

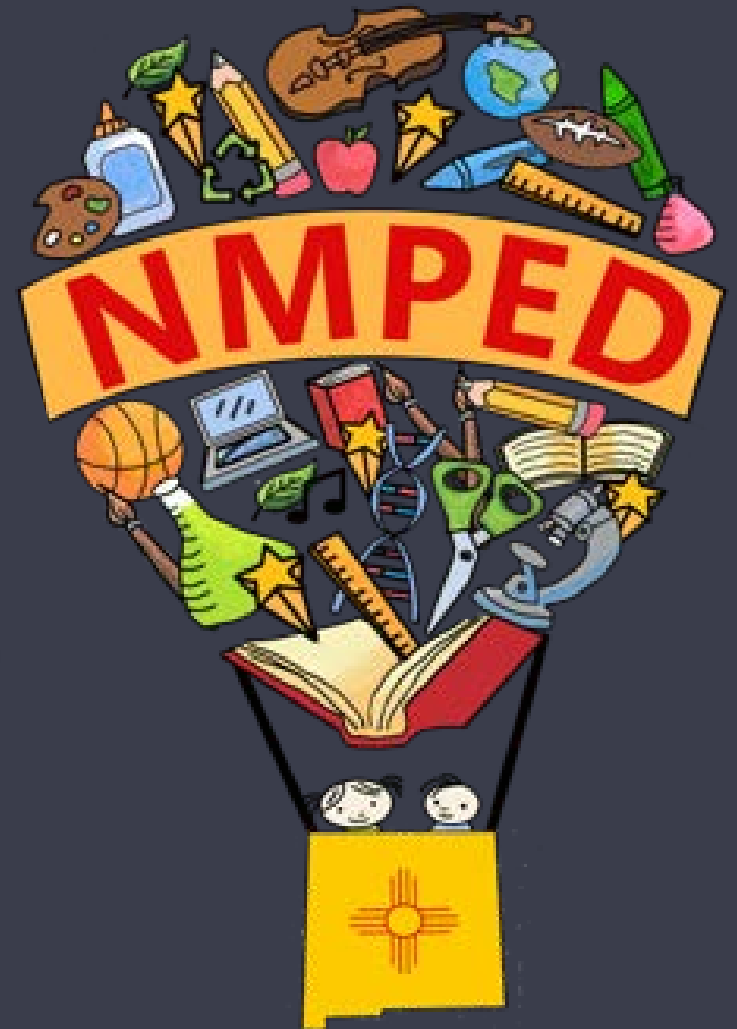
Improving Educational Outcomes and New Mexico Response to *Yazzie and Martinez v State of New Mexico* Decision

