

**MINUTES**  
**Legislative Education Study Committee**  
**New Mexico State Capitol, Room 322**  
**Santa Fe, New Mexico**  
**May 27 and 28, 2021**

May 27, 2021

The following voting and advisory members were present: Voting: Chair William P. Soules, Vice Chair G. Andrés Romero, Senators Harold Pope Jr. and Mimi Stewart, and Representatives Alonzo Baldonado, T. Ryan Lane, Derrick J. Lente, and Christine Trujillo. Advisory: Senators Craig W. Brandt, Linda M. Lopez, Michael Padilla, Shannon D. Pinto, and Siah Correa Hemphill, and Representatives Kelly K. Fajardo, Joanne J. Ferrary, Natalie Figueroa, Joy Garratt, Susan K. Herrera, Rebecca Dow, Raymundo Lara, Tara L. Lujan, and Roger E. Montoya. Representative Harry Garcia attended as a guest.

**Call to Order, Introductions, and Approval of May agenda and January Minutes.** On a motion by Representative Romero and a second by Representative Baldonado, the committee approved the January LESC minutes with no opposition.

On a motion by Representative Romero and a second by Representative Lane, the committee approved the May LESC meeting agenda with no opposition.

**2021 Post Session Review.** Joseph Simon, principal analyst, and Chelsea Canada, senior policy analyst II, LESC, presented the 2021 LESC Post-Session Review to the committee, which summarized the policy actions and legislative funding decisions the Legislature took during the 2021 legislative session. Legislative analysts summarized the report's eight sections that focused on: 1) public school finance, 2) assessments and accountability, 3) virtual instruction, 4) interventions for at-risk students, 5) educator pipeline, 6) early childhood education, 7) college and career readiness, and 8) capital outlay and transportation. Mr. Simon shared that between pages 83 and the end of the report, state education data tables and graphs, including school finance information, are included and are updated annually.

Senator Padilla asked about updates around broadband planning, funding, and implementation efforts. Tim Bedeaux, senior policy analyst I, explained all of the current tracking for broadband goes through the Public Schools Facility Authority and legislative staff can follow-up to get updates for him. Additionally, the new council created by House Bill 10 meant to coordinate efforts among state agencies has not yet convened.

Representative Dow asked why school districts have not opted in to offering K-5 Plus or Extended Learning Time Programs when school districts and charter schools were offered flexibility. Mr. Simon stated education stakeholders have not offered these programs for a variety of reasons, including little planning time and programs not working for local contexts. Representative Dow said school districts and charter schools have known about extended learning time programs since 2003 and stakeholders in her school district do not have these programs because they cannot comply with program

standards. Representative Dow asked staff to share the original extended learning time study this policy choice is based on.

Senator Brandt asked about veto of the use of federal funds for hold harmless funding and PED's **withholding of formula funds for this purpose**. Mr. Simon shared language in the General Appropriation Act (GAA) that said if a school district's or **charter school's** state equalization guarantee distribution (SEG) funding decreases in FY22 versus FY21, then PED must use federal funds to ensure the school does not see a reduction. Mr. Simon explained the governor vetoed the use of federal funds for this purpose and PED staff indicated to LESC staff they intend to use SEG dollars to ensure school district budgets do not see a difference in funding. Mr. Simon shared state law does not allow PED to use SEG funding as a hold harmless strategy for school districts and charter schools during school budgeting.

Representative Trujillo asked about bilingual and multicultural education program access to comply with the Martinez and Yazzie consolidated lawsuit. Mr. Simon shared bilingual education is funded through the funding formula, so when the Legislature increases funding to the SEG, those programs also receive an increase. He added PED received an additional \$5 million appropriation for bilingual, multicultural, and indigenous education. Representative Trujillo shared she is concerned that efforts need to also include indigenous languages and to implement these programs the state needs to support the workforce in this area and provide instructional materials and other resources. Ms. Canada shared the committee is going to focus on educator preparation during the interim and there will be attention on bilingual educator workforce preparation and support.

