



LESC 2021 Staff Work Plan

Primary Issues

Analyst(s): Bedeaux

Capital Outlay – Uniform and Sufficient System of Capital Outlay Funding

Research Problem: In December 2020, the 11th Judicial District Court issued a ruling in the *Zuni* capital outlay lawsuit, a lawsuit that has now spanned more than two decades. The ruling found the Public School Capital Outlay Act and the Public School Capital Improvements Act, commonly known as “SB9” or “the two-mill levy,” have exacerbated “gross disparities” between property wealthy and property poor school districts. Article XII, Section 1 of the New Mexico Constitution specifically requires both “sufficiency” and “uniformity;” while the state has made significant progress in improving the sufficiency of school facilities, the ruling finds the vast disparities in local property wealth create inherent facility nonuniformities. The plaintiff districts have argued, even since inception of the standards- and systems-based awards process, that differences in property valuation allow wealthy school districts to build larger, better-outfitted schools. Moreover, schools with large amounts of local wealth can avoid the public school capital outlay process entirely, while property poor school districts are forced to rely on an administratively burdensome application and award process to begin school construction projects.

The lawsuit remains open today; the court is set to hear a pending motion for reconsideration to examine the impacts of recent legislation, including the landmark Laws 2021, Chapter 52 (House Bill 6), which eliminates long-standing credits in the state’s operational funding formula to return more than \$80 million to school districts and charter schools annually, with a vast majority of the funding going to school districts and charter schools that receive federal Impact Aid funds for Native American students, including the *Zuni* plaintiffs. However, the plaintiffs’ written response to the state’s motion for reconsideration notes “a change in Impact Aid funding should not be considered in isolation.” As the debate continues, LESL, the Public School Capital Outlay Council, the Public School Capital Outlay Oversight Task Force, and the Public School Facilities Authority will need to examine which types of revenues are used to make capital expenditures and, as required by Laws 2021, Chapter 52, adopt changes to the state’s system of capital funding designed to treat all revenues used for capital outlay equally in the state and local match calculation by FY25.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> Review the <i>Zuni</i> lawsuit to understand the tension between “adequacy” and “uniformity” – what does it mean to have adequate schools that are perfectly uniform? Review other states’ systems of funding for public school facilities – how have other states dealt with inequities in school district property wealth? Review of New Mexico’s adequacy standards – what are the necessary elements of an adequate public elementary, middle, and high school? 	<p>In-State Review:</p> <ul style="list-style-type: none"> Work with the Public Education Department (PED) and PSFA to examine school district capital revenues and expenditures and identify the largest drivers in capital funding inequities. Work with PSFA to conduct site visits of schools in <i>Zuni</i> plaintiff school districts to better understand facility needs. Identify other types of “inequities” in the capital outlay system, like the administrative burden of the public school capital outlay process. Review previous and attend future <i>Zuni</i> court proceedings. 	<p>Data Required:</p> <ul style="list-style-type: none"> 10-year history of capital revenues and expenditures for school districts from all sources: <ul style="list-style-type: none"> Standards- and systems-based awards, Public School Capital Improvements Act, Public School Buildings Act, General Obligation Bonds, Education Technology Notes, Direct Legislative Appropriations, and Operational funding or other “unrestricted” sources. 10-year enrollment history of school districts to help understand per-student equity.
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Expected Outcome of Research: LESL staff will evaluate the equity of revenue sources in the public school capital outlay system and consider policy options designed to improve the equity of available funding and the adequacy of facilities statewide. LESL staff will assist the Legislative Council Service by providing research and analysis for the Public School Capital Outlay Task Force.

Analyst(s): Bedeaux

Capital Outlay – Study the Transportation Funding Formula

Research Problem: New Mexico’s transportation funding formula is fragmented and complicated, often resulting in inequitable allocations among school districts and large inexplicable fluctuations in year-over-year funding. Statute provides for a formula to allocate transportation funding to school districts and state-chartered charter schools, but PED has broad discretion in setting the factors used to make those allocations. PED has defined several site characteristics which factor into the calculation of school district and state-chartered charter school transportation allocations, including students eligible for transportation, students transported, special education students, number of buses in operation, gross area of the school district, population density, total miles traveled, and number of days in the school year. However, while these factors reflect data collected by the department, not all factors are considered when PED calculates allocations; PED uses separate formulas for large school districts, small school districts, and state-chartered charter schools. Additionally, the state’s system of school bus replacement differs for school buses owned by school districts and those owned by school bus contractors – contractors are guaranteed have their buses replaced every year, but school districts rely on the legislature to make an annual capital outlay appropriation for that purpose, which sometimes does not happen if there are insufficient funds. In 2012, LESC created a public school transportation subcommittee to address these issues. However, nine years later, the state has only implemented a few of the subcommittee’s recommendations. New Mexico’s transportation funding formula is due for a systematic study, and potentially a redesign, to create a new statutory formula that provides sufficient and reliable year-over-year funding for all school districts and state-chartered charter schools.

Historical/Literature Review:

- Do other states have specialized formulas for transportation, or consider transportation as an element of operational funding?
- Are there research-based best practices for public school transportation funding?
- How can public school transportation formulas be designed to account for the cost of new technologies like alternative energy or safety enhancements?

In-State Review:

- Identify the factors that determine the cost of operating a school district or charter school transportation program.
- Determine the drivers of school transportation allocations – to what extent do current formula factors contribute to a school district’s funding under the current system.

Data Required:

- Five- to 10-year history of school transportation revenues and expenditures, including expenditures from operational funding to determine current deficiencies.
- Five- to 10-year history of factors used to calculate transportation allocations.

Expected Outcome of Research: LESC staff will work with the committee to develop recommended statutory changes and options to make the public school transportation formula more equitable, stable, and responsive to the actual transportation needs of school districts and charter schools.

Analyst(s): Bedeau, All Analysts

Assessments and Accountability – Are the State’s Investments Closing the Achievement Gap?

Research Problem: As policymakers continue to inject funding into New Mexico’s public education system to respond to the needs of low-income students, English learners, Native American and Hispanic students, and students with disabilities, the state has few options to measure the impacts of its investments. A lapse in student assessment data caused by Covid-19 and an ongoing overhaul of PED’s assessment and accountability systems have severely limited the amount of data researchers and policymakers have to understand whether the state’s investments are truly closing the achievement gap. The Legislative Finance Committee (LFC) uses a set of performance standards to evaluate state agency budgets and understand whether state initiatives are “evidence-based,” but these performance standards are not applied to school district budgets, and are not always applied to the public school support appropriation or to the state’s “below-the-line” appropriations to PED. The Legislature may wish to consider a means of holding PED, school districts, and charter schools accountable using research- and evidence-based metrics designed to measure the breadth of achievement gap, assess whether it has grown since Covid-19 school closures, and determine whether the state’s investments are impacting school district spending decisions and student outcomes. However, policymakers will need to agree on which metrics should be used and carefully design a comprehensive legislative accountability platform to clarify the relationship between funding and data-driven outcomes.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • Do other states tie funding to student outcomes, especially following school finance reforms? • Do school finance reforms intended to increase equity among school districts typically close the achievement gap? • About how much progress per year should the state expect to see for low-income students and underperforming school districts? • What other nonacademic indicators – like physical, social, and emotional health or parent engagement – are lead predictors of academic improvement? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • What types of data are currently available? Can the state use existing data collected and reported in STARS, NM DASH plans, NM Vistas, or the new financial data system under construction pursuant to Laws 2020, Chapter 71 (SB96)? 	<p>Data Required:</p> <ul style="list-style-type: none"> • LFC, LESC, and PED will need to develop metrics to be included in periodic reports. These metrics may include the following: <ul style="list-style-type: none"> • Money spent in the classroom; • Money budgeted for at-risk student supports; • Teacher and principal turnover in spring and fall; • Teacher preparation program enrollment and students on track to graduate; • Improvement due to PED-led professional development; • Number of classrooms with certified and qualified teachers; • Student attendance at every nine-week interval; • Schools implementing schoolwide and school districts implementing districtwide extended learning time programs; • Interim and short-cycle student achievement results; and • High school students on-track for graduation.
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Expected Outcome of Research: LESC staff will work with LFC staff and PED to identify a set of metrics to track the state’s progress in closing the achievement gap, and LESC will receive quarterly presentations on metrics of interest to policymakers as they prepare draft legislation and the state’s annual public school support budget.

