

Yazzie Proposed Remedy Platform

The Yazzie Proposed Remedy Platform, which is rooted in the District Court’s 7/20/18 opinion in *Yazzie/Martinez v. State of New Mexico*, is based on evidence from trial, and statewide input from Native American educational leaders, education experts, educators and community organizations. The Center on Law & Poverty held several individual meetings with experts, superintendents, and community stakeholders to develop the proposed remedies. The Center also held three large events, with hundreds of people in attendance, that focused on gathering input on the proposed remedies from the participants

The Yazzie Proposed Remedy Platform is a working document that will need continuous review and updating as we move forward working with plaintiff groups, experts, stakeholders, the community, and the State. The proposed remedies represent the minimum the state must do to meet its constitutional obligation to provide all children in New Mexico a sufficient education.

	Judge’s Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
Foundational Elements				
Instructional materials	<p><u>Funding</u> is inadequate. (pg. 26-27)</p> <ul style="list-style-type: none"> Funding cuts have prevented schools from purchasing adequate and up-to-date textbooks The instructional materials stipend is insufficient. 	<p><u>Oversight and Spending of Instructional Materials in Public Schools</u></p> <ul style="list-style-type: none"> According to a 2014 LFC report, “the system for funding instructional material does not meet current needs, resulting in reports of inadequate resources while allocated money goes unspent; A disconnect between what school districts are expected to purchase and annual appropriations to the instructional materials fund exists; According to teachers, classroom instructional material needs are not currently met.” (p. 21, 23); “The legislature should ... Modify statute mandating that adequate instructional materials be available to all students at school and at home from the current statute of one 	<p><u>Funding</u></p> <ul style="list-style-type: none"> Put in place a uniform mechanism for determining what funding necessary to comply with current instructional materials / text book laws and appropriate that additional funding in 2019 session. 	<p><u>Funding</u></p> <ul style="list-style-type: none"> Determine ongoing need, create sustainable funding stream, and maintain sufficient funding for all schools to have up-to-date materials based on text book cycles and so that all students are able to bring textbooks and other instructional materials home with them.

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		<p>textbook being available to each student to take home; Modify statute to require all districts have a plan in place to ensure all students have adequate access to instructional materials as defined by the Legislature.” “The PED should ... Require that public instructional material fund recipients demonstrate sufficient instructional materials are available to students as part of the annual instructional materials report.” (p.27)</p>		
<p>Culturally and linguistically relevant materials</p>	<p><u>Culturally & linguistically relevant materials</u>: The State has failed to comply with the NM IEA which requires culturally and linguistically relevant education. (pg. 27-28)</p>		<p><u>Culturally & linguistically relevant materials</u></p> <ul style="list-style-type: none"> ➤ In 2019, PED shall finalize statewide culturally relevant curricula standards for use in SY 2019-2020. ➤ Require the PED, in collaboration with local experts, to develop a rubric for the selection of high-quality English Language Development instructional materials. ➤ Require the PED (Instructional Materials Bureau), in collaboration with local experts, to establish and fund an adoption cycle of English Language Development materials. 	<p><u>Culturally & linguistically relevant materials</u></p> <ul style="list-style-type: none"> ➤ Develop and implement plan so that all curriculum and materials across the state are culturally and linguistically relevant ➤ Pass legislation that creates a system or mechanism to ensure that EL students have adequate access to instructional materials in their native language, where a written language exists. ➤

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Technology	<u>Technology</u> : Lack of access to technology, particularly in rural districts. (pg. 27)	<ul style="list-style-type: none"> The LFC found that New Mexico lacks a uniform mechanism for funding educational technology and standards for determining educational technology needs. LFC Report 2014 at 32. The Technology for Education Act establishes an Education Technology Fund that is meant to distribute funds to districts on a per-pupil basis; however, no funds have been appropriated to the education technology fund since FY10 and the Education Technology Bureau within the PED no longer exists. LFC Report 2014 at 32. 	<u>Technology</u> <ul style="list-style-type: none"> Increase funding for technology, especially in rural and schools located on or near tribal lands. 	<u>Technology</u> <ul style="list-style-type: none"> Put in place a mechanism to determine the need for technology in the state and appropriate and maintain sufficient funding for all schools to have up-to-date technology.
College & Career Readiness			<ul style="list-style-type: none"> Allocate funding to districts for them to develop technical and vocational training programs 	<ul style="list-style-type: none"> Develop a statewide plan that ensures that all districts have the capacity and resources to provide technical and vocational training programs
Regional Education Cooperatives (RECs)			<u>Begin to restore funding cuts to the RECs:</u> <ul style="list-style-type: none"> In 2019 session, pass legislation that appropriates funding for RECs to provide technical assistance to school districts. Allocate additional and sufficient funding to RECS to hire local experts and staff who are knowledgeable in Bilingual, ESL, and Native American education, in order 	<ul style="list-style-type: none"> Build the capacity of the RECs to provide teacher training, social services, etc. for small/micro districts.

