

MINUTES
Legislative Education Study Committee
Aztec High School
Aztec, New Mexico
June 18-20, 2018

June 18, 2018

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Senators Candace Gould and William P. Soules, and Representatives Alonzo Baldonado, Dennis J. Roch, Christine Trujillo, Monica Youngblood; Advisory: Senators Linda M. Lopez, Michael Padilla, and John Pinto, and Representatives Kelly K. Fajardo, Joanne J. Ferrary, Stephanie Garcia Richard, D. Wonda Johnson, Tim D. Lewis, Rick Little, Tomás E. Salazar, and Debra M. Sariñana.

The following voting and advisory members were not present: Voting: Vice Chair G. Andrés Romero, Senator Craig W. Brandt, and Representative Sheryl M. Williams Stapleton; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Gay G. Kernan, and Howie C. Morales, and Representatives David M. Gallegos, Jimmie C. Hall, Patricia Roybal Caballero, Angelica Rubio, Patricio Ruiloba, Elizabeth "Liz" Thomson, Jim R. Trujillo, and Linda M. Trujillo.

On a motion by Representative Christine Trujillo with a second from Representative Baldonado, the committee approved the minutes for the May LESC meeting and the agenda for the June LESC meeting with no opposition.

Strategic Initiatives of Aztec, Bloomfield, and Farmington School Districts. Kirk Carpenter, Superintendent, Aztec Municipal School District, shared the demographic characteristics of Aztec. Aztec has 2,800 students and 390 employees in six schools. He praised their cooperative relationship with the Bloomfield and Farmington school districts. Aztec student enrollment has decreased since 2014, resulting in a decrease in formula funding and federal Title I and Title II funding. Aztec relied heavily on cash balances in FY17 and FY18 and was significantly impacted when the Legislature cut cash balances. The school district participates in teachers pursuing excellence (TPE), principals pursuing excellence (PPE), the University of Virginia school turnaround program, will begin prekindergarten programs in the 2018-2019 school year, and has found success with career pathways through Educators Rising and a relationship with the San Juan College. Mr. Carpenter sees opportunities to address several of the district's challenges, including teacher shortages, insufficient funding, and issues of safety, which he believes the district can address by working with retired law enforcement to provide campus security. He believes the district can work with retired law enforcement to provide better campus security. In terms of finance and budgeting, the district will propose to raise the mill levy from 1.886 to 2.0, offer more competitive teacher salaries, and begin rebuilding the district's cash balance.

Dr. Kimberly Mizell, Superintendent, Bloomfield School District, noted the school district has about 2,950 students, 28 percent of whom are Caucasian, 33 percent Hispanic, and 38 percent Native American. The school district has relatively high attendance at middle and high schools and has a graduation rate that is slightly higher than the state average. The high school offers 10 Advanced Placement (AP) courses, up from one, and ninth grade students engage in Pathfinders, a school success and career exploration program. Bloomfield receives funds for prekindergarten, K-3 Plus, Reads to Lead, comprehensive support and improvement (CSI) schools, and career technical education through federal Perkins grant funding. Dr. Mizell said increased formula funding will not fully cover the mandated pay increases for teachers and school employees, with the school district projecting about a \$201 thousand shortfall.

Phil Valdez, Deputy Superintendent, Farmington Municipal Schools, said Farmington has approximately 11,500 students, with one third each Caucasian, Hispanic, and Native American

students. Recently, the school district reframed its strategies around three critical commitments: develop a system of individualized student feedback; ensure effective teaching in every classroom and provide teachers the tools they need; and build background knowledge for all students. As a result, Farmington has seen proficiency rates and school grades increase over time, with all schools except the New Mexico Virtual Academy (NMVA) earning a C or better in 2017.

Kyle Rhodes, President, Farmington Municipal Schools Board of Education, said a deep partnership with the Public Education Department (PED) has brought programs like TPE and PPE to Farmington, which has impacted how schools use data to drive instruction. Initially, only two schools were part of the program, but Farmington made a commitment to expand the program districtwide.

Mr. Valdez said Farmington is always looking for ways to continuously improve processes and systems. The school district has been working on school safety by installing cameras, using single entry points at schools, and employing social workers at elementary schools for early identification of children in need of counseling and support. Farmington established a working relationship with other school districts and local law enforcement to ensure school safety. The school district is starting Spanish and Navajo dual language programs in elementary schools; weaving best practices into high schools; and expanding the Graduate Farmington program in collaboration with San Juan College, which offers career pathways and dual credit programs. Farmington set a goal to be the first school district to pay first-year teachers \$40,000 per year.

Senator Padilla asked how many students attend NMVA. Mr. Valdez stated the school has an enrollment cap of 500 students, and enrolls about 79 students from San Juan County. In the 2016-2017 school year, 325 of the students enrolled at NMVA did not finish the school year at NMVA. Mr. Rhodes stated the school board felt pressured to approve NMVA's charter to avoid a lawsuit. However, the school's charter will end next year because of the low graduation and proficiency rates at the school. Mr. Valdez said Farmington is looking to offer a blended model at Rocinante High School to give local students options. Senator Stewart said LESC will be looking into changing statutes to account for virtual charters.

Representative Sariñana explained her concerns about Bloomfield's single-digit proficiency rate in math, and asked how the school district plans to improve math instruction. Dr. Mizell stated Bloomfield placed math coaches at every elementary school. The middle school offers a technology program in which each student or small groups of students will receive a personalized lesson. Throughout the day, students rotate on a two-hour block schedule. In high school, students who do not feel ready for college placement exams can attend a two-week math boot camp. She does not yet know how these changes impacted Partnership for Assessment of Readiness of College and Career assessment scores during the current school year.

