salary and benefits to ensure the profession is competitive. Invest in residency programs for educators and leaders. Invest in educator specialization and endorsements, particularly TESOL. 	<ul style="list-style-type: none"> Consider policy that requires stronger accountability of educator preparation programs. Establish and fund incentives that enable recasting teaching as a collaborative profession that supports a complete approach to both foundational skills and deeper learning. Consider policy that incentivizes professional development, establishes multifaceted career ladders for educators, and requires stronger training for education leaders and school boards.

Invest in the programming that supports a whole child education. If funding has not yet been sufficient to provide for effective programs and services for students, at this point the legislature should selectively invest in priority elements that move the state towards a coordinated system and honor the themes that emerged from stakeholders. Attached to this brief is a list of actions that legislators can take in relation to the particular findings of facts and conclusion as well as budget considerations for the FY24 legislative session.

Relevant Budget Line Items:	Relevant Policy Considerations:
<ul style="list-style-type: none"> Continue to invest in funding for language revitalization. Continue to invest in CTE and high school revision. Continue to invest in community schools and school based health clinics. 	<ul style="list-style-type: none"> Revisit graduation requirements to ensure students have strong pathways for success into adulthood. Consider amending statute to increase the instructional hours for the academic year.

Data, Information, and Accountability. If PED has failed to meets its supervisory and audit functions to assure money is spent efficiently and effectively by school districts, charter schools, and schools, and ensure at-risk students have the programs and services needed for them to obtain an adequate education, it behooves the Legislature to reflect on policy and budget that ensures the department has the ability to do so.

Relevant Budget Line Items:	Relevant Policy Considerations:
<ul style="list-style-type: none"> Invest in a state-developed assessment that serves the needs of students, families, educators and policymakers over time. Continue to invest in an integrated longitudinal data system that will make it possible for the state and others to track the educational progress and health of children, from birth to employment. 	<ul style="list-style-type: none"> Decide upon shared performance metrics across the LESC, LFC, and PED with educator and community input that align to federal requirements. Consider amending language in statute to address clarity of roles and responsibilities in implementation and accountability.

Review the state’s education funding formula. The state’s education funding formula, the State Equalization Guarantee (SEG), was first developed in the 1970s and has sustained several decades’ worth of statutory changes as the Legislature has directed funds to target specific student groups, account for school district and charter school factors, and ensure adequacy of funding statewide. Funds allocated through the SEG are used by school districts and charter schools at their discretion despite the funding formula allocating funds for specific student groups such as at-risk students or students with disabilities. As the SEG is designed to provide a base level of funding for all students and supplement this funding based on a wide range of student and school factors, it may be worth reviewing how the funding formula is functioning.

Relevant Policy Considerations:
<ul style="list-style-type: none"> Direct a study and review of the SEG, with particular focus on sufficiency of funding, targeted supports to student subgroups, and accountability mechanisms as funding flows from the state to school districts and charter schools.

Analysis of Martinez/Yazzie Funding Supports

Topic	Funding (in Millions)	Implementers	Accountability Mechanism	Action Steps
At-Risk Funding	\$319,208.00	School Districts and Charter Schools	<p>Public Education Department</p> <ul style="list-style-type: none"> • Educational Plans • Financial Transparency Site • At-Risk Coordinator 	<p>Legislature</p> <ul style="list-style-type: none"> • Strengthen statutes to guide uses and accountability of at-risk funds. • Ensure students generating at-risk funds receive services and supports. • Ensure PED has capacity to adequately provide oversight and technical assistance. <p>Public Education Department</p> <ul style="list-style-type: none"> • Develop 3-5 year accountability cycle to allow sufficient time to review Educational Plans, provide feedback, and review actual expenditures. • Develop and provide school board training to ensure school boards and superintendents understand intent and use of at-risk funds.
Bilingual Multicultural Education Programs	\$42,288.00	Public Education Department School Districts and Charter Schools	<p>Public Education Department</p> <ul style="list-style-type: none"> • Language and Culture Division • BMEP Application 	<p>Legislature</p> <ul style="list-style-type: none"> • Strengthen statute to improve oversight of BMEP funds. • Fund additional PED capacity. <p>Public Education Department</p> <ul style="list-style-type: none"> • Develop cycle to ensure every school district and charter school with BMEP receives site visit every 3-5 years.
Learning Time	\$190,000.00	Public Education Department School Districts and Charter Schools	<p>Public Education Department</p> <ul style="list-style-type: none"> • PED reviews school calendars to ensure school districts and charter schools are meeting time requirements 	<p>Legislature</p> <ul style="list-style-type: none"> • Consider increasing instructional hours requirement to ensure all students benefit from funding and additional time. • Include professional work time as a portion of instructional hours so educators have more time to plan, collaborate, and receive training.
English Language Development	\$319,208.00	School Districts and Charter Schools	<p>Public Education Department</p> <ul style="list-style-type: none"> • There is no formal accountability mechanism for EL development. The following is from PED's Action Plan: <i>In addition to using "sheltering" methods in content areas, NMPED's Language and Culture Division (LCD) now requires that English Learners receive at least 45 minutes of specific English-language development instruction per school day.</i> 	<p>Legislature</p> <ul style="list-style-type: none"> • Ensure PED has capacity to adequately provide oversight and technical assistance. <p>Public Education Department</p> <ul style="list-style-type: none"> • Require all educator preparation programs (EPPs) to train teachers in sheltered instruction. • Provide sheltered instruction training to current teachers.