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			to provide guidance to local districts about BMEA, IEA, and ELL program implementation, which shall include supporting districts and tribes in their development of MOAs.	
Restoration of school funding lost since recession	Since 2008, funding for education in New Mexico has not only been cut, but funding has not kept up with inflation or increasing fixed costs of districts. The inflation adjusted appropriation per student in 2014-15 was about 8% below its 2008-09 peak. (p. 50, n. 31).		➤ Provide additional funding to SEG to begin to regain the approximately \$370 million lost since the 2008-09 school year.	➤ Re-evaluate statutory curriculum requirements to determine if any changes need to be made; restore rest of funding lost since recession and determine what additional funding needed for statutory curriculum
Programs & Services	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
Reasonable Curricula	<u>Quality, full-day PreK</u> : The efficacy of PreK has been recognized, but not all at-risk students have access to a quality, full-day program because it is inadequately funded. (pg. 29-30)	<ul style="list-style-type: none"> • The LFC has consistently found prekindergarten programs improve math and reading proficiencies for low-income 4-year-olds and lower special education and retention rates. LFC 2017 Accountability Report at 7. • LFC has also found prekindergarten programs deliver a positive return on investment for NM taxpayers based on improvement in test scores. LFC 2017 Accountability Report at 7. • LFC reports have found lasting effects for students participating in prekindergarten including higher student achievement, 	<u>Quality, full-day PreK</u> <ul style="list-style-type: none"> ➤ Pass legislation that expands full-day New Mexico PreK in the 2019 legislative session to full capacity given current infrastructure and workforce ➤ Mandate that all PreK programs have a plan to implement a culturally and linguistically relevant program, that involves consultation with local community. ➤ Make all slots for New Mexico PreK full-day slots in the 2019 legislative session. ➤ Invest in infrastructure growth. (build classrooms) 	<u>Quality, full-day PreK</u> <ul style="list-style-type: none"> ➤ Develop and implement a plan to build the infrastructure (buildings) to ensure all 4-year-olds have access to full-day PreK in New Mexico within 5 years. ➤ Develop ECE teacher workforce – <i>see teaching section below</i>. ➤ Develop and implement a long-term (5-year) phase-in plan that will expand full-day PreK programs that are culturally and linguistically relevant to all 4-year-olds in the state. ➤ Develop and pass regulations/legislation that streamlines all PreK

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		<p>lower special education identification, and reduced retention rates through the 3rd grade. LFC 2017 Accountability Report at 7.</p>	<ul style="list-style-type: none"> ➤ PED shall facilitate MOUs between districts and tribes to provide PreK services on tribal lands. ➤ Require PED to develop a statewide system for the identification of ELL's in all NM preK programs receiving state funding. ➤ Require all PreK teachers (with English Language Learners) to acquire a TESOL or bilingual endorsement. ➤ Require any state department (e.g. PED or CYFD) administering early childhood programs to incorporate linguistically and culturally responsive practices into at least 30% of their required trainings. ➤ Create alternative pathways for teacher-candidates to attain early childhood credentials in non-English languages, and remove English-only assessment requirements for non-English speaking teachers. 	<p>programs (Head Start, CYFD, PED) so that all programs require teachers to be fully qualified and/or licensed, the same curriculum, and the same standards so that all students receive the same level of quality.</p> <ul style="list-style-type: none"> ➤ Develop and implement a plan to ensure that all program curriculum, instructional materials, and teaching is culturally and linguistically relevant. ➤ Develop and implement a plan to ensure that all PreK programs allow parental involvement. ➤ Determine whether to amend the definition of "school age" to include 4-year-olds. ➤ Pass legislation to establish an evaluation system that determines whether PreK providers are meeting the learning needs of their ELLs via curriculum, instructional practices, and teacher credentials. ➤ Pass legislation to establish a funding mechanism that allocates recurring funds to develop preschool, native-language bilingual programs. ➤ Require all early childhood teacher preparation

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				<p>programs to credit hours in working with linguistically and culturally diverse students, including second language acquisition, bilingual or ESL methodology, and culturally responsive teaching practices.</p>
	<p><u>Extended Learning</u>: The efficacy of extended learning time has been recognized, but not all at-risk students have access to an extended learning program because it is inadequately funded. (pg. 29-30)</p>	<p><u>Extended Learning</u></p> <ul style="list-style-type: none"> • New Mexico lacks comprehensive after school programs relying on limited federal funds and local discretionary resources. 2015 LFC Report at 39. <p><u>K-3 Plus</u></p> <ul style="list-style-type: none"> • K-3 Plus has been scientifically shown to improve student performance relative to peers when programs are executed correctly. LFC 2017 Accountability Report at 9. • Participation in both PreK and K-3 Plus can close the achievement gap. LFC 2017 Accountability Report at 7. • The LFC estimates that it would cost \$62,452,457 to fund all eligible clients for K-3 Plus. LFC 2018 Post-Session Review at 58. <p><u>Instructional Time</u></p>	<p><u>Extended Learning</u></p> <ul style="list-style-type: none"> ➤ In 2019 session, amend K-3 Plus statute to mandate that K-5 Plus (expand to K-5 graders) is available to all eligible children and districts have the opportunity to implement it for all eligible children. ➤ Include transportation in the bill ➤ Mandate that all K-5 Plus programs are required to put in place a plan to ensure culturally and linguistically relevant instruction ➤ In the 2019 session, amend 22-2-8.1 (and NMAC 6.10.5) to ensure that all students have at least 182 days (or equivalent) in schools; repeal section of statute that allows home visits and parent teacher conferences to count towards instructional time. (see below on extending school year/teacher contracts) 	<p><u>Extended Learning</u></p> <ul style="list-style-type: none"> ➤ After culturally and linguistically relevant curriculum is in place, amend 22-2-8.1 to extend the school year to 190 days (or equivalent) for instruction. ➤ Develop and implement a plan on how to expand access to culturally and linguistically relevant afterschool and summer school programs for at-risk students, including programs for community/tribal-based programs, credit recovery, and internship programs.