Senator McSorley asked how many teachers at each school district are teaching on a provisional license. Dr. Mizell said Bloomfield has 20 teachers on a provisional license, Mr. Carpenter and Mr. Valdez indicated they would provide the data to the committee. Senator McSorley asked if raising salaries would increase the number of qualified teachers. Mr. Carpenter said low salaries impact his ability to hire qualified teachers; the pay scale does not incentivize teaching for young students and fewer students are going into teacher preparation programs in college. Senator McSorley asked if anyone offered student loan forgiveness programs. Dr. Mizell said they could offer that because of their Native American population, but there are a lot of requirements for loan forgiveness, and recruitment is still difficult despite their loan forgiveness program. She also said school districts with different salary schedules are competing for the same teachers.

Representative Christine Trujillo asked what types of career pathways each school district offers. Dr. Mizell said Bloomfield offers business, education, engineering, welding, and culinary arts pathways. Mr. Carpenter said Aztec partners with San Juan College to provide medical and

culinary arts pathways, and participates in Educators Rising for the education pathway. Farmington offers automotive, culinary arts, welding, and education pathways.

Representative Ferrary asked how budget cuts have impacted student teacher ratios in the school districts. Mr. Carpenter said Aztec has minimized cuts that impact the classroom, but they did have to cut some teachers. Class ratios have gone up but do not exceed the state average. Mr. Valdez said Farmington is starting to recover from budget reductions of the past several years and has recently added some teaching positions. Dr. Mizell said the cuts had minimal impact on Bloomfield's student teacher ratios.

Senator Soules asked about teacher turnover and teacher recruitment strategies in each school district. Mr. Valdez said of the 700 teachers Farmington employs, they are looking at 100 openings each year. Mr. Rhodes said Farmington evaluated surveys of job satisfaction and found the problem is not just salary, but a combination of providing strong leadership, good communication with teachers, and a sense of community. Dr. Mizell said Bloomfield loses 23 percent of teachers annually, but they recruit from the alternative licensure program at San Juan College and Fort Lewis College in Durango, Colorado. Bloomfield struggles because of their salary schedule, and is rarely able to hire teachers from New Mexico State University or Eastern New Mexico University. Mr. Carpenter estimated 20 percent of Aztec's teachers turn over annually, but said the school district stopped going to recruiting fairs because they found the cost did not justify the benefits. Aztec has 12 teacher openings now.

Senator Soules asked what changes the Legislature can make to PARCC that would be most useful for students. Dr. Mizell said the proficiency cut scores should be decreased. Mr. Carpenter asked for a reduction in the number of times students have to take PARCC so students could spend more time learning. Mr. Valdez wanted the teacher evaluation system examined to allow for more accurate and holistic determinations of teachers' effectiveness, which could even impact teacher turnover. Senator Soules said using PARCC to evaluate teachers is not the correct use of the test.

Representative Little said only about 30 percent of students in the United Kingdom go to college, with the rest being prepared for careers. Gadsden prioritized career pathway programs which keep students interested in high school. PARCC is geared for college preparedness, but school districts should also teach life and career skills.

Senator Stewart asked Dr. Mizell about Bloomfield's prekindergarten program. Dr. Mizell said Bloomfield has two classrooms for 3-year-olds and two classrooms 4-year-olds and is looking to add two more prekindergarten classrooms. The Bloomfield early childhood center is improving student outcomes. Senator Stewart asked how Bloomfield funded 3-year-old prekindergarten programs. Dr. Mizell said they use funding from PED and the Children, Youth and Families Department.

Senator Stewart asked the school districts about leadership meetings and communication, and wondered how teachers can be given more time to communicate and collaborate with each other. Mr. Carpenter said Aztec is seeing a lot of collaborations in its professional learning communities. Aztec also uses common preparatory periods, planning times, and pacing guides. Aztec collaborates with San Juan College in mathematics to assist teachers in helping students transition to college. Mr. Rhodes said Farmington's goal of "creating a system of support" includes common preparatory times. Farmington has also provided a framework for teachers with common pacing guides and assessments for teachers to use. Senator Stewart commended their communication, but noted using a pacing guide is very different than letting teachers collaborate on how to teach a specific mathematical concept, for example.

San Juan College Alternative Teacher Preparation Programs. Michael Thompson, Coordinator and Instructor of Teacher Education and Alternative Licensure Program, School of Humanities and Teacher Education, San Juan College (SJC), explained most teachers in the SJC alternative

licensure program have life and work experience and strong content knowledge, but do not always have teaching skills. An average of about 15 teachers complete SJC's training and preparation program each semester, many of whom have already begun working in classrooms with a temporary license from PED. The program instructs teacher candidates on classroom management strategies, differentiated instruction, instructional techniques, and student diversity, and was recently redesigned to include in-person, online, and summer courses. Surveys of exiting teachers show, depending on the course, 80 percent to 95 percent of exiting teachers rate the courses as useful or highly useful. Approximately 90 percent of teachers pass teacher accreditation tests after completing the program. The secondary teacher program is 16 credit hours and costs \$1,450, the elementary teacher program is 19 credit hours and costs \$1,600, and the special education program is 21 hours and costs \$1,680.

Jeri Oxspring, Alternative Licensure Program Instructor, School of Humanities and Teacher Education, SJC, teaches a diagnostic reading class designed to help teaching candidates become effective reading teachers. She teaches her students how to take a basic reading curriculum and build upon it to create an effective program. Teacher candidates in the program deconstruct many of the available reading curricula and learn how to use elements of each curriculum to address individual gaps in students' knowledge of phonics, grammar, or spelling. As a result of the diagnostic reading class, close to 98 percent of teacher candidates pass their accreditation tests, enter classrooms, deconstruct the school district-provided reading curricula to make them work for the students, and supplement the incomplete portions of the curricula with their own knowledge and strategies.