Analyst: Canada

Educator Workforce

Research Problem: In New Mexico, teacher demand outpaces the number of teachers prepared each year and oftentimes the teachers who are prepared are not certified to teach in high-need areas such as science, math, technology, bilingual, special education, and early childhood, many areas that were identified as gaps in the state’s education system in the consolidated *Martinez-Yazzie* lawsuit. Staffing challenges are responded to through an increasing number of alternative license teachers, long-term substitutes, and combined classrooms. The consolidated *Martinez-Yazzie* lawsuit identified well-trained staff as essential to ensuring all students have access to a high-quality education. Additionally, nationally and in New Mexico the teacher workforce does not reflect the diversity of public school students. Studies show students from diverse backgrounds perform better on standardized tests, have improved attendance, and are suspended less frequently when they have at least one same-race teacher. The current needs, gaps, and effectiveness of the educator workforce are difficult to quantify on a statewide level. Current estimates of the state of the workforce are challenged by availability, reliability, and connectivity of data.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • How do other states quantify and assess their educator workforces? • What indicators and data are used to determine supply and demand of educators? • How do other states define “educator shortages”? • How do other states measure the impact of legislative investments on the progress of their workforce? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • Work with educator preparation programs across the state to see how meaningful the current Educator Accountability Report is for their continuous improvement process. Learn how educator preparation programs help fill ongoing vacancies through recruitment and placement. • Work with PED to determine what data it currently has that can aid in assessing the needs and gaps of the workforce such as: class loads, licensure trends, substitute placements, and others. • Work with school districts to determine the actual need of teacher positions, data availability that can contribute to the Educator Accountability Report, and what statewide data would be useful when filling positions. 	<p>Data Required:</p> <ul style="list-style-type: none"> • Assessment of data availability that can be informative to a statewide assessment of the current workforce. Data sets can include: <ul style="list-style-type: none"> • Statewide demographic data for educator preparation program students, current teachers, and students; • Statewide licensure data by alternative license and license level; • Retirement and retention trends; and • Statewide long-term substitute assignments and class size ratios to determine vacancies not in NMSU SOAR report. • Combine data sets on student enrollment and staff availability to determine actual needs.
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Expected Outcome of Research: The status of the current workforce and its needs will help the Legislature target policy changes and investments to recruit high-quality educators and place them where needed. Since the state has been struggling with staffing over the past few years and has made significant investments to help make it whole, the Legislature needs to have a way to assess progress towards ensuring each student has access to a qualified teacher. Hearings through the interim and staff briefs will explore this issue further to bring recommendations to the Legislature in the 2022 legislative session on how to amend requirements for the current statutorily required Educator Accountability Report.

Analyst(s): Canada, Juliani

Quality Preparation for Education Leaders and Teachers

Research Problem: A growing body of research continues to verify that the quality of principals and teachers significantly affect student outcomes, and the consolidated *Martinez-Yazzie* lawsuit findings agreed that effective leaders and instructors matter. Preparation can improve educator quality through ensuring education students are day-one ready to meet the unique needs of New Mexico's culturally and linguistically diverse students. School leaders report new teachers are not receiving preparation that trains them to deal with actual teacher duties. Successful school systems in top performing countries prepare teachers in prestigious research universities that are more selective and rigorous, and typically have longer student teaching experiences than those in the United States. Additionally, there are no approved alternative routes to licensure. In New Mexico, entry requirements into educator preparation programs continue to be lowered and more students are being taught by alternative licensed teachers. Further study in this area is needed to identify how current preparation offerings in New Mexico align with best practices and how the state can improve leader and teacher preparation to ensure educators are prepared to respond to the state's diverse student body.

Historical/Literature Review:

- Study best practices for teacher and administrator preparation in high-performing systems nationally and internationally.
- Examine how educator preparation programs across the nation define quality.
- Examine how states influence educator preparation through regulation and law, including reviewing licensure requirements.
- Study best practices for preparing teachers who are culturally and linguistically responsive to meet the diverse needs of students in the state such as Native American students, English language learners, students with disabilities, and low-income students.

In-State Review:

- Review how current standards and program requirements set by PED and educator preparation programs align with best practices. Work with PED to understand how they are assessing quality of programs through their accreditation process. Learn how educator preparation programs assess quality and the current challenges they face.
- Review how current licensure and preparation statutory requirements for leaders and teachers align with best practices.
- Work with educator stakeholders to determine what current preparation, ongoing professional development, and licensure barriers stand in the way of bilingual education.
- Work with educator stakeholders to determine what current preparation, professional development requirements, and licensure requirement barriers exist for general education teachers to utilize social and emotional and special education pedagogical strategies.
- Conduct a gap analysis of the state's current offerings and requirements against best practices.

Data Required:

- Catalog current leader and teacher preparation program offerings and program requirements across the state through data collection from many sources.
- Catalog national licensure requirements for general education teachers and requirements tied to content-area specialty.
- Catalog national and international preparation program requirement and offerings.

Expected Outcome of Research: In recent years, legislators have expressed interest in improving leader and teacher education in the state with the goal of having a high-quality diverse teacher workforce. LESC staff will organize hearings to examine this issue with the committee; share research and findings through staff presentations and briefs; and provide statutory and appropriation recommendations based on this work to improve New Mexico educator preparation. Statutory change recommendations may focus on more robust educator preparation program requirements or more requirements for PED-specific educator preparation program approval. Appropriation recommendations may include supporting evidence-based preparation strategies and support for educator preparation programs to improve offerings.

Analyst(s): Hathaway

College and Career Readiness: High School Graduation Requirements

Research Problem: Today's world of work and education requires students to have more than skill and competency in academic subjects to succeed. Competency in reading and math is necessary, but no longer all a student needs to succeed. Higher-order abilities, such as critical thinking and the application of knowledge to solve real-work problems, are crucial. New Mexico has not updated its graduation requirements in over a decade, making it worthwhile to assess if current graduation requirements continue to serve students and ensure they are prepared for any postsecondary experience they may choose after high school. Further, as part of the consolidated *Martinez-Yazzie* lawsuit, the court ruled the New Mexico Constitution requires the state to provide every student with the opportunity to receive an education that adequately prepares them to be college and career ready. The court also ruled the state is failing to meet this obligation, citing low graduation rates, insufficient proficiency in reading and math, and high rates of college remediation. Graduating from high school college and career ready is paramount for students to be successful. New Mexico last studied and comprehensively changed its graduation requirements in 2007 with these requirements becoming effective for students beginning high school in the 2009-2010 school year. Studying if the requirements developed at that time, including course requirements, content knowledge expectations, and graduation (exit) requirements, continue to be relevant for today's students is crucial to ensure the success of New Mexico's students in a rapidly changing economy and workplace. Amending statute to reflect knowledge gained and amend graduation requirements for students may be helpful to ensure New Mexico effectively and equitably serves middle and high school students to become college and career ready.

Historical/Literature Review:

- Complete a historical review of New Mexico's graduation requirements in statute over time.
- Study best practices in graduation requirements both globally and nationally; determine applicability to New Mexico.
- Study competencies and skills needed for workers in the 21st century.
- Assess graduation requirements regionally and compare these to New Mexico.

In-State Review:

- Study competencies of students and workers needed with relevant stakeholders including higher education institutions, employers, and PED.
- Review current course requirements, content knowledge expectations, assessment practices, and graduation (exit) requirements and determine how these align with best practices.
- Review existing statute requirements for students in both middle and high school grades.

Data Required:

- Graduation rates over time.
- Graduation requirements in statute over time.
- Numbers of students pursuing different pathways after high school (ex: four-year college, two-year college, workforce).

Expected Outcome of Research: LESC will gain an understanding of the competencies, skills, and coursework needed in middle and high school to ensure students graduate college and career ready. LESC will develop proposed legislation to amend graduation requirements.