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		<ul style="list-style-type: none"> The LFC has recommended that the Legislature repeal parent-teacher conferences (PTC) and home visits from counting towards instructional hours. Schools districts and charter schools may conduct these activities in addition to instructional hours. LFC Report: Time-on-task 2016 at 4. The LFC has recommended that the Legislature increase minimum instructional time by equalizing elementary and secondary school hourly requirements. LFC Report: Time-on-task 2016 at 4. 		
	<p><u>Reading/Literacy</u>: The efficacy of research-based reading programs has been recognized, but not all at-risk students have access to them because it is inadequately funded. (pg. 29-30)</p> <p>Other programs have inadequate funding to fully achieve their goals. For example, Reads to Lead does not allow for hiring reading teachers, and funding cuts have been made to this program. (pg. 44)</p>		<p><u>Reading/Literacy</u></p> <ul style="list-style-type: none"> ➤ Ensure that Reads to Lead Fund has the resources to provide all districts with literacy services. 	<p><u>Reading/Literacy</u></p> <ul style="list-style-type: none"> ➤ Determine the necessary number of reading specialists and instructional coaches in each district and allocate the funding necessary to meet those needs. (All small districts will have money for at least one) ➤ Make funding part of SEG or above the line funding.
	<p><u>Class size</u>: The efficacy of smaller class size has been recognized, but not all at-risk students have access to a smaller class size because of the</p>		<p><u>Class size</u></p> <ul style="list-style-type: none"> ➤ In the 2019 session, do not pass statute that allows blanket class size waivers. Return to class size limits 	<p><u>Class size</u></p> <ul style="list-style-type: none"> ➤ Increase number of teachers in the system to ensure smaller class sizes (<i>see below under teachers</i>)

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	lack of sufficient funding or sufficient numbers of teachers. (pg. 29-30, 36); ELL students benefit from smaller class size, like 15:1. (pg. 37)		where districts have the ability to apply and obtain for class size waivers where necessary due to lack of staffing shortage or a special circumstance (lack of funding is not a special circumstance)	
	<u>Social Services</u>	<ul style="list-style-type: none"> ➤ High-performing schools provide wraparound services for parents and students, like full-time counselors, nurses, social workers, and instructional coaches to work with at-risk students and teachers of high-risk students. LFC 2014 Report at 17. 	<u>Social Services</u> <ul style="list-style-type: none"> ➤ In the 2019 session, pass legislation that mandates that nursing services, school counseling and/or behavioral health services are part of a basic sufficient education and districts will establish a plan that meets national standards so that all students can access those services and the State shall monitor and fund it. ➤ In the 2019 session, appropriate funding to the Community Schools Act (22-32-4) so that districts and schools have the resources to create community schools. 	<u>Social Services</u> <ul style="list-style-type: none"> ➤ Develop a plan to use RECs as hubs for services to the community and to students in addition to providing professional development and training for teachers. ➤ Develop culturally and linguistically responsive social services plan and work force. ➤ Expand Community Schools in New Mexico.
	<u>ELL services/programs</u> (pg. 31-32) <ul style="list-style-type: none"> • The State has not complied with state and federal laws pertaining to the education of ELL students. • An aspect of a reasonable curriculum is “a program to assist students in learning English.” • There is a lack of funding for districts to provide 	<u>LESC Report</u> <ul style="list-style-type: none"> ➤ ELs are protected under Title VI (Civil Rights Act of 1964) and the Equal Educational Opportunities Act (1974), which require public schools to remove language barriers and provide equal access to instructional programs. Non-compliance with Title VI (CRA) in serving ELs could result in the loss of federal 	<u>ELL services/programs</u> <ul style="list-style-type: none"> ➤ PED shall, in collaboration with school district administration and local experts, ensure that all EL students are provided a sufficient EL program (as required by federal law), and are not placed in remedial reading programs. ➤ PED shall mandate higher qualifications for the Director 	<u>ELL services/programs</u> <ul style="list-style-type: none"> ➤ Develop and fund a rigorous ESL teacher endorsement test. ➤ Develop and fund a licensure program for Bilingual/Multicultural/ Federal funding directors in school districts. ➤ Pass legislation to establish Language Assistance Teams (LAT) within schools to

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	<p>adequate services for ELL students.</p> <ul style="list-style-type: none"> • PED lacks sufficient monitoring programs to determine whether ELL students are receiving adequate assistance. • PED has not provided a framework for districts to use in providing multicultural education. • PED does not track whether NAEL students are acquiring English in a timely manner; nor does it track the training given to teachers who teach ELs. • NM Teach does not have any metric to evaluate whether a teacher is effectively serving ELL students; 	<p>funding such as special education, Title I, Title II, and Title III funds. (p. 6-7)</p> <ul style="list-style-type: none"> ➤ State school districts may implement the following EL programs: structured English immersion, content-based ESL, ESL or ELD, specially designed academic instruction in English, or sheltered instruction. ELs may also be served through bilingual multicultural education programs, like dual language immersion, maintenance, heritage, or transitional models. (p. 7) ➤ Teachers of ELs must be proficient in English and have the appropriate training. A TESOL endorsement serves as an indicator of the knowledge and skill needed to effectively serve ELs. A TESOL endorsement is necessary, for fiscal purposes, if serving ELs in a NM state-funded bilingual multicultural education program. (p.7) 	<p>for the Language and Culture Bureau.</p> <ul style="list-style-type: none"> ➤ Amend state law to require the state's Student Assistance Team (SAT) framework includes an EL expert in the decision-making process; establish and fund mandatory training for Administrators and EL instructors identified to receive sufficient training on EL and Bilingual student learning needs within the SAT process. ➤ In 2019, provide PED with resources to hire qualified personnel with expertise in ELL and bilingual education, including a highly qualified director. ➤ Require all teachers to be TESOL-endorsed and that appropriates funding for all current teachers to get the endorsement. ➤ In the 2019 session, appropriate additional funding for professional development for the development and delivery of rigorous ESL training for all teachers, principals and assessment specialists. ➤ In the 2019 session, reinstate full funding for Spanish Immersion Institutes for Bilingual Teachers at universities. 	<p>monitor the academic and language progress of ELs, in order to comply with Federal EL requirements.</p>