Mr. Thompson also spoke to some of the challenges the program faces. Some teacher candidates in the program are already teaching prior to completing any coursework. Some teacher candidates who have a four year degree lack the requisite writing and math skills. Mr. Thompson also noted PED is going to grade teacher preparation programs based on some metrics that are beyond the control of the programs, such as student diversity, the percent of recent program graduates teaching in D or F schools, and the number of STEM and secondary teacher graduates. Mr. Thompson noted PED does not include a metric for special education teachers in the report card.

Representative Sariñana said she mentored a retired nuclear engineer in a classroom. He knows math but could not effectively control the classroom, so the students did not learn very much. She asked how often teacher candidates go into classrooms to see what it takes to be a teacher. Mr. Thompson said many candidates may already be in classrooms by the time they begin the program. Ms. Oxspring said teacher candidates are placed in a full classroom with a mentor teacher. Candidates are assigned to observe and reflect on a teacher with excellent classroom management skills and one who is lacking in that area. The SJC course tries to cover every situation that will happen in a classroom, including emergency response and preparedness. SCJ is creating a "boot camp" for the first day and first week so teacher candidates are ready for students immediately.

Senator Soules shared concerns that alternatively licensed teachers may not have specific teaching knowledge. He said there are specific needs and methodologies for specific content areas and methods courses should be extremely different between math and English. Mr. Thompson said SJC does not have enough candidates to have methodology courses that are content specific. Senator Soules said he is critical of alternative licensure programs because they put teachers into classrooms before they are ready. In high performing countries, all teacher preparation is done at four year research universities with specific methods programs for level and content, developmental psychology, and classroom observations. He worries about students who receive a teacher who has no background or training.

Representative Youngblood said she thought it was important to have a designated time for

reading instruction. Ms. Oxspring said in New Zealand it was common practice for all schools to offer literacy during a designated uninterrupted period each day. A complaint teachers have now is that they have children for less than 30 minutes and then they move to different classrooms or areas within the schools. If New Mexico spent the next six to seven years concentrating on literacy development and placing students with skilled teachers, high school students would be much more literate and prepared. Senator Stewart shared the same concern. Research states students need a minimum of 90 minutes a day of uninterrupted reading time to learn to read, and those who are not on grade level need an additional 60 minutes.

Representative Roch said as an administrator, if he had to choose between someone with content mastery without pedagogy or a long term substitute teacher, he would choose a degreed professional who has committed to the process to learn the skills they need to be a successful teacher. Alternative licensure programs help to address teacher shortages and fill the gap. Mr. Thompson pointed out that candidates at SJC care about becoming teachers and want to make a difference in their community.

Update on Albuquerque Public Schools' and Dulce Independent School District's More Rigorous Interventions School Turnaround Plans. Tim Bedeaux, Fiscal Analyst, LESC, said the Dulce Superintendent, Pam Montoya, opted not to present to LESC because of pressing deadlines for updating and implementing their more rigorous interventions plan. The federal Every Student Succeeds Act (ESSA) requires states to identify targeted support and improvement schools (TSI) and comprehensive support and improvement schools (CSI). New Mexico's ESSA plan noted PED would make decisions about more rigorous interventions in the 2018-2019 school year based on school grades from the 2016-2017 school year.

The Public Education Department (PED) conditionally approved APS's plans for Los Padillas and Whittier but denied the plan for Hawthorne. PED said Hawthorne would have to submit a plan "to champion and provide choice." APS submitted such a plan which described how the schools surrounding Hawthorne would be supported. PED sent a guidance letter to APS indicating Hawthorne would be closed in the 2020-2021 school year if it does not earn a school grade of C or better for the next three years, as is the case for Los Padillas and Whittier. APS superintendent Raquel Reedy had not yet signed off on all of PED's requirements. Dr. Joseph Escobedo, Interim Government Affairs Liaison, APS, said APS has a meeting scheduled with the PED secretary-deisgnate to discuss the conditions prior to signing the letters.

PED conditionally approved the Dulce plan with conditions similar to those given to Whittier and Los Padillas in APS. However, PED also asked Dulce to provide prekindergarten programs for all 4-year-olds in the school district. Full prekindergarten implementation would cost Dulce approximately \$450 thousand annually. It is unclear if PED expects Dulce to use the allocated Title I set-aside funds to provide prekindergarten to all students; if this is the case, the available Title I budget to execute the remainder of the plan would only be \$225 thousand. The deadlines for Dulce's plan were placed on a very short timeframe; because APS's plans were approved much earlier, APS was allowed to meet a series of deadlines over two months, where Dulce must meet many conditions before July 1.

Mr. Bedeaux noted the Constitution of the State of New Mexico gives the secretary of education general authority to take over a school "as provided by law," and there are only three statutes that authorize that action; these three statutes require some violation of the law, regulation, or department standard to occur prior to PED being authorized to take over a school. A section of statute dealing with school improvement plans for school not meeting adequate yearly progress, the standard under No Child Left Behind, was unanimously repealed in 2015, with the support of PED. This section clarified PED's authority to take over a school. Additionally, Article X of the United States Constitution notes the powers not delegated to the federal government by the Constitution are reserved for the states. Because the U.S. Constitution does not give the federal

government power over education, education issues reserved for the states. However, the federal government is able to condition receipt of federal funding on specific requirements, similar to how the state treats many below-the-line appropriations. This means New Mexico is not required to be in compliance with ESSA, and would risk about \$120 million in Title I funding for lack of compliance, but the federal government could not take legal action against the state. Rachel S. Gudgel, Director, LESC, reiterated what Mr. Bedeaux said, noting the secretary-designate recently said ESSA is “the law of the land,” but ESSA is really more like a grant application requirement. The federal government can condition receipt of federal funds on specific things, but the federal government cannot give PED authority that does not exist in state law. The Legislature needs to propose a new school improvement law to clarify the duties and responsibilities of schools and PED.