Representative Romero asked about how school districts and charter schools have budgeted growth units for the upcoming school year. Mr. Simon said data will be available in July. Mr. Simon shared a review of recent school board materials shows some school districts are budgeting conservatively due to Covid-19 and the possibility students budgeted for will not show up. Representative Romero said LESC staff should continue to monitor this. Representative Romero asked how many schools have applied and have been accepted to the extended school day program created by House Bill 184. Mr. Simon shared that staff can follow-up with PED to get more information on program uptake.

Representative Herrera and Representative Romero asked how PED is going to track the millions of federal funds going to school districts and charter schools and requested LESC staff continue to monitor uses and program outcomes. Mr. Simon said preliminary conversations with PED staff demonstrate they have some programmatic ideas. Mr. Simon shared that while the committee travels across the state during the interim, local education stakeholders can discuss this topic with the committee.

Senator Soules asked about the effect of PED setting the initial unit value low. Mr. Simon said when the unit value is initially set low, it can result in a budget increase in February. He shared cash balances in school districts have grown over time partly due to unexpected dollars allocated mid-year. Senator Soules asked what would happen if the unit value was set too high initially, noting the importance of trying to set the unit value

amount as close to what it will actually be. Mr. Simon said there is a danger in setting the unit value too high and PED has traditionally taken the view that setting it too high exceeds the danger in setting it too low. Schools would rather have a bonus than a mid-year cut. Mr. Simon said one of the challenges PED had with setting the unit value recently was the uncertainty about enrollment growth units.

**Meeting Schedule and Locations.** Rachel S. Gudgel, director, LESC, discussed the meeting schedule and work plan for the 2021 interim.

On a motion by Representative Lane and a second by Representative Romero, the 2021 interim meeting schedule was approved with no opposition.

**2021 Interim Work Plan.** Vanessa K. Hawker, deputy director, LESC, presented the proposed staff work plan for the 2021 interim. The work plan continues to focus on the National Conference of State Legislatures' 2016 report, No Time to Lose, focusing on the supports that are needed.

Primary issues staff propose focusing efforts on in the interim include: capital outlay, assessment and accountability, educator workforce, college and career readiness, charter schools, extended learning time and calendar reform, early childhood, school climate, learning, school finances, and state reporting.

Secondary issues include staff attending various stakeholder meetings and monitoring the expansion of New Mexico's broadband infrastructure, the implementation of the new statewide standardized assessments, capital outlay awards, PED professional development opportunities, and the effects of the public health emergency.

On a motion by Representative Trujillo and a second by Representative Romero, the committee approved the LESC 2021 Interim Work Plan as presented.

**Primer on New Mexico's Public School Funding Formula.** Joseph Simon, principal analyst, LESC, presented on the different components of New Mexico's public school funding formula. Mr. Simon provided one-page summaries of each component of the funding formula, noting the summaries are available on LESC's website. The funding formula units reviewed by Mr. Simon included: basic education funding, staffing multiplier, national certification, special education, bilingual multicultural education, elementary fine arts, physical education, K-5 Plus and Extended Learning Time Programs, school and district size, the at-risk index, enrollment growth, save harmless, and home school and charter school student add-ons. Mr. Simon began with an overview of the public school funding formula, noting its history and emphasizing the Public School Finance Act, enacted in 1974, which shifted away from basing school funding on property tax to a system of program cost based on: student need, the unique characteristics of the district, and other factors. Mr. Simon explained the Public School Finance Act created the SEG and created the funding formula which governs the distribution of appropriations made by the Legislature to the SEG. Representative Herrera asked if funding components were divided by the total number of students. Mr. Simon noted all dollars go into a pot that is divided by the total number of program units

not students, stating that the number of total program units for FY22 is not yet available. Chair Soules noted students can generate multiple program units depending on a variety of factors. Mr. Simon stated on average there are about two program units per student; however, students can generate additional units based on individual student factors.