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			<ul style="list-style-type: none"> ➤ In the 2019 session, enact legislation that requires no more than 20 EL students per teacher; under specific circumstances where schools cannot meet this requirement, an additional certified teacher shall also be present in the classroom. ➤ Pass legislation to create and fund a minimum stipend amount of \$3000 to recruit and hire Bilingual endorsed teachers to provide ESL, bilingual and indigenous-language instruction; allocate additional categorical fund for districts to provide hiring bonuses of \$2000 to bilingual endorsed teachers. ➤ PED shall, in collaboration with local experts, create a training program that provides all district administrators the skills necessary to sufficiently monitor literacy programs and classroom literacy practices for Native American, EL, and Low-income students (in order to ensure the program is achieving the particular goals the recipient has established for the program). ➤ PED shall, in collaboration with local EL experts, revise and develop a more rigorous TESOL licensure test; 	

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			allocate sufficient funding to achieve this end.	
	<p><u>HEA</u></p> <ul style="list-style-type: none"> • PED has not provided a framework for districts to use in providing multicultural education. (pg. 32) • “This Act recognizes the importance of bilingual and multicultural school programs by requiring PED to report on the number of such programs.” (21). 	<p><u>LESC Staff Report</u></p> <ul style="list-style-type: none"> ➤ The HEA focuses on “... closing the achievement gap, increasing graduation rates, fostering parental involvement, and providing mechanisms for collaboration among various stakeholders.” (p.1) ➤ The HEAC highlighted 11 promising practices, including developing indicators for emerging bilingual students, researching models that work to develop academic language proficiency, providing culturally responsive teaching and leading modules, and a providing a TESOL Alternative endorsement program for teachers working with EL students, to name a few – see p. 4. ➤ [There] is no mention within the HEA of PED having rulemaking authority and, accordingly, there are no PED administrative rules directly tied to the HEA. (P. 7) 	<p><u>HEA</u></p> <ul style="list-style-type: none"> ➤ Establish an HEA Division in the PED at the same level as the IEA Division and with regional offices to administer and manage, in collaboration with the HEAC, all HEA related activities, including providing support and T/A to districts and REC’s. Strengthen accountability measures. ➤ Amend the Hispanic Education Act to add a Hispanic Student Needs Assessment, requiring the HEA Division in collaboration with the HEAC and the Hispanic/Latino community to develop and implement in coordination with similar requirements in the IEA, BMEA, etc., an Equity Index scorecard that ensures that LEAs are prioritizing student needs, equitably, with staffing, budgeting, instructional materials, etc., and mapping HEA student/districts strengths around the state. ➤ In collaboration with the HEAC and the Hispanic/Latino community, PED shall set qualifications for the HEA Director. 	<p><u>HEA</u></p> <ul style="list-style-type: none"> ➤ The HEA Division shall guide the development of research, in partnership with HED, to identify research based practices for improving teacher efficacy, professional development, leadership development and instructional strategies in order to ensure linguistic, academic and socio-cultural student success. ➤ Require LEAs to respond to the HEA needs-assessment with training and adequate resources so as to ensure that LEAs are meeting student-needs by providing equitable staffing, budget, and materials.

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			<ul style="list-style-type: none"> ➤ In 2019, provide PED with the resources to hire qualified personnel with expertise in the HEA, including a highly qualified director, in collaboration with the HEAC and the Hispanic/Latino community. 	
	<p><u>BMEA</u></p> <ul style="list-style-type: none"> • Bilingual programs are not necessarily the same as programs for English learners. (p.20). See EEOA, Title III. • With regard for ELL students, NM is not meeting the requirements under the BMEA...(p.31) • PED lacks sufficient monitoring programs of ELL students and their ELL programs. (p.31) • PED has not provided a framework for districts to use in providing multicultural education. (pg. 32) 	<p><u>LFC Report 2014</u></p> <ul style="list-style-type: none"> ➤ An analysis of bilingual education ... highlights several issues noted in previous LFC evaluations, including uneven identification rates, low percentages of students achieving English-language proficiency levels, and minimal oversight from the PED. (P.3) ➤ The state's bilingual program lacks accountability, does not require school districts to service ELLs, and few students receiving bilingual services attain English-language proficiency. (p.9) ➤ Hispanic and Native American students participating in a bilingual and multicultural education program slightly outperform students in those subgroups who do not participate in a bilingual program. (p. 9) 	<p><u>BMEA</u></p> <ul style="list-style-type: none"> ➤ Reinstitute the practice that the Language and Cultural Bureau, formerly the BMEB and the PED, in partnership with local experts provide annual training for LEAs on developing and implementing a BME program. ➤ Mandate higher qualifications for the new Director of the Language and Culture Bureau (including: 5 years teaching experience in a bilingual setting; a state-certified bilingual endorsement; and an administrative license). ➤ Require LEA Bilingual education directors to have and an administrative license and, within two years of employment, a bilingual education endorsement. ➤ Require professional development and collaboration, within the 	<p><u>BMEA</u></p> <ul style="list-style-type: none"> ➤ Sustain required-training ongoing.