Senator Stewart said Hawthorne is planning to implement its original redesign plan alongside the champion and provide choice plan. They are expanding the school year 10 days, expanding each day one hour, extending the day with a community-led “genius hour” for enrichment, hiring more National Board certified teachers and encouraging teachers to get National Board certification, and expanding bilingual and prekindergarten programs. Dr. Escobedo said there has been an increase in transfer requests to each of these three schools. Parents have heard about the extended learning time and additional supports and want their children to be a part of that.

Representative Garcia Richard asked what would happen if APS did not sign the letters. Mr. Bedeaux said there is an element in the state plan that states PED would choose a plan if the school district did not do so. It is unclear if not signing the agreement would be equivalent to not selecting a plan. Ms. Gudgel said PED’s letters state PED will seek school closure if the school districts do not agree to the conditions. There is also no framework for school closure in state law, so it is unclear that PED can legally seek closure.

Senator Lopez asked if the more rigorous interventions plans comply with the Indian Education Act (IEA), since Dulce’s student body is primarily Native American. Ms. Gudgel said IEA requires PED to consult with tribal nations when the department is implementing policies that will impact Native American students. Dulce indicated to LESC staff that PED has not sufficiently consulted tribal nations. Mr. Bedeaux said he would do more research on how IEA interacts with ESSA and school turnaround.

The committee recessed at 3:28 PM.

June 19, 2018

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Administrative Rulemaking. Marit Rogne, Fiscal Analyst, LESC, presented proposed amendments to 5.7.20 NMAC, *Legislative Lottery Scholarship Program*, that would restructure the Legislative lottery tuition scholarship amounts to implement requirements of Laws 2018, Chapter 70 (Senate Bill 140). Laws 2018, Chapter 70 removed language in Section 21-21N-1 NMSA 1978 of

the Legislative Lottery Tuition Scholarship Act that required scholarships to be calculated based on sector average tuition rates, effectively decoupling award amounts from tuition. Qualified students would receive per-semester award amounts of \$1,500 for research institutions, \$1,020 for comprehensive institutions, and \$380 for community colleges. HED would be allowed to raise or lower scholarship amounts based on enrollment and available funding while holding the sector awards proportional to the amounts outlined above.

Tim Bedeaux, Fiscal Analyst, LESC, presented a proposed repeal and replace of 6.19.7 NMAC, *Demonstration of Competency for High School Graduation*, that would establish subject-specific pathways for students to demonstrate competency in mathematics, reading, writing, science, and social studies. The rule will require students to attempt a demonstration of competency through a primary pathway before they become eligible to use alternative pathways, including alternative assessments and competency-based alternatives. PED would be required to publish an annual graduation manual listing which assessments will be used for primary and alternative demonstrations of competency. Joe Guillen, Executive Director, New Mexico School Boards Association, and Stan Rounds, Executive Director, New Mexico Coalition of Educational Leaders, shared concerns that the rule removes a significant amount of local control, superintendents were not consulted about the changes, and the timing of the rule hearing in the summer close to the Fourth of July holiday made it difficult for some stakeholders to make public comments at the public hearing.

Kevin Force, Senior Research Analyst II, LESC, presented proposed rule 6.62.17 NMAC, *Licensure for Attendance Coaches Pre K-12*, which would establish two levels of licensure for attendance coaches. Level one licensure, a one-year license, would require the candidate to have a high school diploma or equivalent, a completed fingerprint-based background check, two years of experience in a related field, and either an associate's degree or 48 hours of academic coursework, of which 15 must be non-remedial. Level two licensure, a three-year license, would require a bachelor's degree with at least 30 hours of non-remedial coursework, a fingerprint-based background check, and three years of experience in a related field. Several members expressed concern that the rule fell outside of PED's statutory authority, which was cited as Section 22-10A-17 NMSA 1978, "Instructional Support Provider Licenses." Mr. Force noted while it may not be a good exercise of PED's authority, it does not appear to be outside their statutory authority.

Rachel S. Gudgel, Director, LESC, and Ms. Rogne presented adopted rule 6.30 NMAC, *Early College High School*, which outlines the criteria high schools in New Mexico must meet to receive official designation as a PED-approved early college high school (ECHS). The new rule establishes application, compliance evaluation, and renewal procedures. Ms. Gudgel noted there are concerns about how the rule will be implemented, and how the new dual credit manual will affect dual credit courses and student participation, since the manual states students at non-early college high schools will not be able to take more than two dual credit courses per semester.

Mr. Bedeaux presented the adopted repeal and replace of 6.41 NMAC, *Standard for Providing Transportation to Eligible Students*, which clarifies and reorganizes existing rules, brings the state into compliance with the federal McKinney-Vento Homeless Assistance Act, and eliminates some of the most restrictive provisions from the emergency rule for the use of sport utility vehicles (SUVs) for to- and from-school transportation.

Ms. Gudgel presented adopted changes to 6.32.2 NMAC, *Guidelines for Implementing Bilingual Multicultural Education Programs*, which realigns the evaluation and renewal sections, and includes program accountability for academic and language proficiency in English and a second language for all participating students. The most notable change from the proposed rule is the maintenance of all five bilingual multicultural education program models.