Analyst(s): Hathaway

College and Career Readiness: Comprehensive College and Career Pathways

Research Problem: The current design of middle and high school in New Mexico fails to engage many students and adequately prepare them for college or the workforce, as evidenced by the state's low graduation rate and high college remediation rates. High school redesign focused on creating robust college and career pathways that equitably serve all students and include rigorous career and technical education (CTE) programs coequal with traditional academic pathways may offer more comprehensive college and career pathways for today's students. The National Conference of State Legislatures' report, *No Time to Lose*, notes countries with high performing education systems have strong systems of CTE that are "well-funded, academically challenging and aligned with real workforce needs." Although most New Mexico high schools offer one or more CTE courses, many existing programs are siloed and few contain all the elements identified by researchers as essential to effective CTE. The National Center on College and Career (ConnectED), for instance, recommends all CTE programs include rigorous academics, real-world technical skills, opportunities for work-based learning, and personalized student supports. College and career pathways, including CTE programs, have become a focus of state lawmakers. In the 2019 legislative session, the Legislature enacted a seven-year CTE pilot project, known as Next Gen CTE (Section 22-1-12 NMSA 1978). This year the Legislature appropriated \$3 million to the CTE fund. Studying New Mexico's secondary education model, including graduation requirements and existing CTE programs, and comparing it to successful systems in other states will enable LESC staff to make recommendations for improving college and career pathways.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • Research effective models of college and career pathways; evaluate applicability to New Mexico. • Monitor Perkins V legislation and comprehensive local needs assessment process to understand how state and federal funding streams can be braided. • Compare existing CTE programs in New Mexico with international and national best practices. 	<p>In-State Review:</p> <ul style="list-style-type: none"> • Consult with ConnectED, the Learning Policy Institute, and other organizations as identified about strategies to improve college and career pathways in New Mexico. • Track PED's ongoing comprehensive local needs assessment to understand how Perkins funding will be allocated in FY22. • Track PED awards of Next Gen CTE funds. • Work with other LESC staff to develop cost estimates for expanding college and career pathway programs statewide. 	<p>Data Required:</p> <ul style="list-style-type: none"> • A listing of all existing programs in the state, including information about the programs such as opportunities for work-based learning. • State-level information on the impact of CTE on student outcomes. • Data on the cost of offering various college and career pathways including CTE, dual credit, and early college high schools.
<p>Expected Outcome of Research: LESC staff will study national and international best practices for systems of college and career pathways and make recommendations to improve CTE, high school redesign, dual credit, and inclusion of related best practices in high school in New Mexico.</p>		
<p>Analyst: Hathaway School Choice: Virtual Charter Schools</p>		
<p>Research Problem: Many students at virtual charter schools are not receiving a quality education. New Mexico's virtual charter schools routinely demonstrate low performance as measured by proficiency scores, graduation rates, and dropout rates. A 2017 program evaluation conducted by LESC and LFC found students at virtual charter schools experience between 91 and 161 fewer days of learning than the average brick-and-mortar school student. A national organization, the Center for Research on Education Outcomes (CREDO), found similar findings – in a 2019 report that studied New Mexico, CREDO reported weak growth in math and reading performance among virtual charter school students results in ~130 days fewer of learning in reading and 118 fewer days of learning in math each year. Despite these findings, the number of virtual charter schools nationwide has increased in recent years and around 2,200 students attend one of the two virtual charter schools in New Mexico. Many virtual charter schools contract with private entities for curriculum, instructional materials, and other services. Both of New Mexico's virtual charter schools contract with Connections Academy, a for-profit company owned by Pearson Education. Management issues at virtual charter schools have also been documented in New Mexico. Developing statute to establish oversight, accountability, and funding provisions for virtual charter schools, which differ from traditional brick-and-mortar schools in several ways, may help address observed challenges with student performance and ensure equity in these schools.</p>		
<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • Review state-level information on virtual charter schools, including performance data from each of New Mexico's virtual charter schools and the program evaluation produced by LESC and LFC. • Research statutes pertaining to virtual charter schools in other states. • Review national research on performance and oversight at virtual charter schools. • Review virtual charter school contracts. 	<p>In-State Review:</p> <ul style="list-style-type: none"> • Identify, communicate, and meet as necessary with a bill sponsor to identify essential provisions of a virtual charter school act. • Correspond and meet with representatives of New Mexico's virtual charter schools to understand their concerns and obtain feedback on any proposed draft of a virtual charter schools act. • Correspond and meet with other stakeholders in the virtual charter school space, such as the Public Education Department and Public Charter Schools of New Mexico, to obtain feedback on the draft virtual charter schools act. 	<p>Data Required:</p> <ul style="list-style-type: none"> • Enrollment and demographic data on NM's two virtual charter schools. • Performance data on NM's virtual charter schools, including the now-closed New Mexico Virtual Academy, such as graduation rate, dropout rate, and proficiency scores. • Detailed information on budgets and funding at virtual charter schools, including the percentage of operational budgets used to service contracts with Connections Academy.
<p>Expected Outcome of Research: LESC staff will study performance, funding, and oversight at the state's virtual charter schools and conduct research on national best practices. LESC will develop a draft virtual charter schools act.</p>		

Analyst: Hathaway, Bedeaux

School Choice: Affordability and Accessibility of Charter School Facilities

Research Problem: Charter schools typically have limited access to local school district tax and bond revenues used for school facilities. Instead, they must rely on alternative sources of public and private funds to pay for their facilities. Charter schools in New Mexico have raised concern about their ability to access existing facility funding and generally obtain public financing for charter schools. This has resulted in concern about charter schools finding permanent space that is affordable and accessible. In New Mexico, charter schools are eligible for capital outlay funding if they meet certain criteria intended to ensure they will be reauthorized, are housed in public facilities or meet certain exemptions, are included in school district facility master plans, and do not move into facilities that are below the statewide average public school facility condition. New Mexico charter schools, like school districts, are eligible for capital funding if they meet certain statutory criteria. There are four basic funding sources for capital outlay at charter schools: lease assistance and standards-based funding awards, the Public School Capital Improvements Act, the Public School Buildings Act, and general obligation bonds. In some instances, there is a funding gap between charter schools that meet these criteria and charter schools that do not, making it unclear if the difference in per-student funding levels is an access or process issue.

Historical/Literature Review:

- Review state-level information on charter school facilities.
- Research how New Mexico's system of funding charter school facilities compares nationally.
- Review how other states, particularly those with large portions of federally-impacted school districts, provide funding for school facilities.

In-State Review:

- Conduct site visits of charter schools statewide to better understand facility needs.
- Review *Zuni* lawsuit to understand legal and historical precedent to build facilities adequate for student instruction.
- Correspond and meet with other stakeholders in the charter school facility space, such as PED, Public Charter Schools of New Mexico, the Public Education Commission, the Public School Facilities Authority, and the Public School Capital Outlay Council, to obtain feedback on facilities needs in charter schools.

Data Required:

- Enrollment and demographic data on NM's charter schools.
- Lease assistance information for affected charter schools.
- Data on the number of affected charter schools and current facility needs.
- Estimate of additional funding needed for affordable access to charter school facilities.

Expected Outcome of Research: LESC staff will study charter school needs as it pertains to facilities and develop best practices to fund capital outlay at charter schools that also comply with statutory guidelines and equitably meet the needs of charter school students.

Analyst: Hathaway

School Choice: Quality Charter School Authorizing Practices

Research Problem: Among both state and locally chartered charter schools, charter school authorizers have sometimes struggled to provide proper oversight despite efforts to enhance accountability. There are currently 96 charter schools serving just over 27 thousand students in New Mexico. In accordance with the Charter Schools Act, charter schools in New Mexico can be authorized by two entities: the Public Education Commission, a state commission with 10 elected commissioners administratively supported by the Options for Parents and Families Division at PED; or a local school district, under whose jurisdiction a charter school operates. Of the 96 charter schools in New Mexico, 54 charter schools are authorized by the PEC (state chartered) and 44 charter schools are authorized by local school boards (locally chartered). Studying best practices in charter school authorizing and comparing this with New Mexico's model of authorizing charter schools could allow LESC to make recommendations about authorizer practices, charter school governing board membership, and related issues to ensure quality authorizing practices statewide.