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			<p>statutorily required timeframe, for bilingual program implementation and instruction for all teachers and administrators. (i.e. identification and assessment, use of instructional materials, classroom practices, parent involvement, etc.).</p> <ul style="list-style-type: none"> ➤ Amend the Bilingual Multicultural Education Act (or pass new legislation) to require the NMPED, in collaboration with tribal governments, to develop local tribal expectations for indigenous language proficiency. ➤ Amend the Bilingual Multicultural Education Act to create an Expert Bilingual Mentorship program in all districts, where an “expert bilingual teacher” provides mentorship and technical support to 1st and 2nd year bilingual teachers. Attach sufficient funding for Districts to provide a minimum stipend of \$1500 for expert bilingual teachers. ➤ Establish and fund a state training institute that provides Native Language Teachers pursuing the 520 Alternative Certificate basic instructional and pedagogical strategies; 	

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	<p><u>IEA</u></p> <ul style="list-style-type: none"> • The State has failed to comply with the Indian Education Act. • NMIEA sets forth the legislative determination of what constitutes a constitutionally adequate education for Native American children in NM public schools. (p.28) • A culturally relevant education is to be produced through the cooperation of schools and tribal communities, which has not been realized in the Districts serving native students. (p.28) • PED has failed to fill the three regional IED offices; (p.28) • There is a failure to develop government to government relationship to achieve statutory goals. (p.28-29). • PED has not provided a framework for districts to use in providing multicultural education. (pg. 32) 	<p><u>LESC Report</u></p> <ul style="list-style-type: none"> ➤ Researchers have found that culturally relevant instruction and pedagogy increases Native student achievement results.” See p. 6 for research-based strategies for improving literacy, math, and science outcomes for Native American students. ➤ The IEA, if implemented effectively, provides an excellent opportunity for the State’s Native American students to be successful. (p.6). ➤ HB 484 (Spon. Rep. Derrick Lente) from the 2017 legislative session, which was vetoed, was introduced to amend the IEA to require certain districts to conduct needs assessments for Native students and a systemic framework for improving Native student outcomes. (p. 6) 	<p><u>IEA</u></p> <ul style="list-style-type: none"> ➤ In 2019, amend the New Mexico Indian Education Act to add an Indian Student Needs-Assessment (see HB 151 sponsored by Rep. Derrick Lente) ➤ In 2019, PED shall finalize statewide culturally relevant curricula standards for use in SY 2019-2020. ➤ In 2019, develop training/instructional materials about the structure and functions of New Mexico’s tribal governments for use in 2019-2020. ➤ In 2019, ensure IED Headquarters in the PED and the 3 Regional offices are staffed and have expertise in Native American education; and that staff are paid reasonable salaries ➤ Ensure that IED staff are certified teachers and administrators with experience working in schools serving Native students with related expertise in curriculum and materials development, assessment of student learning, native language instruction, and bilingual/TESOL endorsements to ensure central and regional offices 	<p><u>IEA</u></p> <ul style="list-style-type: none"> ➤ Create IED Expert positions in ELL education, Higher Education, and Curriculum Development; ➤ Require the NM Governor Administration, including the Education Secretary and administrative staff, to undergo NMIEA implementation training and culturally relevant training. ➤ Analyze alternative pathways for language instructors to move through the Tier system. ➤ Analyze and implement best mechanism for sufficient and sustainable funding for the Indian Education Act.

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			<p>provide knowledgeable and culturally appropriate guidance for serving NA students.</p> <ul style="list-style-type: none"> ➤ PED shall, in collaboration with local Tribal Communities and their experts, develop and provide culturally relevant curriculum training for all school district administrators and teachers in NM. 	
Programs & Services	Judge's finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
Teachers	<p>Recruitment & Retention</p> <ul style="list-style-type: none"> • <u>Teacher Pay</u>: “Low teacher pay is an impediment to recruiting and retaining teachers in schools with high at-risk populations.” (pg. 35) • <u>Number of teachers</u>: “School districts do not have the funds to pay for all the teachers they need.” (pg. 32); It is difficult to recruit teachers in rural areas and to obtain teachers in special education, STEM, and bilingual education.” (pg. 36); Some districts cannot maintain a sufficient number of TESOL-endorsed teachers. (pg. 36); Lack of sufficient funding or sufficient numbers of 	<p>Recruitment and Retention</p> <ul style="list-style-type: none"> • The LFC has recommended that the Legislature add extra weight in the T&E index for teachers at high-poverty schools. LFC Report 2015 at 5. • The LFC has recommended that the Legislature convene a workgroup to gain consensus on updating NM’s system to attract, prepare, compensate, and evaluate public school teachers. LFC Report 2015 at 5. • Recruiting and retaining high quality teachers in low-income schools is integral to ensuring students in poverty achieve academically. LFC Report 2015 at 16. 	<p>Recruitment & Retention <u>Teacher Pay</u></p> <ul style="list-style-type: none"> ➤ In the 2019 session, increase teacher base salaries in all three tiers to \$45000; \$55,000; and \$65,000 and tie regular increases to inflation. <p><u>Number of teachers</u></p> <ul style="list-style-type: none"> ➤ In the 2019 session, pass a bill that establishes a “teacher pathway” that would pay for the tuition and a living stipend for Native American teachers, dual language teachers, special education, and early childhood teachers in exchange for them working in NM for a certain number of years. This bill should also include a pathway for 	<p>Recruitment & Retention <u>Teacher Pay</u></p> <ul style="list-style-type: none"> ➤ Determine whether increased pay, which is still below surrounding states for starting salaries, is enough to address recruitment and retention issues, when combined with other changes ➤ Develop and implement plan to increase qualifications and salaries for EAs. <p><u>Number of teachers</u></p> <ul style="list-style-type: none"> ➤ Build teacher capacity to ensure that all schools have intervention specialists and fund these positions.