In response to multiple questions about special education, Mr. Simon reviewed special education program units – which are added to basic education program units - noting the Public School Finance Act classifies special education programs by the level of student need and emphasized that every ancillary service provider generates 25 program units or approximately \$115 thousand dollars allocated to public school districts and charter schools to pay for the cost of services. Representative Trujillo noted gifted students do not generate federal special education funding. Mr. Simon responded that gifted students do not qualify for federal funding but do qualify for funding under the public school funding formula and the amount generated based on individual student service level. Senator Hemphill asked about the compensation rates for each ancillary provider. Mr. Simon responded that because the funding formula does not distinguish between types of ancillary service, school districts and charter schools generate the 25 program units for all ancillary service providers but compensation decisions are made at the local level. Senator Hemphill followed up inquiring about contract work and asked if the funding generated by the 25 program units for an ancillary service provider covers the **employee's** salary and benefits. Mr. Simon responded that the allocations made to school districts and charters are discretionary to local school boards. Senator Pope asked how students are identified for special education program units. Mr. Simon noted PED has standards to determine how students qualify for different levels of special education services.

Next, Mr. Simon reviewed program units generated for staffing costs, including licensure level of a teacher, years of experience, and national board certification. Mr. Simon discussed the additional program units generated for students enrolled in bilingual and multicultural education programs, noting special program units are meant to fund the marginal costs involved in offering a program and not intended to cover the full cost. Mr. Simon reviewed elementary fine arts and physical education program units, noting that both program units have remained the same since 2009. Representative Lujan asked if there has been a study on how the freezing of program units in 2009 has impacted students, Rachel S. Gudgel, director, LESC said every elementary school is required to provide a physical education program to students; however, less than 50 percent of students in the state are participating in a physical education program funded by physical education program units. Senator Pinto discussed program funding being available that is not fully utilized by school districts and charter schools. Mr. Simon noted the balance of local control and the role the state plays in determining the programs. During a discussion of small school size units and charter schools, Representative Dow noted an interest in reforming the formula so funding generated by the funding formula is sufficient to support the needs of small districts and charter schools. Mr. Simon noted Silver City qualifies for rural program units, which matches the number of small school program units that Cliff Schools received. During a discussion of the at-risk program index and the Family Income Index pilot program, Mr. Simon noted the Family Income

Index allows funding to target the individual school level. Mr. Simon concluded with a discussion of program units generated by home school and charter school students to participate in an authorized activity or up to three classes at a traditional public school.

Representative Herrera noted the complication of the funding formula and asked if the formula could be based on the national numbers of special education students to determine funding that is released to schools. Mr. Simon responded noting recommendations from an LESC and LFC joint study is to move to a census model of special education funding. Representative Lane discussed the impact a board certified student can have on students, noting the importance of this certification, and asking about strategies to incentivize teachers to become nationally board certified. Representative Lane also asked why students who are English learners do not participate in bilingual programs. Mr. Simon said to generate bilingual program units, a teacher must have a bilingual endorsement, which can lead to access issues for students. Senator Stewart noted heritage language teachers are not bilingual certified and still teach bilingual classes. Senator Hemphill asked about the number of ancillary providers a school district can hire since they are compensated by the state. Mr. Simon said statute does not limit how many ancillary providers a district can hire.

#### **The Pathway to Graduation: A Review of High School Graduation Requirements.**

Jessica Hathaway, senior policy analyst I, LESC, provided an overview of New Mexico's high school graduation requirements, including statute, administrative rule, and practice **that guides expectations for today's high school students.** Students must earn 24 units aligned to state academic context and performance standards in addition to demonstrating competency in all core subjects to receive a New Mexico Diploma of Excellence per state statute. Coursework requirements were last comprehensively changed by legislation in 2007, though the statute governing coursework requirements has been amended 14 times since 2007. Ms. Hathaway said next step plans - the statutorily required personal career and academic plans developed by each student at the end of eighth through 12<sup>th</sup> grade – provide a formal mechanism for advising students and helping them plan out their academic courses in alignment with future opportunities, including scholarships. Representative Garrett noted the next step plan was a very positive experience for eighth grade students while Representative Stapleton said school districts do not always provide next step planning for students.

Ms. Hathaway noted competency requirement for graduation changed beginning in the 2019-2020 school year. For example, in addition to demonstrating competency through national assessments, PED has established multiple competency options if students meet qualifying criteria, which PED defines. Examples of competency options include students completing a rigorous portfolio project mapped out by PED, students completing a PED-approved competency-based option, or students completing an innovating assessment option that is project-based and designed to be culturally and linguistically responsive.