Historical/Literature Review:

- Review nationwide research on models of how charter schools are authorized.
- Research statutes pertaining to charter school authorization nationwide.
- Review national research on performance and oversight at charter schools.

In-State Review:

- Review historical development of charter school authorizing practices in New Mexico including statute and any available evaluation of currently used models.
- Correspond and meet with other stakeholders in the charter school space, such as the Public Education Department, the Public Education Commission, Public Charter Schools of New Mexico, and other entities as identified to obtain feedback on the draft virtual charter schools act.

Data Required:

- Enrollment and demographic data on NM's charter schools.
- Performance data on NM's charter schools, such as graduation rate, dropout rate, and proficiency scores.
- Detailed information on budgets and funding at charter schools.

Expected Outcome of Research: LESC staff will study quality statewide authorizing practices and develop recommendations about how New Mexico can adapt or alter its practiced to ensure high-quality, accountable, and responsive authorizing practices.

Analyst: Hoxie

Supports for Communities and Families – Pillars of School Readiness

Research Problem: Despite significant investment in early childhood education, not all students are day one ready for kindergarten. The achievement gap between students from low-income backgrounds and their more affluent peers remains largely consistent throughout a student’s academic career. Although New Mexico has an expansive early childhood education and care system, there is an important opportunity to develop a shared definition of school readiness that will help inform early childhood education strategies, approaches, and evaluations. A shared definition could lead to greater consistency across the early child care system and improve school readiness outcomes for New Mexico’s youngest learners.

Historical/Literature Review:

- How does having a definition of school readiness impact a state’s or country’s elementary school academic achievement?
- What does research and best practice say about the pillars of school readiness (17 state project)?
- What does it take to support a “ready family” for school readiness? What resources do states that are doing this well provide?

In-State Review:

- Attend “school readiness” working group meetings with the Early Childhood Education and Care Department (ECECD), LFC, and PED
- What are the pillars of school readiness ECECD and PED are already focusing on in their prekindergarten programs? Why are these the pillars?
- How does New Mexico’s early childcare system align with the “Ready Family” and “Ready Community” pillars of school readiness?
- Meet with Bruce Atchison and other experts in the field of school readiness to understand next steps for New Mexico.

Data Required:

- Alongside other agencies, determine a definition of school readiness specific to New Mexico.
- State-wide comparison of how prekindergarten programs prepare students for kindergarten.
- Kindergarten Observation Tool data to determine areas of alignment and misalignment with school readiness pillars.

Expected Outcome of Research: LESC staff will review school readiness pillars, work alongside other agencies to propose a school readiness definition, and potentially work towards LESC endorsed legislation related to school readiness.

Analyst: Hoxie

Extended Learning Time Programs – Calendar Reform

Research Problem: The 2008 American Institutes for Research (AIR) study of New Mexico’s public school funding formula noted an extended school year would increase the opportunity for a student to gain mastery of grade-level skills and knowledge. Specifically, AIR recommended adding an additional five days to the school calendar for all students in New Mexico. At the time, 66 percent of public school districts and charter schools on a five-day scheduled provided 180 instructional days that was, at the time, required by statute. However, New Mexico schools have gone backwards in instructional days offered; in the 2020-2021 school year, that average number of instructional days provided by school districts and charter schools on a five-day calendar is 177, with one school district only requiring 163 instructional days. During the 2021 Legislative Session, SB40 attempted to implement calendar reform by way of mandated extended learning time programs in FY22, however, that provision was amended out prior to the legislation’s passage. If New Mexico is going to close the achievement gap that was a focus on the consolidated *Martinez-Yazzie* lawsuit, it is important to better understand if potential calendar reforms could lead to better student outcomes.

Historical/Literature Review:

- Study best practices around school calendar length internationally.
- Examine other states approaches to school year length.
- What are the barriers across the country to school calendar reform? How are those barriers being addressed?
- What research, beyond AIR study, supports the extension of the school calendar? Are there factors beyond additional instructional time that contribute to better academic outcomes?
- How are students social and emotional learning impacted, if at all, by an extended school calendar?

In-State Review:

- Analyze high performing school district and charter schools compared to instructional time offered.
- Meet districts offering the AIR study recommend instructional time to understand outcomes, if any, they see aligned with the additional time.
- Meet with PED to better understand barriers and potential solutions to state wide school calendar reform.
- Meet with National Center on Education and the Economy, Learning Policy Institute, and others to learn about findings related to extended school calendars.

Data Required:

- Comparison of instructional days offered and academic achievement results across public school districts and charter schools in New Mexico.
- Dataset on instructional time required in states with high performing education systems.

Expected Outcome of Research: LESC staff will study calendar reform, analyze current instructional time practices of high performing districts and charter schools, and make recommendations to the LESC on calendar reform.

Analyst: Hoxie

Early Childhood Education – Effectively Planning for New Funding Streams

Research Problem: In the past three years the Legislature has made significant changes to the early child care system by creating a new lead early childhood department and endowment fund. In FY22 New Mexico is poised to receive \$406.3 million in recent federal Covid-19 stimulus spending. This nonrecurring funding source must be spent in full by federal FY24. Additionally, if approved by voters, the early child care system could see an additional \$126.9 million beginning in FY23 from an increased distribution to the permanent school fund of the land grant permanent fund that is earmarked for early childcare spending. While new financial resources could be beneficial for New Mexico’s earliest learners, effectively spending the considerable influx of additional funds could be challenging. Therefore, studying sustainable ways to expand and improve quality of the early child care system in New Mexico can inform future legislative action and investments around early childcare spending.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • What guidance is the federal government providing on how the Covid-19 targeted relief funds should be spent? How are other states using funds sustainable? • What are best practices for improving the quality of early childcare education systems (ECE) on the front end? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • Meet with ECECD and PED to better understand the funding gap as they see it between the \$500.9 million in total early childhood. education and care spending and the additional \$500 million they noted was needed to fully fund the ECE in New Mexico. • Beyond prekindergarten, what ECECD programs have the greatest alignment with strong academic outcomes? Which programs are most successful and why? • Meet with ECECD, CYFD, Cradle to Career Institute, and LFC to understand the additional financial need of home visiting and early prekindergarten programs. 	<p>Data Required:</p> <ul style="list-style-type: none"> • Compile data on how ECECD will spend Covid-19 federal funding. • Compile data on high quality childcare and prekindergarten centers across the state. • Review approaches taken across the country to rapid increases in ECE funding.
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Expected Outcome of Research: LESC staff will study effective uses of potential new funding sources and make recommendations to LESC on future targeted investments.

Analyst: Hoxie

Early Childhood Education – Workforce Development

Research Problem: Inconsistencies among early childhood professional licensure requirements, education requirements, and compensation pose a challenge as New Mexico consolidates and expands early childhood education services. Public prekindergarten teachers, overseen and licensed by PED, now in partnership with ECECD, are required to have a bachelor’s degree and are paid according to the three-tiered licensure system for all public school teachers, resulting in higher pay than other programs. Early prekindergarten and prekindergarten programs overseen by ECECD are not required to have licensed or degreed teachers. According to data from FY18, the most recent available, the median hourly wage for a prekindergarten teacher ranges from \$12.89 for a private early prekindergarten or prekindergarten teacher through ECECD to \$33.35 for a public prekindergarten teacher through PED.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • What are best practices for early childhood professional licensure requirements, education requirements, and compensation? • How have early childhood educator wages changed over time across sectors in New Mexico? • How do early childhood educator wages in New Mexico compare with other states? • How do other states with bifurcated systems handle these issues? • How do current early childhood professional licensure requirements and education requirements impact the quality of the early childhood workforce? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • Meet with ECECD and PED to understand their plans for a wage and career ladder for early childhood educators. • Meet with early childhood teacher education providers, including Santa Fe Community College, University of New Mexico, and New Mexico State University, to understand pathways for early childhood educators and how they compare. • Meet with five star rated child care centers to better understand workforce issues related to recruitment and retention across the state. • Meet with ECECD and PED to better understand how the departments define a “quality early childhood workforce.” 	<p>Data Required:</p> <ul style="list-style-type: none"> • A listing of New Mexico early childhood educators across settings and highest degree attained and hourly wages in the last five years from ECECD, PED, and Head Start if possible. • Analyze the New Mexico Educator Vacancy report from New Mexico State University to better understand the pipeline of early childhood educators and ongoing needs. • Professional licensure requirements for early childhood educators in New Mexico.
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Expected Outcome of Research: LESC staff will study the state’s approach to early childhood workforce development across agencies, conduct a gap analysis of current practices, and make recommendations to LESC regarding solutions.