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	<p>teachers has led to larger class sizes. (pg. 36)</p> <ul style="list-style-type: none"> • <u>Experienced teachers for at-risk students</u>: “The quality of teaching for at-risk students is inadequate.” (pg. 33); “Teacher turnover has a negative impact on student achievement.” (pg. 34) 	<ul style="list-style-type: none"> • [D]eclining enrollment in teacher preparation programs has forced New Mexico school districts to compete with other states to both recruit new teachers and retain experienced teachers. LESC Brief, 2016 <p><u>Experienced teachers for at-risk</u></p> <ul style="list-style-type: none"> • There are no statewide systemic incentives for highly effective teachers and principals to work at high-poverty schools with large at-risk populations. LFC 2014 Report at 34. • The LFC recommended that the PED create guidelines for placing highly-effective teachers and principals at “low-performing” schools. LFC 2014 Report at 36. • There are no state prescribed financial distinctions for becoming a principal or for remaining at a high-poverty school. LFC 2014 Report at 34. 	<p>EAs to become teachers with their tuition paid.</p> <p><u>Experienced teachers for at-risk students</u> – no short term solution</p> <p><u>Teacher Prep Programs</u>:</p> <ul style="list-style-type: none"> ➤ Establish and sufficiently fund a “Bilingual/TESOL Pipeline” in Institutions of Higher Education that have a fully staffed ESL/Bilingual program ➤ Ensure that salaries for Bilingual Education faculty at Institutions of Higher Education are competitive regionally. ➤ Create a recurring Language Revitalization fund and application process for scholarships that would cover four years of tuition for students pursuing a teaching degree in bilingual and indigenous language education. ➤ Allocate appropriate funding to Institutions of Higher Education to recruit and hire sufficient faculty in the areas of Bilingual and ESL education, in order to expand pre-service programming and increase the number of teachers enrolled in BE/ESL programs. (Goal: to increase the pool of qualified BE/ESL teachers incrementally by 	<p><u>Experienced teachers for at-risk students</u></p> <ul style="list-style-type: none"> ➤ Develop and implement a plan with funding that places experienced & effective teachers with at-risk students; monitor. <p><u>Teacher Prep Programs</u>:</p> <ul style="list-style-type: none"> ➤ Establish a framework that requires Bilingual-clinical support teachers from the Institutes of Higher Education to provide instructional support to first and second year bilingual teachers in all districts. ➤ Develop a teacher certification pathway for immigrants pursuing a career in education. ➤ Develop a pathway for bilingual seal recipients to enter an undergrad teacher program with a scholarship and mentoring within Bilingual Educators Rising. ➤ Develop a Scholarship application process for students who are bilingual (without the bilingual seal) pursuing bilingual education pathway. ➤ Develop a pathway for indigenous students graduating after 4 years from a post-secondary institution in a career path other than education, to

	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
			<p>15/% per year in order to acquire the 8000 new bilingual teachers).</p> <ul style="list-style-type: none"> ➤ Allocate funding to review and revise the Spanish language test (“Prueba”) that bilingual teachers must pass in order to attain to their Bilingual endorsement. 	<p>extend for a 5th year at the university to enter a teacher preparation program or other school support program. Ex: SLP, Counselors, Psychologist.</p>
	<p>Capacity Building</p> <ul style="list-style-type: none"> • <u>Adequate training</u>: (colleges of education) • <u>Professional development and collaboration</u>: There are inadequate funds to adequately train teachers. (pg. 36) • <u>Administrative professional development and collaboration</u>: Participation in the programs lauded by PED is limited; frequently, the LFC and LESL found that PED had failed to provide verifiable evidence that its programs were working. Many programs cited by the State, such as Teachers Pursuing Excellence and Principals Pursuing Excellence, have only minimal participation by the schools in the state. While these programs may be worthwhile, their coverage is too limited and their funding is too ephemeral to justify the 		<p>Capacity Building</p> <p><u>Adequate training</u></p> <ul style="list-style-type: none"> ➤ Require all teachers to be TESOL-endorsed and that appropriate funding for all current teachers to get the endorsement. ➤ Align the university level teacher preparation programs in the state and develop more robust teacher training programs addressing the need for all teachers to be trained in culturally and linguistically relevant instruction for New Mexico’s students. <p><u>Professional development & Collaboration</u></p> <ul style="list-style-type: none"> ➤ In the 2019 session, pass bill that would make school year 192 days (or hourly equivalent) that mandates 10 days of embedded professional development and collaboration for teachers. These 10 days should be embedded in the school year 	<p>Capacity Building</p> <p><u>Adequate training</u></p> <ul style="list-style-type: none"> ➤ Determine what required training teachers need to effectively teach New Mexico’s students. <p><u>Professional development & Collaboration</u></p> <ul style="list-style-type: none"> ➤ Study additional professional development and collaboration models and needs of teachers and add additional time as needed, with increased

	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
	<p>State's failure to comply with the constitutional mandate. (pg. 43-44)</p>	<p><u>Administrative Professional Development & Collaboration</u></p> <ul style="list-style-type: none"> The LFC recommended that the PED create viable professional development and resources for aspiring administrators. LFC 2014 Report at 36. 	<p>with curriculum development (not tacked on the end) and should allow teachers the opportunity to work in professional learning communities (PLCs), while maintaining time for parent/teacher conferences</p> <ul style="list-style-type: none"> Require all teachers, district administrators, school board members and PED employees to be trained in culturally and linguistically responsive education/curriculum and anti-racism/racial equity training, annually. <p><u>Administrative professional development and collaboration</u></p> <ul style="list-style-type: none"> PED, in collaboration with local experts and communities, shall develop regulations on embedded professional development that incorporates training on culturally and linguistically responsive education and that re-structures the time teachers and students spend together. 	<p>funding for extra days of work.</p> <p><u>Administrative professional development and collaboration</u></p> <ul style="list-style-type: none"> Determine what administrative support model the PED will use to support, train, and develop district and school administrators. Once this is determined, it must be funded so that all administrators in the state have access to this type of professional development and collaboration.
	<p><u>Evaluation System</u>: NMTEACH does not use any metric to evaluate whether or not a</p>		<p><u>Evaluation System</u></p> <ul style="list-style-type: none"> In 2019 session, repeal regulations around teacher 	<p><u>Evaluation System</u></p> <ul style="list-style-type: none"> Put in place teacher evaluation system that