Legislative Finance Committee

Ryan Stewart, Secretary
Public Education Department

Aug. 28, 2020

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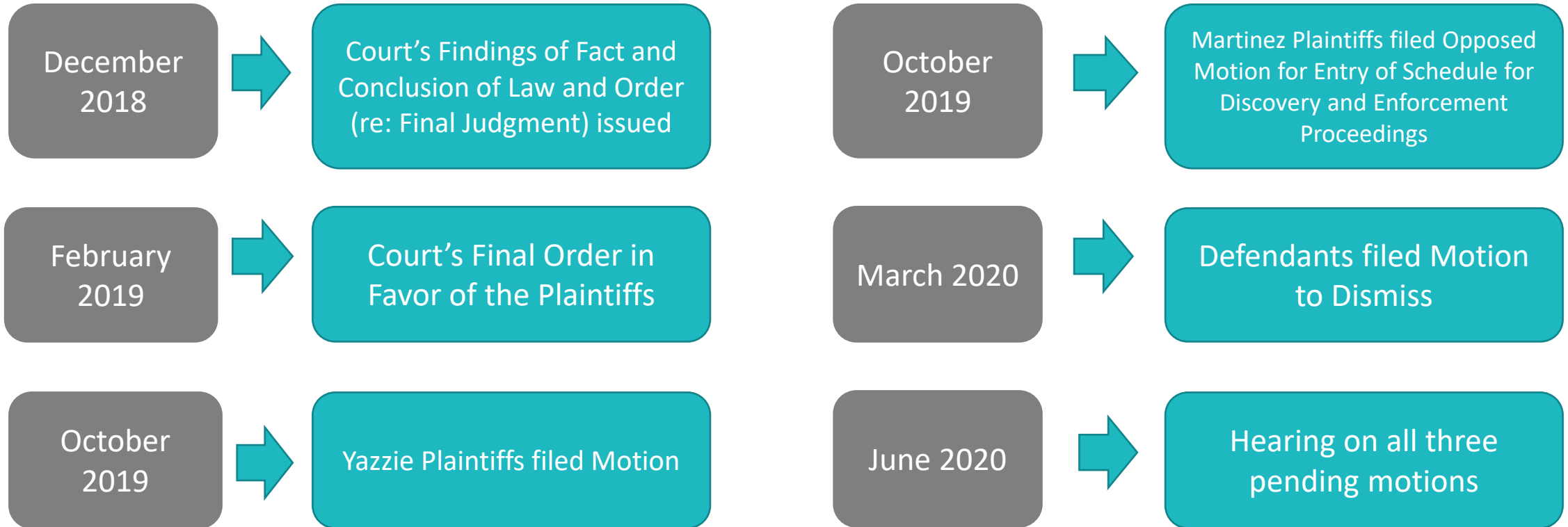
Overview

- History of the Consolidated Lawsuit
- June 29, 2020 Motions Hearing
- Hearing Outcomes
- Current Status
- Measures to Address Consolidated Lawsuit: Legislative, Financial, Programmatic, and Accountability
- Next Steps

History of the Consolidated Lawsuit



History of the Consolidated Lawsuit



June 29, 2020 Hearing

State: Motion to Dismiss

Martinez: Opposed Motion for Entry of Schedule for Discovery and Enforcement Proceedings

Yazzie: Motion for Court to Order Defendants to Meet Constitutional Mandate to Ensure All New Mexico Public School Students Have the Opportunity to be College and Career Ready

Hearing Outcomes – First Ruling

- State Motion:
 - **Court ruled the State did take immediate action to begin addressing the inequities in the lawsuit**
 - Court ruled not only immediate action is required, but also a showing of a constitutionally-adequate funding scheme
 - Finally, Court found it could not make a finding of adequacy without additional information on changed outcomes
 - Court denied motion to dismiss

Hearing Outcomes – Second Ruling

- Martinez Motion:
 - Granted request for discovery
 - Parties directed to confer on discovery schedule

Hearing Outcomes – Third Ruling

- Yazzie Motion:
 - Denied without prejudice
 - In denying motion, re-emphasized need for deference to Legislature and Executive Branch
 - Court is willing to reconsider Yazzie motion after discovery

Important Takeaways from Motions Hearing

- Although the State's Motion to Dismiss was denied, by also denying the Yazzie Plaintiffs' Motion, the Court rejected Yazzie Plaintiffs' arguments that the State had done "nothing" to comply with the Court's orders
- Further, the Court declined to impose additional requirements on the State
- The Court explicitly acknowledged the efforts made by the State and simply indicated it wanted more information about implementation and outcomes from those initial efforts

NM Constitution

- The New Mexico Constitution recognizes a balance between the executive, legislative, and judicial branches of government. It is important to preserve this balance.
- PED filed the motion to dismiss in recognition of the constitutionally distinct roles between the branches of government as it concerns the education of our most at-risk students.