Analyst: Hoxie

Early Childhood Education – Early Literacy

Research Problem: Student reading proficiency rates on the state’s standards-based assessment have stagnated, remaining below 30 percent since FY15. In addition, on New Mexico’s standards-based assessment in FY19, economically disadvantaged third graders performed 24 percentage points below non-economically disadvantaged third graders in achieving reading proficiency. Third grade reading proficiency is of particular concern because third grade is when students switch from learning to read to reading to learn, and third grade students who cannot read on grade level are more likely to drop out of high school. The scale of the achievement gap between at-risk students and their peers was a focus of the plaintiff’s in the consolidated *Martinez-Yazzie* lawsuit. For FY21 and FY22, the Legislature appropriated \$14 million for early literacy programs, including \$9.6 million in the state equalization guarantee (SEG) for school districts and charter schools to provide evidence-based structured literacy interventions to improve reading and writing achievement for kindergarten through second grade students and \$1.66 million in nonrecurring funds for an early literacy summer professional development program and other early literacy initiatives. However, little is known about how these appropriations will impact student reading proficiency, particularly in regards to closing the achievement gap in reading.

Historical/Literature Review:

- What are best practices for teaching reading and other early literacy skills to kindergarten through second grade students?
- What is New Mexico doing to ensure kindergarten through second grade teachers are educated in the science of teaching reading?
- What role do assessments play in early literacy? What types of assessments are most meaningful for responding to data?
- What are other states doing to close the achievement gap in reading proficiency before third grade?

In-State Review:

- Participate in Structured Literacy Working Group.
- Meet with public school districts and charters schools who are outperforming state averages to understand their approaches to early literacy.
- Review statute and rules in place around early literacy and identify gaps in best practices and teacher education.
- Review professional development being offered to elementary teachers relating to early literacy.

Data Required:

- Work with PED to determine how to best to provide support to teachers and school leader to align their literacy instruction approach to evidence-based best practice.
- Obtain lstation assessment student data from PED, along with an understanding of how this benchmark assessment aligns with the new third through eighth grade standards-based assessment.
- Compile student achieve data from PED showing public school districts and charter schools who are successfully supporting students who are English language learners, Native American, or from low-income backgrounds.

Expected Outcome of Research: LESC staff will study the achievement gap in reading proficiency in kindergarten through third grade students and identify best practices and make recommendations to the Legislature regarding evidence-based solutions.

Analyst(s): Juliani

Learning – Indian Education Programming

Research Problem: The Indian Education Act, enacted in 2003, and the resulting Indian education fund were intended to improve outcomes for Native American students by ensuring access to equitable and culturally relevant instructional materials and learning environments. However, as noted in the ruling in the consolidated *Martinez-Yazzie* lawsuit the state has made little progress in realizing the intended results of the act. Native American students have historically experienced the largest achievement gap next to students with disabilities, and outcomes for Native American students have not improved despite the nearly two decades of efforts and increased funding since enactment of the Indian Education Act. Many historically defined Indian-impacted school districts and charter schools have not taken advantage of programs that extend instructional time, such as K-5 Plus and the Extended Learning Time Programs. With the new at-risk index and the Impact aid ruling, many school districts and charter schools will have increased funding to support the needs of Native American students in addition to the \$5.25 million appropriated during the 2021 legislative session to the Indian education fund to provide services designed to close the achievement gap. While schools will have more funds available to support Indian education in FY22 and beyond, it remains unclear what programming expenditures have supported, how effective implementation has been, and if statutory requirements are being met.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • How has the state funded Indian education? • What does statute mandate related to Indian education and programming for students and staff? • How will recent court cases impact Indian education funding, and specifically, programs to improve educational outcomes for Native American students? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • Has each of the historically defined Indian-impacted school districts and charter schools submitted completed needs assessments? • What were the results of schools' needs assessments? • What systemic frameworks have schools formulated in response to the findings of the needs assessments? • What programs have schools implemented? Are they culturally relevant, and are they based on the local needs assessment? 	<p>Data Required:</p> <ul style="list-style-type: none"> • Funding and expenditure data for grant recipients. • Results of schools' needs assessments. • Copies of systemic frameworks from a sampling of school districts and charter schools.
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Expected Outcome of Research: LESC will gain an understanding of the needs identified by Native-serving school districts and charter schools to improve outcomes for Native American students, the systemic frameworks and programs implemented in response, and to what extent schools are meeting their statutory requirements in the Indian Education Act.

Analyst: Juliani, Canada

Learning – Bilingual and Multicultural Education Programs

Research Problem: The 1st Judicial District court in the consolidated *Martinez-Yazzie* lawsuit found the needs of at-risk students, including English learners (ELs), were not being met by the state's public education system. The court identified bilingual multicultural education as an example of programming that can improve the outcomes of at-risk students, particularly ELs. However, less than half of New Mexico's ELs have access to a bilingual multicultural education program, and many of these programs provide only one hour of language development each day, while, research indicates, students would be better served by daily three-hour programs. The public school funding formula provides school districts and charter schools with additional funds to pay for bilingual multicultural education programs, but many school districts argue the funding is insufficient to cover the costs of these programs.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • What are the best practices associated with bilingual multicultural education programs to improve student outcomes? • What are the costs of materials and services necessary for an effective bilingual multicultural education program? • What are the barriers to increasing student access to and participation in bilingual multicultural education programs? • Are the state's teacher preparation programs graduating enough students able to receive a bilingual licensure endorsement and prepared to adequately support and grow bilingual multicultural education programs? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • Work with school districts and charter schools to understand how schools budget their bilingual multicultural education program dollars. • Work with PED and other stakeholders to develop cost models for different kinds of bilingual multicultural education programs. • Work with PED and other stakeholders to examine varying models of bilingual multicultural education programs. • Work with PED/HED to determine how many graduates of the state's teacher preparation programs are going into the field and where they are being hired (i.e., in state vs. out of state). • Compare performance of students in non-state funded BMEPs performing with students in state-funded BMEPs. 	<p>Data Required:</p> <ul style="list-style-type: none"> • Student GPAs and performance data on short-cycle assessments for those enrolled in bilingual multicultural education programs. • Budget and spending data for Kindergarten – 12th Grade bilingual multicultural education programs. • WIDA and ACCESS data (identification of ELs). • Higher education data on graduates of the state's teacher preparation programs.
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Expected Outcome of Research: LESC staff will identify costs associated with different models of bilingual multicultural education programs, identify bilingual multicultural education models that can most improve student performance, identify barriers to student participation in bilingual multicultural education programs, and determine if funding available for bilingual multicultural education programs is sufficient. Research could result in committee-endorsed legislation or budget recommendations.

Analyst: Juliani

Learning – Quality of Services for Students with Disabilities

Research Problem: The consolidated *Martinez-Yazzie* lawsuit found the state was failing to provide an adequate education to at-risk students, including those with disabilities, and ruled the state violated the rights of at-risk students by failing to provide them with a uniform statewide system of free public schools sufficient for their education. Advocates and parents have argued the state is failing to provide services to students with disabilities, and efforts ensued during the 2021 legislative session to strengthen oversight of special education in the state. Local school districts and charter schools historically have determined how to spend their special education funds with little oversight from PED to assure school districts are spending money most efficiently to provide at-risk students with the programs and services needed to obtain an adequate education. Additionally, federal law mandates state and local education agencies must maintain the level of state and local funds they spend to support special education from one fiscal year to the next, known as maintenance of effort (or MOE). For FY22 and FY23, the state will have increased federal funds from recent federal Covid-19 stimulus funding and enhanced oversight for special education from its new Office of the State Special Education Ombudsman (Laws 2021, Chapter 53), charged with identifying, investigating, and resolving concerns pertaining to special education filed with the office by parents and assist students and parents in protecting the educational rights of students and ensuring schools are meeting students' needs.