Gun Violence and Mental and Behavioral Health. Dr. Martin Kistin, Associate Director of Project Echo at the University of New Mexico Health Sciences Center, spoke about Project Echo

and its work with mental and behavioral health. Echo began in the state in 2004 to address issues surrounding the treatment of Hepatitis C. At that time, there was only one clinic at UNM with an eight to 10 month wait for appointments. As a response, Project Echo focused on training local practitioners with videoconference technology via a “hub and spoke” model, which permits an expert to train multiple practitioners in best practices, creating local experts and reducing reliance on more urban parts of the state; a subsequent study indicated the model would be effective with other treatment areas. The Project Echo model is now used for crises intervention training, and for training law enforcement officials in behavioral health. This model has also been used to train teachers how to teach. From a medical point of view, there needs to be training given to medical providers on how to recognize mental health issues. The model could also be used to train school employees on how to better recognize and address mental health problems.

Senator Stewart asked Dr. Kistin to speak about Project Echo’s effectiveness in addressing mental health in rural areas, to which he responded that there have been successful training modules used throughout the state for years, including a program for Medicaid patients, many of whom were homeless and had mental health issues.

Senator Stewart indicated there are no Project Echo clinics in the northwestern part of the state. Dr. Kistin said there are spokes throughout most counties, though hubs are mostly out of UNM and the Department of Health. Senator Stewart noted there are 31 spokes in San Juan County, which Dr. Kistin confirmed address all Project Echo topics. She asked how the project might help New Mexico school districts acquire more expertise among counselors and nurses to identify troubled students prior to an incident, and went on to ask if this work is already being done. Dr. Kistin replied Project Echo does not work in that area but noted he is open to the idea. There are two upcoming education projects, but they lack funding; Project Echo is seeking private funding in the education arena to put together a team that specifically deals with education-related issues.

Senator Stewart inquired about costs for behavioral training in rural areas. Dr. Kistin said it would probably cost between \$250 thousand and \$500 thousand to set up a team to look for supplemental funding for coverage of any topic. For example, the first year of implementation of a Project Echo for assistive technology for special education students was \$250 thousand. The next year, however, it was only \$90 thousand. Additional modules cost between \$100 thousand and \$150 thousand per year. Representative Salazar asked about the kind of fiscal requirements needed to provide training to individuals in school districts who are responsible for mental and behavioral health issues. Dr. Kistin indicated start-up cost for an individual clinic would be about \$150 thousand to \$200 thousand, but less in subsequent years. Attempts to establish such programs through UNM have proven unsuccessful.

Senator Stewart asked if they had the expertise in their office to offer mental health training for schools. Dr. Kistin said no, although they do have scaling expertise, content experts in mental and behavioral health, and community health worker expertise. Yet, for practice specifically in a school setting, others probably have necessary expertise that Project Echo lacks. Once that expertise is identified, however, they can scale that expertise and create a curriculum that can be delivered through the hub-and-spoke model.

Senator Ivey-Soto asked about a project incorporating students’ ability to reach out regarding their own and their classmates’ emotional and behavioral health issues. Dr. Kistin replied that, while there is no such project in New Mexico, there is one in Cleveland, Ohio where the students are the spokes in the hub-and-spoke model.

Tour of Aztec High School. Kirk Carpenter, Superintendent of Aztec Municipal Schools, led a tour of Aztec High School. Mr. Carpenter brought committee members and the audience to the area where the December 2017 shooting took place. Mr. Carpenter discussed school safety initiatives that were implemented at Aztec High School after the shooting, such as hiring additional school resource officers, as well as on going safety concerns, such as securing the

perimeter of the school campus. Mr. Carpenter demonstrated how quickly external doors could be automatically locked with a radio alert. Mr. Carpenter talked about the tragic impact the school shooting has had on their community, but highlighted Aztec's strength in coming together to support each other.

School Violence: Prevention and Intervention. Kirk Carpenter, Superintendent, Aztec Municipal School District, has worked in the school district for 28 years starting as a special education teacher and a coach, and spent 17 years at Aztec High School. On December 7, 2017, two students at Aztec High School, Casey Jordan Marquez and Francisco "Paco" Fernandez, were shot and killed. Mr. Carpenter said the great response of local law enforcement prevented a greater loss of life. Officers were on the scene in minutes and the shooter took his own life.

Grant Banash, Director of Operations, Aztec Municipal School District, has been employed by the school district for 22 years and has been the district safety coordinator for four years. Mr. Banash said it is important to train all staff and teachers with the same information and protocols. He developed the protocols utilizing a safety training video they made in-house. Mr. Banash also standardized emergency event forms across the district.

Mr. Banash said he was approached by many companies selling products for "school safety" items. It is critical to figure out where to invest limited resources, so they performed tests, and found not all products lived up to expectations. When talking about new school construction with glass and drywall, he said it is important to think about what is protecting students. It is important to understand the difference between concealment and cover. Mr. Banash said security cameras are helpful in collecting evidence after the event; however, it is not easy to detect a threat from people approaching or in the school.

Mike Mestas, Emergency Manager, San Juan County Emergency Management Task Force, works to ensure schools are properly trained for an active shooter event. He was employed by the Farmington Fire Department for 23 years and then moved to the Emergency Management Agency of San Juan County in 2016. Their Local Emergency Planning Committee plans for all hazards within the county and under that, they have a Safe Schools Committee that offers training for an active shooter event. The Safe Schools Committee started conducting drills that include law enforcement and the fire department to build relationships and ensure familiarity with the layout of the schools.