Current Status

- Final written orders were issued by the Court on July 14, 2020
- Discovery phase has technically begun, although plaintiffs have yet to submit any specific discovery requests
- Discovery is scheduled to conclude May 31, 2021

Measures to Address Consolidated Lawsuit: Legislative

- Extended Learning Time
- At-Risk Funding
- Early Childhood Education
- CTE Funding
- HB5/SB1 from 2019 legislative session
- Overall increased education funding

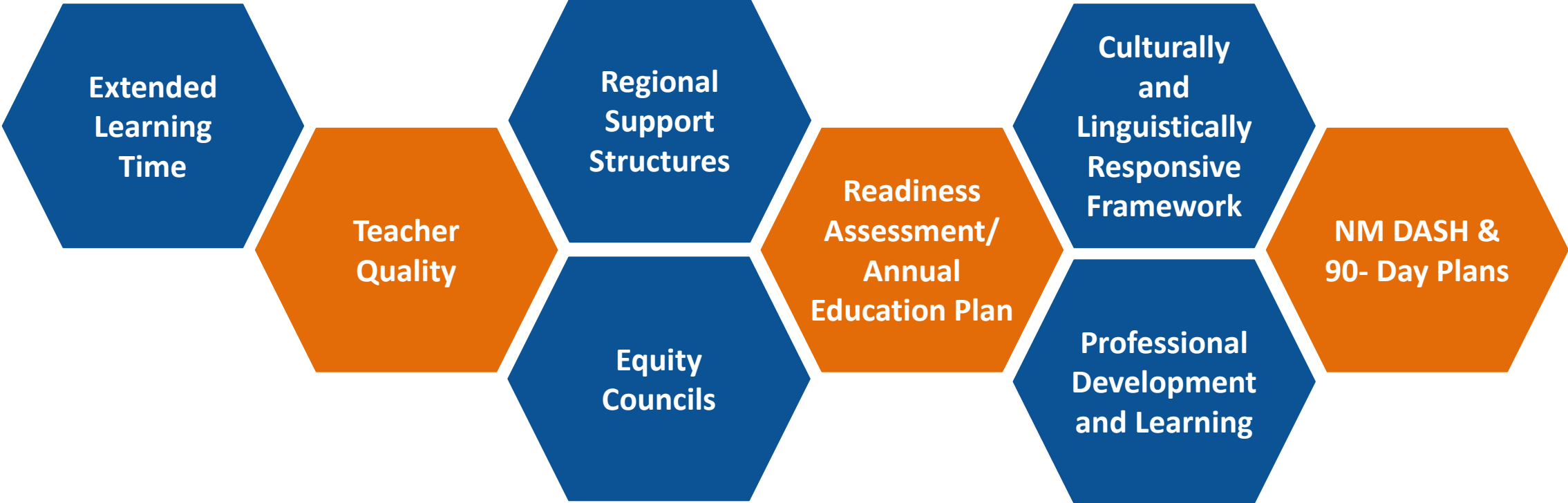
Measures to Address Consolidated Lawsuit: Financial

- Investments in key programs
- Oversight of districts and schools through audit, budget, and finance processes
- Establish tracking of at-risk funding in order to better report back to stakeholders on the intended and actual use of increased funding
- Districts will be required to align their annual budgets with the annual education plan submitted to PED for approval

Increased Budget Oversight and Accountability

- As a result of HB5/SB1 from the 2019 legislative session, districts are required to submit Education Plans, in which they submit details about budgets, including how they spend at-risk funds
- PED has developed and is strengthening the process by which district Education Plans are approved
- PED was appropriated \$3 million to create a financial system that will increase transparency and oversight of school spending and will allow for comparisons between districts and schools

Measures to Address Consolidated Lawsuit: Programmatic



Measures to support at-risk students

- Legislative
 - Increase at-risk funding factor from .13 in 2018 to .30
 - \$5.3 million over two years to establish community schools
 - \$3 million to establish school budget transparent website in order to better report back to stakeholders on the intended and actual use of increased funding
 - Increased funding for extended learning opportunities
- PED
 - Awarded 59 planning and implementation grants for FY20 and FY21
 - Districts will be required to align their annual budgets with the annual education plan submitted to PED for approval
 - Requiring districts to establish Equity Councils to guide programming and budget development
 - Implementing multi-layered systems of support (MLSS) to ensure students receive support and intervention in a timely manner