Historical/Literature Review:

- How does the state's special education funding formula impact state and local MOE?
- What have been the findings of the state's IDEA Advisory Panel in regard to funding and MOE?
- How have other states' public education funding formulae operated to provide programs and services to students with disabilities while adhering to MOE requirements?
- What are the materials and services necessary to provide students with disabilities with a sufficient education to prepare them for college and career?

In-State Review:

- Review PED monitoring and reporting requirements for holding school districts and charter schools accountable to provide high-quality programs for students with disabilities.
- Review sampling of school budgets to ascertain how school districts and charter schools are using funds to support students with disabilities.
- Meet with local special education directors to understand types of state-level support and ways schools ensure quality and appropriateness of services to students.
- Evaluate the degree of use and effectiveness of PED's new on-line MOE calculator in ensuring local-MOE levels are being met.
- Include a committee hearing on how special education funds are being used to inform recommendations for FY22.
- Meet with the State Special Education Ombud to better understand their work and the types of concerns from parents and students.

Data Required:

- Budget and spending data for special education programs.
- Results of PED and federal audits of special education spending in the state.
- Analyze relevant data from IDEA Advisory Panel annual report.
- Relevant data from the Office of the State Special Education Ombudsman related to grievances/concerns concerning special education funding and spending.

Expected Outcome of Research: LESC staff will ascertain whether school districts and charter schools are using federal and state funds appropriately to directly impact students with disabilities and will be able to make recommendations on providing fiscal and programmatic oversight and support to school districts and charter schools.

Analyst(s): Juliani

Learning/School Climate – Social Emotional Learning Post-Covid-19

Research Problem: Recent research has indicated academic, social, and emotional learning are interdependent, and optimal learning requires the ability to regulate emotions and activate cognitive skills as well as social skills, such as communication and cooperation, elevating the need for schools to provide their students opportunities to develop social and emotional learning skills. Social and emotional learning (SEL) has been commonly defined as "the process through which individuals understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions." SEL's significance has grown considerably over the past year due to statewide school closures and the shift to remote learning, which has, by all accounts, increased the social and emotional challenges facing students. In 2020, PED provided guidance to school districts and charter schools on supporting students' social-emotional wellness through SEL instruction. School reentry plans in fall 2020 included SEL instruction to enhance students' capacities in response to the on-going trauma and stressors brought on by the pandemic, and many school districts, particularly smaller, rural ones, were in the process of developing school-wide SEL curricula. It is unclear, however, to what degree these curricula will be implemented as stand-alone supplements or as integrated components within existing classroom instruction, as the prevailing research recommends. During the 2021-2022 school year, SEL will be critical as schools search for ways to address students' non-academic needs. However, providing holistic supports to students often falls specialists, such as a counselor or special education teacher, raising questions about the preparation of both current and future teachers to ensure students' SEL needs are met so that students can learn regardless of the instructional format (i.e., remote, hybrid, or in-person).

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • What are considered to be best practices in SEL instruction? • How have the 2020 and 2021 school closures affected the social and emotional well-being of K-12 students? • How have the 2020 and 2021 school closures affected how schools nationwide have approached and taught SEL? • How is SEL commonly being measured? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • What types of SEL programming are PED, school districts, and charter schools providing and how are they being funded? • To what degree do the programs reflect culturally and linguistically responsive instruction? • Does this programming align with research and best practices? • How is PED monitoring and assessing local implementation? Is PED having schools attempt to measure student learning in SEL? • What types of supports have PED, school districts, and charter schools given teachers in providing SEL instruction? • How are teacher preparation programs equipping their graduates with the necessary skills and knowledge to support students' SEL needs in the classroom? • How are teachers ensuring students' SEL needs are being met and students are ready to learn regardless of format (i.e., remote, hybrid, in-person)? • How are school districts and charter schools measuring effectiveness in implementation and assessment of students' SEL? 	<p>Data Required:</p> <ul style="list-style-type: none"> • Funding sources and expenditure data. • Student participation in SEL instruction and any SEL program assessment data. • Types of SEL programming schools are providing. • Higher education data on coursework and course content for graduates of the state's teacher preparation programs.
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Expected Outcome of Research: LESC staff will have a better understanding of what PED and schools are doing to address SEL instruction and will identify ways the state can provide effective SEL support to students and teacher preparation in SEL instruction.

Analyst(s): Juliani

School Climate – Equitable Application of School Discipline

Research Problem: During the 2021 legislative session, a primary theme within much education-related legislation was the discriminatory nature and often inequitable application of school discipline policies, leading to minority students and students with disabilities being subjected to school discipline at a disproportionate rate than their peers. Schools in many states have begun to implement less punitive forms of discipline, labeled progressive discipline. Research has indicated punitive discipline negatively impacts students' social-emotional development and academic performance, while finding progressive discipline improves academic performance and reduces the likelihood that disciplined students will enter the juvenile justice system. A recent development has focused on varying approaches to student discipline and brought into contrast the long-standing use of punitive disciplinary measures, such as suspension and expulsion, with the adoption of non-punitive methods designed to address the root causes of a student's misbehavior while keeping the student in school. In New Mexico, the application on progressive discipline, such as restorative justice, has been limited to responses to bullying through the Safe Schools for All Students Act, enacted in the 2019 legislative session, whereby PED has encouraged schools to use reflective activities, counseling, participation in skill-building and resolution activities, community service, and in-school detention or suspension. The extent and efficacy of schools' use of progressive discipline remains unclear because PED does not currently measure these aspects related to school discipline.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • What does research indicate regarding school discipline policies and student outcomes? • What is the research on use of punitive vs non-punitive/progressive means of school discipline? • What approaches to school discipline are being used nationwide? What are the national trends? • What are the best practices in district- and school-wide implementation of progressive discipline? • What are schools doing to improve school climate to prevent actions that may lead to discipline? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • What guidance is PED providing schools in school discipline? • What programs are schools implementing and how do they align with best practices and other findings/recommendations from research? • How are PED and schools assessing the efficacy of implementation of school-wide or district-wide progressive discipline policies? • What measures are schools taking to create a positive school climate? 	<p>Data Required:</p> <ul style="list-style-type: none"> • Annual PED student discipline data showing types of infractions and disciplinary measures taken (disaggregated by ethnicity and special education v. non-special education). • Student GPA data to understand any correlation between use of different disciplinary approaches. • Qualitative data related to application of school discipline policies.
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Expected Outcome of Research: LESC staff will consider ways that public schools in the state can identify and implement more progressive forms of school discipline in an equitable manner. Staff will also consider ways public schools can achieve greater equity in school discipline possibly through changes to current statute.

Analyst(s): Juliani

School Climate – Student Access to School-Based Healthcare and Other Social Services

Research Problem:

Currently, in New Mexico’s public schools, student access to healthcare and other social services is uneven and wide discrepancies exist among schools and it remains unclear how the ethnically diverse needs of students and families are being met. Racially and ethnically diverse communities often encounter significant barriers to access to quality healthcare, such as language, access to health insurance, lack of culturally competent care, and implicit bias among healthcare providers. According to U.S. Census Bureau data, by 2044, the United States is projected to become a majority-minority nation, with no single racial or ethnic group expected to represent greater than 50 percent of the total population. In 2013, the U.S. Department of Health and Human Services’ Office of Minority Health developed the culturally and linguistically appropriate services standards to advance health equity, improve quality help, and eliminate disparities in healthcare. Culturally and linguistically appropriate services are respectful of and responsive to each person’s culture and communication needs and takes into account cultural health beliefs, preferred languages, health literacy levels, and communication needs.