Ben McGaha, Communications Specialist, Farmington Police Department and also a member of the San Juan Safety Committee, spent 20 years as a police officer, and worked as a trainer, a special weapons and tactics (SWAT) member, and in communications. He retired in 2000 and came back to work in 2001. In 1993, San Juan County went to a combined dispatch system. This helped the law enforcement agencies work together and train together, including their police academy. Mr. McGaha indicated all teachers and administrators should have a radio with a licensed, allocated Federal Communications Commission frequency to ensure frequencies will not be shared during a crisis. After a Farmington high school stabbing in 2011, regional schools started purchasing radios. Mr. McGaha said he would like a districtwide communication system that links to police. Right now, he is working with the Central Consolidated School District to get the same type of system implemented and suggested this should be implemented across the state. Mr. McGaha said Aztec Municipal School District is the first school district he is aware of with the ability to connect radios to their school's intercom system.

Mr. Carpenter said a task force was formed after the incident that has focused on prevention and reaction. Law enforcement and the local school districts are involved. The task force is looking into assessing physical structures for safety, getting more school resource officers (SROs), and identifying the root causes of violence and mental illness. They are looking at a countywide school safety reporting system. Sandy Hook uses a 24-7 reporting line called "Say Something" that the four corners school districts are going to implement this.

Mr. Carpenter said 16 days of mental health counseling was provided to Aztec High School after the event. They received help paying for the Medical Reserve Corps from the Department of Health. Aztec Municipal School District is developing threat assessment teams in partnership with Sandy Hook, looking at how to assess mental health concerns in students and adults, a key factor in prevention.

Mr. Banash said the school district has almost completed their school site safety assessments using crime prevention through environmental design principals. The sheriff's department, the Aztec Police Department, and the safety committee all went through the assessment so everyone could provide input. Mr. Banash said training must be provided continuously.

Mike Heal, Police Chief, Aztec Police Department, has been in law enforcement for over 40 years. The New Mexico Police Chiefs Association is focused on school safety this year and is looking at red flag laws, making a school shooting a fourth degree felony similar to making a bomb threat, and changing the Public Employees Retirement Association (PERA) return to work requirements so retired police officers can come back to work in schools as SROs and not be penalized.

Senator Ivey-Soto asked about issues surrounding retired, deputized police officers returning to work in a school. Rick Tedrow, San Juan County District Attorney, said that one issue they run into are the "safe zones" in schools. State law allows only three categories of people to be armed on school grounds. Senator Ivey-Soto said state statute requires school board approval for armed security on campus. Senator Stewart said retired law enforcement are able to work in schools and would be under the Educational Retirement Board system, not PERA. Representative Salazar said nothing in statute would prevent a school district from hiring a retired police officer, but the cost of living adjustment (COLA) would be eliminated for the retired police officer. Senator Stewart noted there are ways to get around the challenges of returning to work and being penalized financially. Chief Heal said their school district paid an officer overtime during school hours so the officer was at the school full time. That is cheaper and simpler than providing benefits for an officer, and using overtime officers prevents having to hire a new officer. He said high school students reported feeling safer with guards and SROs, but he is worried about elementary and middle school students.

Senator Ivey-Soto also noted he is concerned about criminalizing disciplinary problems on campus. Senator Ivey-Soto asked how to fix today's problems without creating tomorrow's issues. Mr. Carpenter said there needs to be a real conversation about what is essential and what is being underfunded. Administration and mental health specialists are not fluff.

Representative Bandy said most of the students from Aztec High School who sent him letters indicated that they did not feel safe in school anymore. They want SROs to be armed. The sheriff says he will screen and train those who want to be armed security guards at school and will deputize them. Dr. Joseph Escobedo, Senior Director of Charter Schools, Albuquerque Public Schools (APS) said the Bernalillo County Sheriff deputizes APS security guards. APS provides the training with supervision from the county.

Representative Bandy said the students also want teachers to be armed. Rachel S. Gudgel, Director, LESC, said Section 30-7-2.1 NMSA 1978, the "unlawful carrying of a deadly weapon on school premises" law allows police officers and school security personnel to carry weapons but school security personnel is not defined. The New Mexico Public School Insurance Authority issued a policy allowing school districts to arm teachers under certain circumstances, but the policy is controversial. Ms. Gudgel said the Legislature should look at what was intended by "school security personnel" in statute and consider addressing the issue in statute.

In response to Senator Stewart's question about the cost of the radios, Mr. McGaha said the radios are \$369 each on state contract, though there are radios that are less costly. Mr. Carpenter said teacher radios cost about \$120. In response to the Senator's question about the life of a radio, Mr.

McGaha said they have had some of the radios since 2008. Mr. Carpenter said they have purchased radios with both mill levy funding and operational funds.

School Violence: Recovery. Mr. Carpenter introduced Aztec Municipal School District parents Brandi Hancock, Taylor Martinez, and Laci Phillips. Mrs. Martinez and Ms. Hancock are both members of the Parent Teacher Organization (PTO) at McCoy Elementary School, and led the initiative to create safety buckets for lockdowns. Mrs. Martinez said safety buckets are in almost every Aztec classroom. On the day of the shooting at Aztec High School, McCoy Elementary School was put into lockdown from 8:00 a.m. to 1:00 p.m. and most students did not have access to water or bathrooms. Ms. Hancock said the safety buckets have two trash bags, kitty litter, and a toilet seat, toilet paper, gloves, a privacy sheet, duct tape to hang the sheet, band aids, a crank flashlight, lollipops, a case of water, instruction sheets, and a case of animal crackers. The total cost for all 51 buckets was close to \$7,000. They received many donations.

Mrs. Phillips developed the Aztec Strongrrr community beautification effort. Mrs. Phillips said her son was in the classroom adjacent to the shooting at Aztec High School. She said she walked the high school before sending her son back to school and she felt scared and wondered how returning students would feel. This led her to create Aztec Strongrrr in partnership with students and the Aztec community. Aztec Strongrrr is focused on making the school more aesthetically pleasing and positive. They have completed four small projects and received over \$7,000 in donations thus far.