Measures to support Native American students

- Legislative
 - \$6 million each year for past two years to the Indian Education Fund
 - \$5.5 million over two years for Indigenous, Multilingual, Multicultural, and Special Education Initiatives
 - \$9 million for culturally and linguistically diverse instructional materials and curriculum development
- PED
 - Awarded grants to 21 tribes, pueblos, and Nations and 28 school districts and charter schools serving large numbers of Native American students.
 - Working with stakeholders to develop culturally and linguistically diverse instructional materials
 - Provided 6,252 Chromebooks to 22 tribes and schools with a significant Native American student population, 101 CradlePoint fixed and mobile hotspots to tribal schools and 22 tribes, and 700 residential hotspots to the Navajo Nation to assist in closing the Digital Divide

Measures to support students with disabilities

- Legislative
 - \$750,000 for statewide special education convening
- PED
 - Convening a special education planning group in an effort to improve oversight, accountability, and support services for SWD
 - Implementing multi-layered systems of support (MLSS) to ensure students receive support and intervention in a timely manner in an effort to reduce delays in special education diagnosis when appropriate
 - Plans to increase training for regular education teachers to better support students with disabilities
 - Implement administrative rule increasing reporting and further outlining the parameters of the use of restraint and seclusion, which disproportionately affect students with disabilities

Measures to support English learners

- Legislative

- Appropriated an additional \$6.9 million for bilingual and multicultural education programs
- \$9 million for culturally and linguistically diverse instructional materials and curriculum development

- PED

- Requiring school districts and charter schools to establish Equity Councils
- Establishing a Culturally and Linguistically Responsive (CLR) Framework
- Funding a statewide Spanish language proficiency assessment
- Elevated the Language and Culture Division and Special Education Division to report directly to a Deputy Secretary
- Establishment of the PED Equity Team and the focus on ensuring Martinez/Yazzie collaborative work is taking place across the agency

Readiness Assessment

- PED required LEAs to complete the Martinez/Yazzie Readiness Assessment by June 15, 2020
- The Readiness Assessment provides an opportunity to examine the steps that can be taken to ensure that the needs of student groups identified in the lawsuit are included in PED's current processes and systems

PED Strategic Planning

The PED is committed to ensuring equity, excellence, and relevance for **all** students, with particular focus on those called out in the lawsuit. PED engaged stakeholders in a strategic planning process to evaluate current initiatives and determine ways to strengthen and improve strategies within each of its four strategic pillars.

Vibrant Educator Ecosystem

Addressing the critical teacher shortage through professionalizing education, recruiting and retaining top talent, providing extra support to new teachers, and providing resources to develop strong school leaders

Closing the Opportunity Gap

Ensuring every student in New Mexico has equitable access to achieve personal success regardless of their demographics

Pathways and Profiles

Develop multiple robust and relevant college and career pathways while defining the educational, social, and civic skills every New Mexico high school graduate will possess

Whole Child Education

Providing the resources and accountability to ensure that students in New Mexico are engaged in a culturally and linguistically responsive educational system that meets the social, emotional, and academic needs of all students

PED Strategic Planning

- How will New Mexico schools look different because of the work of the Public Education Department and its partners?
- Define short-, mid-, and long-term goals and actions to accomplish goals
- Align the department's legislative and budgetary priorities, along with key performance measures, with plan
- Implementation and progress monitoring

Preliminary Recommendations

Educator Ecosystem

Recommendations	Strategies	Goals
Increase recruitment	<ul style="list-style-type: none">• Educators Rising• Increased Salaries• Marketing• Grow Your Own programs	<ul style="list-style-type: none">• Increased enrollment in educator preparation programs• Decrease number of teacher vacancies
Improve teacher preparation	<ul style="list-style-type: none">• Teacher residencies• Better collaboration between EPPs and schools	<ul style="list-style-type: none">• Increase number of teacher residency programs
Induction/Retention	<ul style="list-style-type: none">• Mentoring• On-going professional development• Hard-to-staff incentives	<ul style="list-style-type: none">• Increase length of average teacher tenure• Decrease teacher turnover in hard-to-staff areas and subjects