Many schools in the state fall significantly short of the recommended ratio of 750 students for every one school nurse, and New Mexico has no statewide initiatives or programs providing culturally appropriate social services to elementary and secondary school students. Access to such programs is scattered and largely dependent on local resources and initiatives, such as collaboration with local school-based health centers and other community partners. House Bill 287 would have required PED to convene a Social Services in Public Schools Task Force to evaluate students’ access to culturally appropriate social services in schools by conducting an asset mapping and gap analysis to determine their availability and accessibility. HB287 passed both chambers with only one dissenting vote, but was vetoed by the Governor, who nonetheless indicated she will direct PED to establish an ad hoc task force to examine the issues identified in HB287 and report its findings and recommendations by December 31, 2021.

Historical/Literature Review:

- What does the research indicate regarding school-based healthcare and culturally and linguistically responsive social services (i.e., efficacy, access, outcomes)?
- What are “best practices” regarding culturally and linguistically responsive social services?
- What types of programming in these areas are other states providing K-12 students?

In-State Review:

- What types of school-based healthcare exist in the state?
- What are PED and schools doing to provide both school-based healthcare and culturally and linguistically appropriate social services?
- What types of services/programs can students access through schools?
- How is the state (PED/HSD/DOH) measuring student access to and efficacy of these services?

Data Required:

- Data on number of school-based healthcare providers (i.e, school nurses and school-based health centers)
- Data on number of students utilizing these services and for what areas of need (i.e., physical, behavioral, mental health)
- Findings and recommendations from the new PED task force to be created by the Governor

Expected Outcome of Research: LESC staff will provide an update on the work of the Governor’s task force and identify ways that New Mexico’s public schools can enhance student access to school-based healthcare and other social services. Research could result in committee-endorsed legislation or budget recommendations.

Analyst(s): Simon/Canada

Staffing Cost Multiplier Report

Research Problem: As part of reforms to align the funding formula’s staffing cost multiplier with the three-tiered licensure system, the Legislature adopted the teacher cost index, which provides school districts and charter schools with additional funding as teachers advance through the licensure system. Previously, a school district or charter school would not necessarily receive additional funding as a teacher’s licensure level advances, even though statutory minimum salaries increase with a teacher’s licensure level. Section 22-8-49 NMSA 1978 requires PED, LESC, and LFC to prepare and submit an annual report analyzing the relationship among licensure level, degree level, years of experience, and salary. This provision was designed to ensure the state was regularly reviewing the financial impact of licensure advancement on school districts and charter schools and, if necessary, recommend changes to the public school funding formula to ensure funding is aligned with costs.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • What were the changes to the staffing cost multiplier intended to accomplish and were the changes effective in meeting that goal? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • Work with stakeholders to identify if the staffing cost multiplier is effectively compensating school districts and charter schools for increases in the licensure level of teachers. • Determine if the additional formula funding for licensure advancement covering the costs of licensure advancement in school districts and charter schools of difference sizes. • Study if the changes in the staffing cost multiplier have reduced budget shortfalls caused by an experienced teacher retirement. 	<p>Data Required:</p> <ul style="list-style-type: none"> • Staffing Cost Multiplier data from PED • Salary datasets by school district and charter school from PED
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Expected Outcome of Research: Statute requires staff of LESC, LFC, and PED to make recommendations to the governor, LESC, and LFC no later than November 1 regarding changes to the staffing cost multiplier.

Analyst(s): Simon/Juliani

Services for At-Risk Students

Research Problem: Although the state has invested significant additional funds to increase at-risk funding, PED has reported difficulty in overseeing how school districts and charter schools use the \$300 million allocated through the at-risk index. To comply with court findings that the state must ensure school districts and charter schools use funds intended to benefit at-risk students for services that improve student achievement, PED must review annual educational plans to ensure schools are using at-risk funding as intended. Additionally, PED will need to work with school districts and charter schools eligible for a new pilot program: the family income index. Provisions of the Family Income Index Act require PED review how schools are using these funds and report to the Legislature by October 15.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • What types of educational programs and interventions have shown results in improving the performance of at-risk students? • Are there alternatives to the current practice of assigning all charter schools the at-risk index of the school district in which the charter school is geographically located? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • How have school districts and charter schools used at-risk funding? • What accountability provisions has PED developed for funds flowing through the at-risk index? • How have school districts and charter schools chosen to use funding from the family income index? 	<p>Data Required:</p> <ul style="list-style-type: none"> • Budget information and education plan information from PED. • Family Income Index data from PED.
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Expected Outcome of Research: Improved transparency of how school districts and charter schools are using at-risk funds, including funding from the new Family Income Index will improve recommendations of the committee regarding funding for at-risk services.

Analyst(s): Simon, Canada

Educational Retirement Issues

Research Problem: Although Chapter 44 (Senate Bill 42) increased employer contributions to the educational retirement fund, improving the long-term solvency of the fund, the amount included was less than the Educational Retirement Board proposed and the law included a provision requiring ERB to report on options to improve pension plan solvency without additional employer contributions. In recent years, ERB has undergone several reforms to improve the sustainability of the fund, including reductions to employee benefit levels and requirements for new employees to reach an older age before becoming eligible to receive full retirement benefits. Staff will work with ERB to understand the financial impact of recent legislation and review how plan provisions and funding rates compare to other pension plans.

In addition, following requests from school superintendents, SB 42 included a provision to extend the ERB's return-to-work program for two years. Superintendents have said this program is needed to allow school districts to fill critical vacancies due to shortages of qualified teachers. However, the relatively short length of the extension means the Legislature may need to revisit the issue in 2023. LESC staff will work with ERB, school districts, charter schools, and other stakeholders to understand the policy implications of extending return-to-work.

<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • How do ERB's plan design elements compare with other public pension plans? • What changes have been made to ERB's plan in the past and what impact have those changes had on the solvency of the fund? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • How would a change in ERB's return-to-work provisions impact teacher retention in the state? 	<p>Data Required:</p> <ul style="list-style-type: none"> • Collaborate with ERB to understand fiscal impact of proposed changes to ERB's plan.
<p>Expected Outcome of Research: Following a review of the ERB's plan, the committee will be able to make a recommendation to the Legislature regarding contribution rates, retirement plan design, and if the return-to-work program should be extended, modified, or allowed to expire.</p>		
<p>Analyst(s): LESC Analysts</p> <p>State Reporting Administrative Burden</p>		
<p>Research Problem: During the Covid-19 pandemic, school districts and charter schools continued to express concern about the number of reports and plans local officials are required to submit to the state demonstrating compliance with state policy. While state reporting diverts resources away from the classroom, the court in the consolidated <i>Martinez-Yazzie</i> lawsuit found PED had failed to properly oversee public school in New Mexico, violating the constitutional rights of at-risk students. As a result, the Legislature must balance administrative burden with the information needed by PED to fulfill their oversight function and the information needed by the executive and the Legislature to enact and support evidence-based programming. In 2016, consultants recommended the state condense and simplify reporting mandates and that PED streamline data collection processes to reduce staff hours spent on reporting. In the aftermath of that report, the Legislature removed several statutorily-required reports from state law, but other laws have added new requirements, with a particular focus on ensuring that school districts and charter schools are using funding, particularly funding for at-risk students, in a manner consistent with Legislative intent and to assist the state with complying with decision in the consolidated <i>Martinez-Yazzie</i> lawsuit.</p>		
<p>Historical/Literature Review:</p> <ul style="list-style-type: none"> • How has the number of reports due to the Public Education Department changed since the 2016 review? • How have other states streamlined reporting requirements for school districts and charter schools? 	<p>In-State Review:</p> <ul style="list-style-type: none"> • What reporting from school districts and charter schools is needed for, PED, the Legislature, and local communities to provide sufficient oversight to the state's education system. • Is PED currently collecting little-used reports that could be eliminated? • How do current reporting requirements assist the state with complying with court orders in the consolidated <i>Martinez-Yazzie</i> lawsuit? 	<p>Data Required:</p> <ul style="list-style-type: none"> • Collaborate with ERB to understand fiscal impact of proposed changes to ERB's plan.
<p>Expected Outcome of Research: Following a review of reporting requirement and collaboration with PED and local stakeholders, the committee will be able to make recommendations regarding changes to reporting requirements in state law and to provide PED with the resources needed to build and maintain a modern data reporting system.</p>		