Senator Padilla brought up how positive it must be for students to experience the environment Aztec Strongrrr is creating. Mrs. Martinez said Aztec Strongrrr should be extended throughout the school district. Mrs. Phillips said Corrales High School and Los Lunas High School have asked her for a presentation so they can follow this initiative.

Mr. Carpenter introduced Aztec High School students Maggie Dimas, Sarah Gifford, Hailey Funk, Adam Jones, Janessa Minton, Mason Rios, and Gabe Wood. They said they wanted to talk about recovery after the shooting before talking about the day of the shooting. The student council organized a student “walk-up” as their first recovery effort. At the walk-up, students gathered in the commons and made a huge circle, held hands, remembered Casey and Paco, and said a prayer. Everyone contributed to a document listing things students could do on a daily basis to promote positivity. They made posters, cards, and letters to students at other schools that have experienced school shootings. Many students from around the country have written back.

All seven students said the day of the shooting started like any other. The first shots were fired about 10 minutes after school started. At first, many students confused the shots for someone banging on lockers. Then the fire alarm went off, and the intercom came on, and it became clear that it was a school shooting. All students noted they questioned whether they were safe. Students were crying, praying, and texting their parents during the event. While the event only lasted minutes, all of the students said it felt like hours. Eventually, state police and the special weapons and tactics (SWAT) team showed up to the school to get students out of their classrooms. The students stated the SWAT team had guns pointed at them and they were required to keep their hands above their heads as they were evacuated. Students were held in the gym for hours despite all of them wanting to be reunited with their families and go home. Many of the students indicated they still do not feel safe.

Senator Stewart thanked them for being brave and for sharing their stories. Leona Dimas, mother of Maggie, said as a parent, this has affected her family and the entire community. The kids do not feel safe anywhere. Things like popping balloons now scare the kids. Parents worry every day that their kids are not safe at the high school. She noted she has thought about homeschooling her children as a result. Several students do not feel safe even with the school resource officers. Senator Stewart acknowledged students will be impacted by the incident for a long time, but she

also acknowledged hearing strength and positive thinking. She is grateful for all of the ideas about making schools safer.

Representative Ferrary thanked the students for sharing their experience and for reaching out to others who had experienced school shootings, like Parkland High School. Ms. Minton said speaking out, especially after a tragic event, takes a lot of courage. It is more difficult in a mixed political community like Aztec, because when they speak out some of their ideas are not embraced.

Representative Roch asked how the reunification process worked. Ms. Funk said police told the students to line up in two single file lines and patted them down. The officers led them out of the classroom and told them to look at the floor. They searched the students again at the gym, and then moved them to the other gym and sorted them into groups based on alphabetical order. It went well overall but many students did not know what was going on. Mr. Jones said he felt reassured there were police officers, the FBI, military police, and ambulances there to protect them. He knows law enforcement had to search them, but said it was scary when law enforcement aimed weapons at the students.

Representative Roch asked what made the biggest difference in transitioning back to school. Mr. Jones said it helped to see the Aztec Strong signs driving into the parking lot on his first day back. Mr. Jones and Ms. Funk said counselors and therapy dogs on site also really helped. Mr. Wood said the biggest difference was they were exempt from their midterm finals. Ms. Dimas said the assembly for all of the first responders on the first day back to school was great, even the governor was there.

Mr. Jones asked what the committee's plan is moving forward after hearing from the students. Senator Stewart said LESC is studying the issue. Last January, the Legislature authorized \$16 million to use this year for public school safety and another \$10 million for the next three years. Legislators will continue to work on school safety issued during the 2019 legislative session. Every committee that is studying school safety is required to report to Legislative Council, which is also gathering data, looking at best practices, listening, and making sure school districts have the funding they need. Representative Ferrary said they are also considering gun safety laws, like red flag laws, and they are also interested in improving the behavioral health system. Representative Little said they also want to see school districts and law enforcement working together.

Representative Youngblood said the students and their commitment to positive change impressed her. Ms. Funk said she appreciated the committee listening to the students and felt like it really helped her. She noted she felt other policymakers had been dismissive earlier in the year when she asked questions about providing mental health evaluations for students.

Senator Stewart asked if Mr. Carpenter could bring the students to the Legislature and said the committee would sponsor them. Senator Padilla suggested they should attend the joint house and senate committee meeting at the beginning of session.

The committee recessed at 6:06 PM.

June 20, 2018

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Senators Craig W. Brandt, Candace Gould, and William P. Soules, and Representatives Dennis J. Roch, Christine Trujillo, and Monica Youngblood; Advisory: Senator Michael Padilla, and Representatives Joanne J. Ferrary, D. Wonda Johnson, Tim D. Lewis, Rick Little, and Tomás E. Salazar.

The following voting and advisory members were not present: Voting: Vice Chair G. Andrés Romero, Representatives Alonzo Baldonado and Sheryl M. Williams Stapleton; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Gay G. Kernan, Linda M. Lopez, Howie C. Morales, and John Pinto, and Representatives Kelly K. Fajardo, David M. Gallegos, Stephanie Garcia Richard, Jimmie C. Hall, Patricia Roybal Caballero, Angelica Rubio, Patricio Ruiloba, Debra M. Sariñana, Elizabeth "Liz" Thomson, Jim R. Trujillo, and Linda M. Trujillo.

Pax Good Behavior Game (GBG). Anissa Myron, Math Coach and Pax Partner, at Naaba Ani Elementary School, Bloomfield School District, spoke about her experiences implementing the good behavior game. Ms. Myron said she has been a teacher for five years, is a math coach for fourth through sixth grades, and is a Pax partner who uses the GBG as both a teacher and a coach. Pax was founded by the Paxis Institute, and Ms. Myron was careful to note PAaxis not a behavior or classroom management program, but rather presents useful strategies for anyone working with students, to help teach them self-regulation and help build core cognitive and behavioral skills.