	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
	teacher is effectively serving ELL students or whether or not a teacher is providing culturally relevant instruction to a Native American student. (pg. 34-35); Teacher evaluations may be contributing to the lower quality of teachers in high-need schools. (pg. 34)		evaluation system and use prior system in the interim ➤ In 2019 session, appropriate funding to provide professional development of administrators re: evaluation.	acknowledges teaching to diverse students using culturally and linguistically relevant teaching methods
Accountability	Judge's Finding		Short-term Plan	Long-term Plan
Auditing and Monitoring At-risk Funding	<p>Accountability over districts: The PED has failed to meet its supervisory and audit functions to assure that the money that is provided has been spent so as to most efficiently achieve the needs of providing at-risk students with the programs and services needed for them to obtain an adequate education.</p> <p>➤ PED's statutory obligation to "supervise all schools" "is broad enough for PED to review and assure that districts are using the money provided by the State to provide programs to assist at-risk students." (p. 52)</p> <p>➤</p>	<p>According to the 2011 Joint LESL/LFC Study, "Evaluation of the Public School Funding Formula":</p> <p>➤ "The accountability function of PED is insufficient, resulting in unfair, inaccurate, and inequitable distribution of resources." (p. 4)</p> <p>➤ "The implementation of performance-based budgeting for schools starting in FY14 would be of great benefit. New Mexico school districts have local control over how their funds are spent and distributed amongst district schools to fit the needs of the students in particular communities. But with no accountability measures in place, districts can direct funds to ineffective programs and policies." (p. 4)</p> <p>➤ "PED should develop a new audit unit that is of sufficient</p>	<p>➤ PED shall monitor the use of at-risk funding through the enforcement of NMSA § 22-8-23.3 so that schools specifically show that they have used their at-risk money on services that improve academic outcomes for "at-risk" students: poverty, mobility, and ELL.</p>	<p>➤ Develop and implement an effective accountability plan. This must include auditing and monitoring functions that ensures that special education money follows special education students and that dual language money follows dual language students/supports dual language programs; and at risk money follows at risk students.</p>

	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
		size and skill to meet current administrative requirements for responsibly administering the funding formula.” (p. 5)		
Implementation of the Indian Education Act			<ul style="list-style-type: none"> ➤ Require the PED to develop an outline of annual goals and deliverables that align to the provisions of the NMIEA. ➤ At semi-annual government to government meetings: Require the Governor and Secretary of Education to attend Govt to Govt meetings and require facilitated discussions and official note-taking and minutes. ➤ PED shall ensure that all PED staff receive training on the implementation of the State Tribal Collaboration Act in order to establish the government to government relationship called for in the IEA. ➤ Require the NM Governor Administration, including the Education Secretary and administrative staff, to undergo State Tribal Collaboration Act training on an annual basis in order to implement NMIEA from a culturally relevant perspective. 	<ul style="list-style-type: none"> ➤ Develop a system to monitor the implementation of the IEA in which PED is held accountable for achieving goals/deliverables. ➤ PED shall develop partnerships with Institutes of Higher Education, as required under NMIEA law, to provide appropriate courses and credentials for teachers and professionals working in schools serving NA students to provide culturally competent instruction. ➤ The Legislature shall review the state funding formula to take into account the identified needs of NA students, teachers and schools to assure that the needs of NA students are adequately addressed; Pass legislation to amend the funding formula to guarantee that funds generated by each NA student are provided to the district. ➤ NMPED shall ensure that a working partnership among all divisions within the

	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
			<ul style="list-style-type: none"> ➤ Require PED and IED to develop an NMIEA Grant Fund evaluation. ➤ Require that grant funding includes training on how to spend the money towards NMIEA approved programs/services; ➤ Require grant-funded applications to include measurable outcomes that pertain to the purpose of the NMIEA; ➤ Require Districts to develop a 3-5 year plan that PED funds adequately from year to year. ➤ Extend timeframe that Districts have to spend NMIEA funds. 	<p>NMPED coordinates services and resources for the implementation of the NMIEA, HEA, the BMEA (i.e. assessment and accountability, books and buses, curriculum development).</p> <ul style="list-style-type: none"> ➤ Permit certain NMIEA funds to be spent towards institutions within the State of New Mexico that already work on projects serving the needs of American Indian students (ex: MOABE; Dual Language, College Horizons, etc.). ➤ Require ongoing consultation between PED/IED, Districts, and Tribes about how the NMIEA fund will be spent. ➤ Provide funding for IEAC to develop an NMIEA Technical Assistance handbook.
Implementation of the HEA & BMEA				<ul style="list-style-type: none"> ➤ Develop a system to monitor the implementation of the HEA & BMEA in which the PED is held accountable for achieving goals and deliverables.
ELL Programs/Services	The PED lacks sufficient monitoring programs to determine if ELL students are receiving adequate assistance. (pg. 31)		<ul style="list-style-type: none"> ➤ In collaboration with local experts, the PED shall begin working with all districts to set up ELL programs. 	<ul style="list-style-type: none"> ➤ The PED shall monitor all districts to ensure the provision of ELL programs.