LESC 2021 Staff Work Plan

Secondary Issues

	Issues and Goals	Action Steps	Outcome/Results	Responsibility
1	Attend meetings of the following state boards, agencies, and councils: <ul style="list-style-type: none"> • Public School Insurance Authority; • Educational Retirement Board; • Public Education Commission; • Interagency Benefits Advisory Committee; • Colleges of Education Deans and Directors; • New Mexico Coalition for Charter Schools; • Public School Capital Outlay Council; • Public School Capital Outlay Oversight Task Force; • Early Learning Advisory Council; • Early Learning Funders Group; • Hispanic Education Advisory Council; • Indian Education Advisory Council; • Children’s Cabinet; • Early Childhood Education and Care Department; • Coalition for Community Schools; and • Other groups. 	<ul style="list-style-type: none"> • Work with staff from organizations to identify emerging issues in New Mexico Education. • Report relevant action to LESC. 	<ul style="list-style-type: none"> • Improve LESC’s responsiveness to ongoing policy issues in New Mexico. • Inform the committee of the operations of statewide boards and commissions. 	LESC Staff
2	Monitor the expansion of New Mexico’s broadband infrastructure, including the implementation of the Connect New Mexico Act and federal broadband funding from the Emergency Broadband Benefit, the Emergency Connectivity Fund, and the Emergency Infrastructure Fund.	<ul style="list-style-type: none"> • Monitor school districts’ and families’ uptake of new federal funding programs. • Attend meetings of Connect New Mexico Council if the council is fully assembled in 2021. • Monitor state grants for broadband funding. 	<ul style="list-style-type: none"> • Understand the evolving role of the Public School Facilities Authority and Public School Capital Outlay Council in meeting students’ needs. 	Bedeaux
3	Monitor implementation of new statewide standardized assessments, including the Cognia assessment for third through eighth grade English and math, the New Mexico Assessment of Science Readiness (NMASR) in fourth, seventh, and 11 th grade, and College Board’s PSAT in ninth and 10 th grade and SAT in 11 th grade.	<ul style="list-style-type: none"> • Monitor stakeholder concerns with implementation. • Monitor PED’s use of statewide formative and interim assessments. • Analyze trends in assessment data at the school, school district, and statewide levels. 	<ul style="list-style-type: none"> • Ensure assessments are aligned with state law, state academic content standards, and federal testing requirements under the Every Student Succeeds Act. • Work with PED to meet stakeholder goals, including comparability of assessment results and reduction of test time. 	Bedeaux and LESC staff

4	Monitor capital outlay awards for standards-based, systems-based, and prekindergarten projects.	<ul style="list-style-type: none"> • Ensure standards-based and systems-based awards are needs-based, comply with eligibility guidelines, and that the systems in question would not be better addressed with a standards-based award. • Ensure prekindergarten facility awards balance school district needs and capacity without duplicating efforts of private providers or the Early Childhood Education and Care Department. 	<ul style="list-style-type: none"> • Provide funding for various facility needs in an equitable and responsible manner that complies with statutory guidelines. 	Bedeaux, PSFA, PSCOC, PSCOOTF, LFC
5	Monitor PED implementation of the new educator evaluation system and administrator evaluation system.	<ul style="list-style-type: none"> • Attend PED's teacher evaluation trainings for school districts to implement new system. • Attend administrator evaluation task force meetings. 	<ul style="list-style-type: none"> • Update LESC on how PED is implementing the system and how the system will interact with licensure advancement. 	Canada, PED
6	Monitor PED professional development opportunities.	<ul style="list-style-type: none"> • Monitor professional development opportunities funded through PED special appropriations. • Create a database with a running list of professional development opportunities. 	<ul style="list-style-type: none"> • Update LESC on current professional development opportunities provided by PED. 	Canada, Juliani, Hoxie, Hathaway
7	Monitor state and federal rulemakings for impacts on public education.	<ul style="list-style-type: none"> • Compose and present administrative rulemakings to LESC. • Communicate with PED and other agency staff to facilitate legislative clarity. 	<ul style="list-style-type: none"> • Ensure implementation of legislation complies with law and legislative intent. • Keep the committee and other stakeholders informed of regulatory action that affects public education. • Ensure agencies' processes remain public and transparent, including public hearings and public postings on the Sunshine Portal. 	Simon and LESC staff
8	Monitor effects of 2020-2021 public health emergency on student outcomes, including learning loss, school re-entry, social-emotional wellbeing, high school graduation, and postsecondary entrance and enrollment.	<ul style="list-style-type: none"> • Collect and study data on student outcomes. • Work with stakeholders as needed to determine effects of the public health emergency on student outcomes. 	<ul style="list-style-type: none"> • Understand how student outcomes have been impacted by the public health emergency to identify potential long-term considerations for the Legislature. 	LESC staff
9	Study the higher education funding formula as it relates to dual credit and teacher preparation programs.	<ul style="list-style-type: none"> • Study New Mexico's higher education funding formula. • Assess how dual credit and teacher preparation programs are funded and at what amounts. 	<ul style="list-style-type: none"> • Understand how dual credit and teacher preparation programs are funded at the state's higher education institutions and potential recommendations on eligibility of dual credit and teacher preparation programs for I&G funding. 	Hathaway, Canada

10	Monitor efforts of PED and ECECD to implement culturally and linguistically responsive education.	<ul style="list-style-type: none"> • Review spending by PED, ECECD, and school districts and charter schools on supporting culturally and linguistically responsive education. • Meet with ECECD to understand its approach to culturally and linguistically relevant instructional practices. • Meet with school leaders, childcare providers, and teachers to determine ways schools and early childhood centers are implementing culturally and linguistically responsive education. 	<ul style="list-style-type: none"> • Understand how PED, ECECD, and schools are supporting culturally and linguistically responsive education to improve LESC responsiveness to ongoing policy issues. 	Hoxie, Juliani
11	Monitor ongoing school sufficiency lawsuit and any subsequent implementation of plans to address the concerns identified, including PED's Strategic Plan.	<ul style="list-style-type: none"> • Monitor proceedings in the case and inform LESC members of developments. • Review all plans proposed in response to court's findings. 	<ul style="list-style-type: none"> • Improved committee awareness of ongoing litigation and the development of plans to address issues raised. 	Simon, LESC staff
12	Monitor PED's special programs. The Legislature provides significant dollars to PED to implement special programs - sometimes called "below-the-line programs." When providing funding to public schools outside the public school funding formula the department should have a clear, measurable goal that it wishes to achieve with the allocated funding and PED should allocate those funds only for programming intended by the Legislature.	<ul style="list-style-type: none"> • Work with PED to develop performance metrics to evaluate the effectiveness of "below-the-line" programs. • Request information from PED regarding contracts and expenditures from funds appropriated to "below-the-line" programs. 	<ul style="list-style-type: none"> • Improved committee budget recommendations. 	LESC staff
13	Monitor the manner in which the state allocates revenue through the public school funding formula for school districts and charter schools in light of changes to the funding formula and House Joint Memorial 5.	<ul style="list-style-type: none"> • Collect funding formula and other data from PED and analyze each component's purpose, effectiveness, and impact on funding equity. • Provide support if the committee appoints a joint subcommittee of LESC and LFC members, as requested by HJM5. 	<ul style="list-style-type: none"> • Improved committee budget recommendations and endorsed legislation. 	Simon, LESC staff
14	Monitor how school districts and charter schools are using their additional non-credited revenue from House Bill 6.	<ul style="list-style-type: none"> • Collect data from PED and other sources on ways school districts and charter schools are using these additional funds to provide services for students. 	<ul style="list-style-type: none"> • Improve committee awareness of programs. 	Simon, Bedeaux
15	Monitor how PED, school districts, and charter schools are using their federal stimulus funding to provide services to students, especially to address learning loss, as required by federal law.	<ul style="list-style-type: none"> • Collect data from PED and other sources on ways school districts and charter schools are using federal stimulus funds to provide services for students, with particular focus on programs to address learning loss. 	<ul style="list-style-type: none"> • Improve committee awareness of programs. 	Simon