The basis of Pax is highlighting the positive over the negative, using positive reinforcement. It has its own language: negative behaviors are called "spleems," while anything that is constructive is called a "Pax." There are "tootles," the opposite of "tattles," where students offer encouragement or thanks to other students, and "kernels," which are tools to help. The game starts with "kernels," or simple practices to reduce transition time, and help students behave appropriately. For example, Pax practitioners use a harmonica to attract students' attention, avoiding raised voices, or clapped hands, or other more intrusive sounds that may trigger children who have experienced trauma. With Pax, students develop a vision of what they want to see in school, the halls, or on the playground.

Senator Stewart wondered about performance in other school districts, and whether it was being implemented with fidelity. Ms. Myron said it depends on the school principal and school district administration. At Naaba Ani Elementary School, for instance, special education teachers are encouraged to use Pax; the vice principal uses it when she goes into classrooms. Even the janitors write tootles to kids. Senator Stewart asked how many teachers at Naaba Ani Elementary School use Pax, to which Ms. Myron replied about one third use the game with fidelity, and about two thirds use various elements of Pax. Schools also have Pax partners, such as Ms. Myron, who help teachers implement the game.

Representative Christine Trujillo was concerned about Pax being an off-the-shelf program, noting she had been to workshops where teachers put all this together independently. Her concern was the cost and the inconsistent feedback from the people supporting the schools. Ms. Myron agreed there will likely be inconsistent implementation in any school.

Representative Little feared teachers' hands had been tied in terms of classroom control and behavior. He was concerned that children determine what is right or wrong, in lieu of teachers. Ms. Myron noted that children are intelligent, and understand what is expected of them, though teachers sometimes offer guidance to move students in a desired direction.

School Shooting Threats and the Delinquency Act. Rachel S. Gudgel, Director, LESC, and Nick Costales, Juvenile Justice System Deputy Director of Field Services, Children, Youth and Families Department (CYFD), spoke about school shooting threats adjudicated under the Delinquency Act versus the Criminal Code. Most commonly, charges associated with school shooting threats include interference with the educational process by committing or threatening acts to prevent the lawful actions of a school, which is a petty misdemeanor, carrying a maximum sentence of six months in county jail and a fine of \$500. By contrast, bomb threats are a fourth degree felony, carrying a potential basic sentence of 18 months in prison, a fine of up to \$5,000, or both. Mr. Costales said the Children's Code, unlike the Criminal Code, does not include any distinctions of levels of felony or associated penalties. Most criminal acts committed by minors are disposed of

under the Delinquency Act, which focuses on rehabilitation, and removes adult consequences, holding children accountable for their actions relative to age and background. A delinquent act is one that would be a crime if committed by an adult, although the Children's Court can impose adult sanctions in certain, limited instances, such as children alleged to have committed murder.

If a child commits or threatens a school shooting, a negotiation between the district attorney, the juvenile probation office, and the child's attorney may ensue, seldom resulting in a trial. Ms. Gudgel noted negotiations may depend on the number, type, and success of previous referrals. Juvenile court records are usually sealed after final disposition, or upon request, but can be unsealed for several reasons, such as considering release for other felony charges.

New Mexico juvenile justice has moved away from the punishment model in favor of offering supports and resources to youth and families. Mr. Costales noted, after a juvenile has been arrested, detained, or referred, there will be a preliminary inquiry with the probation office, which gathers background information to identify needed supports without discussing the offense. He reviewed the history of referrals in the juvenile justice system, noting numbers have dropped over the past 10 years, nationwide. Many county detention centers have closed in the state due to this drop in referrals, moving detained youth into urban detention centers, potentially far from where their hearings will take place.

Senator Stewart asked about a potential loophole in the law where a bomb threat made by landline is a fourth degree felony but one made by cell phone or on social media is a misdemeanor. Mr. Costales did not think the type of phone or media used would make a difference. He noted a taskforce of law enforcement officials in Albuquerque examining this issue encountered a problem with the nature of the "interference with the educational process" charge, traditionally dealing with low-level disruptions such as student fights that would seldom result in arrest. Now, shooting threats are also addressed under this law, perhaps inappropriately. Mr. Costales indicated concern that juvenile cases were reviewed subjectively, which was an impetus for employing the validated risk assessment, lessening disproportionate impact on minority children.

Senator Brandt asked if CYFD used sealed records for research, and how many juvenile offenders continue to offend as adults. Mr. Costales said records are used for research on recidivism; a memorandum of understanding with the Administrative Office of the Courts permits data-sharing data that reveals how many juvenile probation cases are charged in the adult system, while maintaining a good balance between confidentiality and enforcement.

Senator Brandt asked Aztec Chief of Police, Michael Heal, why students were searched by law enforcement multiple times after the shooting, leading the students to feel victimized. The Chief replied that there were multiple agencies involved and communication was difficult amid the chaos of the day, and expressed regret that students felt victimized, particularly when being covered by firearms, and noted that training for these emergencies should be regional in scope, emphasizing coordination among responding agencies.

Senator Stewart asked the Chief about school shooting threats and criminal penalties. Chief Heal replied that school shooting threats should carry the same weight as bomb threats, and judges should be permitted to determine if an offender should have access to firearms. He also suggested more funding for school security.

Senator Stewart spoke to the efficacy of the program of supervision, oversight, and care under the Delinquency Act, fearful that despite the drop in referrals, the state is failing youth. Ms. Gudgel said many indigent families face regular trauma, and need help and services, suggesting the issue is one of family and community, not merely juvenile justice.

The committee adjourned at 12:02 PM