Preliminary Recommendations

Pathways and Profiles

Recommendations	Strategies	Goals
Align systems and structures within the ecosystem	<ul style="list-style-type: none"> • Increase % of students engaged in high-impact, dual-credit programs, aligned to high-value college credentials/degrees • Increase participation in early and ongoing college and career counseling • Streamline funding to mitigate barriers 	<ul style="list-style-type: none"> • All students are engaged in early and ongoing college and career counseling • Statewide system in place for monitoring student engagement to and through graduation • All students have successfully completed gating courses (e.g. Algebra 1)
Offer increased experiential learning opportunities	<ul style="list-style-type: none"> • Coordinate strategic partnerships, apprenticeships, internships and other place-based learning opportunities • Increase % of Educators trained on STEAM integration • Design and implement additional mentorship programming and opportunities 	<ul style="list-style-type: none"> • All students are exposed to robust STEAM educational opportunities • Increased participation in integrated career learning opportunities
Bolster family and community engagement	<ul style="list-style-type: none"> • Ensure schools have comprehensive, inclusive, co-created plans for equitable and effective family engagement • Develop a statewide plan for monitoring engagement and access over time • Operationalize statewide family engagement framework 	<ul style="list-style-type: none"> • Family Engagement is integrated into higher education teacher prep programs/curricula • Educators are equipped to implement effective engagement practices; School leaders promote a culture of community engagement • 100% of students complete the FAFSA

Preliminary Recommendations

Closing the Opportunity Gap

Recommendations	Strategies	Goals
Increase the number and sustainability of community schools	<ul style="list-style-type: none"> • Increase funding for planning and implementation • Increase PED technical assistance to schools who want to implement the model 	<ul style="list-style-type: none"> • More schools using the community school model • Better use of funds to increase sustainability
Increase and improve health options for students	<ul style="list-style-type: none"> • Increase the number and access to school-based health clinics • Work to find new funding strategies, (i.e. Medicaid, to provide additional services) 	<ul style="list-style-type: none"> • More students have access to counseling and social work support
Increase access to extended learning opportunities	<ul style="list-style-type: none"> • K-5 Plus • Extended school year • Leverage funding to increase access to Out-of-school time activities 	<ul style="list-style-type: none"> • Majority of school districts adding 10 instructional days • Half of elementary schools implementing K-5 Plus

Preliminary Recommendations

Whole Child Education

Recommendations	Strategies	Goals
Improve the implementation of culturally and linguistically responsive instruction (CLRI)	<ul style="list-style-type: none"> • Embed CLRI in educator preparation • Increase CLRI professional development • Increase access to and funding for CLR instructional materials 	<ul style="list-style-type: none"> • Every school has a CLRI trained expert (Train the trainer model) • All teachers have access to CLRI training • All students have access to CLRI materials
Improve social emotional well-being of all students	<ul style="list-style-type: none"> • Implement Multi-Layer Systems of Support • Provide a statewide SEL framework and resources for districts 	<ul style="list-style-type: none"> • Reduction in discipline referrals and suspensions and expulsions • Decrease number of chronically absent students
Increase professional development and technical assistance to school districts and charter schools	<ul style="list-style-type: none"> • PD in supporting students with disabilities • Professional development in early literacy • More effectively fund and use REC supports to school districts 	<ul style="list-style-type: none"> • More students reading at grade level • Improved services and process for SWD • Provide more regional support and technical assistance

Measures to Address Consolidated Lawsuit: Accountability

Administrative guidance
memos

Tribal consultations and
Equity council meetings

Annual school/district
assurances

Progressive and
corrective actions plans

Rulemaking for IEA,
HEA, and BMEA

Annual school climate
survey

Tracking at-risk
students' access to
programs

EL programs/student reports
(3 times a year)/annual
student assessment

Next Steps

Deepen investment
in critical programs

Verification of at-risk
submissions

PED strategic plan

Support of highest-
need students

Strengthening cross-
agency
communications

Thank You!

Ryan Stewart, Ed.L.D.
Secretary of Education