Special Education Student Units	\$344,750.00	School Districts and Charter Schools	<p>Public Education Department</p> <ul style="list-style-type: none"> · Schools are subject to federal and state law (22-13-5). <i>Rules and standards shall be developed and established by the department for the provision of special education in the schools and classes of the public school system in the state and in all institutions wholly or partly supported by the state. The department shall monitor and enforce the rules and standards.</i> <p>Special Education Ombud</p> <ul style="list-style-type: none"> · Receives concerns and complaints about special education services. 	<p>Public Education Department</p> <ul style="list-style-type: none"> · Require EPPs to require all teaching candidates to take explicit courses preparing them to serve student with disabilities.
Ancillary FTE Units	\$259,137.00	School Districts and Charter Schools	<p>Public Education Department</p> <p>While there is no accountability for the use of funds generated by ancillary FTE, presumably, these funds are used to pay salaries and related services for students with disabilities.</p>	<p>Legislature</p> <ul style="list-style-type: none"> · Study use of ancillary FTE funding to ensure adequacy and proper use.
Literacy	\$19,500.00	Public Education Department School Districts and Charter Schools	<p>Statute</p> <ul style="list-style-type: none"> · There is no state law requiring districts to use SEG funding to support literacy, though HB2 contains the following language: <i>The general fund appropriation to the state equalization guarantee distribution includes eight million dollars (\$8,000,000) for school districts and charter schools to provide evidence-based structured literacy interventions and develop literacy collaborative models that lead to improved reading and writing achievement of students in kindergarten through fifth grade.</i> <p>Public Education Department</p> <ul style="list-style-type: none"> · Education Plans: Section 22-13-22 requires districts and charter schools to "develop and implement a literacy professional development plan that includes a detailed framework for structured literacy training by a licensed and accredited or credentialed teacher preparation provider for all elementary school teachers and for training in evidence-based reading intervention for reading interventionists and special education teachers working with students demonstrating characteristics of dyslexia or diagnosed with dyslexia." This requirement is monitored through Education Plan submissions. 	<p>Legislature</p> <ul style="list-style-type: none"> · Continue to fund structured literacy training. <p>Public Education Department</p> <ul style="list-style-type: none"> · Continue training all elementary school teachers. Additional consideration could be given to hiring literacy coaches to help educators implement structured literacy. Effectiveness of structured literacy should be monitored. · Require EPPs to ensure all teaching candidates received structured literacy training.

Instructional Materials	\$43,000.00	School Districts and Charter Schools	<p>Legislature</p> <ul style="list-style-type: none"> · GAA includes the following language: <i>The general fund appropriation to the state equalization guarantee distribution includes forty three million dollars (\$43,000,000) for school districts and charter schools to purchase culturally and linguistically appropriate instructional materials for eligible students, including dual-credit instructional materials and educational technology.</i> <p>Public Education Department</p> <ul style="list-style-type: none"> · Department staff tracks school district spending of instructional materials funding 	<p>Legislature</p> <ul style="list-style-type: none"> · Consider funding instructional materials with categorical funds to ensure funding supports the purchase of culturally and linguistically responsive instructional materials. · Consider funding of development of culturally and linguistically relevant instructional materials.
Transportation	\$114,000.00	School Districts and Charter Schools	<p>Public Education Department</p> <ul style="list-style-type: none"> · PED ensures all transportation funding is spent on transporting students to and from school, per statute 	<p>Legislature</p> <ul style="list-style-type: none"> · Consider a study of the transportation funding formula to determine true costs of transportation and ensure all districts receive adequate funding.
Indian Education	\$15,000.00	Public Education Department School Districts and Charter Schools Tribes and Pueblos	<p>Legislature</p> <ul style="list-style-type: none"> · Indian Education Fund spending should align to the provisions of the Indian Education Act. <p>Public Education Department</p> <ul style="list-style-type: none"> · PED is responsible for overseeing implementation of the act and adherence to provisions of the IEA; <i>The department shall ensure that funds appropriated from the Indian education fund shall be used for the purposes stated in the Indian Education Act and shall not be used to correct for previous reductions of program services.</i> 	<p>Legislature</p> <ul style="list-style-type: none"> · Commit to recurring, sustainable funding for the Indian Education Fund. <p>Public Education Department</p> <ul style="list-style-type: none"> · Identify how funding and programs align with provisions of the IEA, along with metrics for success, and agree on an accountability system for these funds and programs.
Hispanic Education Act	\$500.00	Public Education Department School Districts and Charter Schools	<p>Public Education Department</p> <ul style="list-style-type: none"> · Used funds to increase conduct statewide community listening sessions, to provide grants to districts, and to establish an HEA team 	<p>Legislature</p> <ul style="list-style-type: none"> · Consider funding efforts to improve instruction for Hispanic students, including training for bilingual and TESOL certification, as well as stipends for bilingual and TESOL teachers.
Black Education Act	\$0.00	Public Education Department School Districts and Charter Schools	<p>Public Education Department</p> <ul style="list-style-type: none"> · Is required to submit an annual Black education status report containing various metrics of students success · The report should also include data about post-secondary success 	