	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
	<p>The PED does not track the number of Native American EL students to determine if they are timely acquiring English. (pg. 31)</p> <p>PED is not tracking the training given to teachers who teach ELL students. (pg. 31-32)</p>			
College & Career Readiness			<ul style="list-style-type: none"> ➤ Continue to gather data on college remediation, graduation rates, proficiency rates, and vocational training and disaggregate this data by income and race.. 	<ul style="list-style-type: none"> ➤ The State must track college and career readiness by collecting data on college remediation, graduation rates, proficiency rates, and vocational training.
Teachers	<p>No effort has been made to evaluate the effectiveness of PED's efforts to achieve equitable distribution of effective teachers or recruitment and retention of teachers in high poverty or low-performing schools. (pg. 35)</p>			<ul style="list-style-type: none"> ➤ The State shall examine best practices for ensuring that at-risk students have effective teachers and determine what is best for NM.
Resources	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
Overall Funding	<p>The overall appropriation is insufficient to fund the programs necessary to provide an opportunity for all at-risk students to have an adequate education. (pg. 53)</p>			<ul style="list-style-type: none"> ➤ Develop a plan to build the education budget from the bottom up based on student need. This may require a report/study to analyze the gaps.
At-risk Index	<p>New Mexico has one of the lowest rates used for at-risk calculations. (pg. 48)</p> <p>The at-risk index has been criticized that it does not correctly steer resources needed to educate ELL and children</p>	<p>According to the 2011 Joint LESL/LFC Study, "Evaluation of the Public School Funding Formula":</p> <ul style="list-style-type: none"> ➤ States vary on the incremental dollars allocated for at-risk students, but comparatively, New Mexico allocates a 	<ul style="list-style-type: none"> ➤ In the 2019 session, amend legislation to increase the at-risk index from .13 to .366 so that at-risk students are funded at 25% above a non-at-risk student. Ensure hold harmless clause. Ensure additional money in SEG 	<ul style="list-style-type: none"> ➤ Determine whether the increased at-risk index, combined with an adjustment for FRPL meets the needs of at-risk students in New Mexico or whether further adjustments are necessary.

	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
	<p>living in poverty and that it uses the census poverty levels instead of the FRL levels. (pg. 47-48)</p> <p>The funding formula has been criticized as being too complex and for not being in compliance with statute as it relates to charter schools and the T&E index. (pg. 48)</p>	<p>relatively small amount to its most needy students.” (p. 13)</p> <ul style="list-style-type: none"> ➤ “Other states allocate per-student incremental funding ranging from five percent to 50 percent for students that qualify for free and reduced-price lunch” (p. 13) ➤ “LFC Reports have found that charter schools receive size adjustments despite statutory language specifically barring charter schools and other programs from receiving such units.” (p. 4) <p>The Joint Study recommended: increasing the at-risk index and expanding membership to FRPL;</p>	<p>appropriation to cover additional units.</p> <ul style="list-style-type: none"> ➤ In the 2019 session, amend legislation to adjust the poverty factor of the funding formula to use the FRPL for poverty. Ensure additional money in SEG to cover additional units. 	
	Bilingual Program Units		<ul style="list-style-type: none"> ➤ Increase the bilingual unit of the funding formula from .5 to 1 unit (in order to increase bilingual teaching capacity, teacher preparation and teacher stipends); and create a categorical fund, in addition to funding created by the bilingual unit, for bilingual teacher recruitment, retention and capacity building. 	
	Small/micro-district funding		<ul style="list-style-type: none"> ➤ Pass legislation that creates a basic program supplemental funding fund for small schools and small school districts. 	
	Instructional Materials	<u>Funding</u> is inadequate. (pg. 26-27)	<ul style="list-style-type: none"> ➤ Determine cost and increase funding accordingly for instructional materials so that 	

	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
	<ul style="list-style-type: none"> Funding cuts have prevented schools from purchasing adequate and up-to-date textbooks The instructional materials stipend is insufficient. 		<p>all students have up-to-date and adequate materials that they can bring home.</p> <ul style="list-style-type: none"> Determine cost and increase funding accordingly for technology. 	
Programs & Services (Reasonable Curricula)	<p>Generally: The evidence demonstrated that money spent on classroom instruction programs such as quality PreK, K-3 Plus, extended school year, and quality teachers can all improve the performance of at-risk students and overcome the gap caused by their backgrounds. (pg. 45); Categorical or below-the-line funding are insufficient to provide sufficient moneys to all the districts to provide programs and other resources needed by ED and ELL students. (pg. 49)</p>		<ul style="list-style-type: none"> Fully fund everything mentioned under the <u>Programs & Services Short-term Plan</u>: <ul style="list-style-type: none"> <u>Quality, full-day PreK</u> <u>Extended learning</u> <u>Reading/Literacy</u> <u>Class size</u> <u>Social Services</u> <u>ELL</u> <u>HEA</u> <u>BMEA</u> <u>IEA</u> <u>Teacher Recruitment and Retention</u> <u>Number of Teachers</u> <u>Experienced teachers for at-risk students</u> <u>Teacher capacity building</u> 	<ul style="list-style-type: none"> Fully fund everything mentioned under the <u>Programs & Services Long-term Plan</u>: <ul style="list-style-type: none"> <u>Quality, full-day PreK</u> <u>Extended learning</u> <u>Reading/Literacy</u> <u>Class size</u> <u>Social Services</u> <u>ELL</u> <u>HEA</u> <u>BMEA</u> <u>IEA</u> <u>Teacher Recruitment and Retention</u> <u>Number of Teachers</u> <u>Experienced teachers for at-risk students</u> <u>Teacher capacity building</u>
Transportation			<ul style="list-style-type: none"> Increase funding for transportation to ensure that districts do not have to supplement their transportation funding with any other funding stream. 	<ul style="list-style-type: none"> Regular analysis of transportation funding sufficiency.