College and Career Readiness - Career technical education - Advanced Placement exams	\$11,000.00 - CTE: \$10M - AP Exams: \$1M	Public Education Department School Districts and Charter Schools	<p>Statute</p> <ul style="list-style-type: none"> Next Gen CTE Funds: Funds awarded to LEAs pursuant to the Next Gen CTE pilot project enabling statute must adhere to certain programmatic requirements to receive funds. <p>Public Education Department</p> <ul style="list-style-type: none"> General CTE Funds: There are not currently accountability mechanisms for CTE funds awarded outside of the NextGen CTE pilot project. Funds earmarked for general CTE use have been allocated by PED at the department's discretion. Advanced Placement Exams: These funds are spent pursuant to enabling language in the budget bill each year and are made available to LEAs based on department allocation that meets statutory requirements. 	<p>Legislature</p> <ul style="list-style-type: none"> Evaluate the effectiveness and performance of the NextGen CTE pilot project and consider if the current programmatic requirements are sufficient to meet the demand for CTE programs statewide, as well as quality metrics established in both national and international research. Consider broadening the enabling statute to include additional elements of CTE programs supported in research such as work-based learning. Investigate funding structure for programs geared towards other elements of high school re-design, such as Innovation Zone awards, that are not embedded in the current CTE funding streams.
Technology	\$10,000.00 Up to \$10 million annually can be expended from the PSCOF for the creation of a statewide education network.	Public Education Department School Districts and Charter Schools	<p>Public Education Department</p> <ul style="list-style-type: none"> PED is tracking student connectivity in STARS in an attempt to ensure all students have access to an internet connection. For FY23, districts will receive \$10 million from a nonrecurring appropriation to PED. There is no formal accountability mechanism for these funds. PED will administer allocations of the \$10 million and ensure districts' expenses are allowable. 	
Quality Instruction and Leadership	\$31,500.00	PED/LEAs/EPPs	<p>Public Education Department</p> <ul style="list-style-type: none"> Professional Development Funding in SEG Teacher Residency Fund 	<p>Legislature</p> <ul style="list-style-type: none"> Consider creating a recurring source of Teacher Residency funding. Consider funding residencies for principals, counselors, and social workers. Consider funding efforts to support the professional development of principals. Current funding level supports less than 20 percent of principals in the state.
Math	\$3,000 (STEAM Initiative)	Public Education Department School Districts and Charter Schools	<p>Public Education Department</p> <ul style="list-style-type: none"> Annual statewide assessments provide information on math proficiency by school district. 	<p>Legislature</p> <ul style="list-style-type: none"> Consider investing in targeted recruitment incentives to hire more mathematics teachers. Consider creating a recurring source of funding for mathematics, similar to early literacy. Determine methods to track how STEAM Initiative and other education funding specifically support mathematics proficiency.
Family Income Index	\$15,000.00	Public Education Department School District and Charter School grantees	<p>Public Education Department</p> <ul style="list-style-type: none"> Education Plans 	<p>Legislature</p> <ul style="list-style-type: none"> Continue Family Income Index funding. Amend FII statute to allow for added flexibility in uses of funds. Consider making funding recurring. Consider using FII to determine economically disadvantaged status for the purposes of at-risk funding.

Community Schools	\$8,000,000.00	Public Education Department School District and Charter School grantees	<p>Public Education Department</p> <ul style="list-style-type: none"> · The Community Schools Act sets several accountability and reporting measures for community schools and the PED to adhere to 	<p>Legislature</p> <ul style="list-style-type: none"> · Specify what data is collected from community schools to determine their success and identify improvement measures. <p>Public Education Department</p> <ul style="list-style-type: none"> · Identify short-term and long-term goals and steps to ensure the longevity and success of current community schools beyond their initial grants, and to increase the number of community schools in the state.
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