**Laws and Regulations that Guide New Mexico Educator Preparation.** Chelsea Canada, senior policy analyst II, LESC, discussed how teacher licensing impacts educator preparation and outlined the current laws and regulations that guide educator

preparation in the state. Ms. Canada shared how the three-tiered licensure system the Legislature created for teachers in 2003 establishes baseline requirements for licensed teachers. She added the Legislature gave the authority to PED to determine competencies and qualifications for specific grade levels and subject areas. Educator preparation programs are required to create their programs aligned with state licensure requirements. In the state, educator preparation requirements include details around student teaching experiences, licensure assessment requirements, and course completion requirements. Ms. Canada also discussed differing elements of teacher licensure such as requirements around reciprocity, alternative licenses, and teaching licenses that require different qualifications than other licenses. She explained through PED regulations, the department created a state approval process for educator preparation programs.

Senator Correa Hemphill asked how New Mexico compares with other states on cut scores for Praxis teacher assessments. Ms. Canada replied she is working on a state-by-state comparison that will be shared with the committee upon completion.

Senator Pinto said teachers at small schools sometimes are required to teach in multiple subject areas, emphasizing the need for flexibility in these settings. Senator Pinto also asked which educator preparation programs help prepare bilingual and native language teachers. Ms. Canada replied this topic is intended to be a major focus of the committee during the 2021 interim. Noting the decentralized aspect of educator preparation programs, Ms. Canada added a statewide analysis to monitor the location and number of educator preparation programs that offer bilingual educator preparation may be of use. She continued that there have been discussions among faculty in educator preparation programs to create a comprehensive license instead of utilizing add-on credentials and the attainment of endorsements.

Senator Soules asked if New Mexico has an active Professional Practices and Standards Committee. John Sena, director of policy, PED replied the committee is active and PED is currently accepting applicants for new members. Senator Soules asked if there have been ongoing site visits to educator preparation programs and what type of training is offered to evaluate programs. Mr. Sena said PED has been completing both in-person and virtual site visits during the pandemic and Ms. Canada shared the new administration has conducted visits of three programs so far. Senator Soules said the last administration required a program to go through the state accreditation process even if it was nationally accredited and shared that in the past, he questioned if a state process would be more effective than the national process. Mr. Sena shared the current administration reversed some decisions by the previous administration and built a feedback element into the approval process, giving programs the opportunity to act on the feedback.

Senator Soules also asked if the educator accountability report is being distributed regularly and annually. Ms. Canada said PED must submit a report annually. The last report submitted in March 2020 was for the 2017-2018 school year. Mr. Sena added the report had not been produced for several years prior to the new administration but there are efforts at PED to revive the report and address related staffing challenges.

Representative Romero asked about the rationale of switching to the new Praxis test. Mr. Sena said teacher licensure exams have come under scrutiny in recent years. PED regularly hears stories about teacher-candidates who have challenges passing licensure exams. PED decided Praxis was a better test to assess candidates and address some of these concerns. Mr. Sena also added there is substantial free support available to teacher-candidates preparing for the test.

Representative Figueroa shared her view that as the committee focuses on teacher preparation, it may be useful to keep in mind over half of the current teacher-candidates are pursuing the profession through alternative license routes.

May 28, 2021

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**Round Table Discussions:** Members of LESC heard priorities from education stakeholders before breaking into small groups and participating in roundtable discussions. Participants represented the following stakeholder groups: Public Education Department, superintendents, school boards, teacher unions, other teacher organizations, and educator preparation programs. In addition to their own organization's priorities, representatives gave feedback on educator preparation and graduation requirements.

**School Board and Superintendent Discussion.** In a small group, Stan Rounds, executive director, New Mexico School Boards Association (NMSBA) and LilliMae Ortiz, NMSBA, discussed with LESC members how superintendents and school boards are preparing to welcome students back to in-person instruction in the 2021-2022 school year. New Mexico prides itself on being a "local control" state; **Mr. Rounds and Ms. Ortiz noted the role of PED should be to build strong working relationships with superintendents and school boards, providing tools rather than directives to better prepare school districts to manage professional development, mentoring, tutoring, trauma-informed instruction, and student behavior.** Mr. Rounds explained each actor in the public education sector, including PED, school boards, and school districts, has a set of responsibilities and it is important to differentiate which agency is responsible for each responsibility to avoid overlapping efforts and conflicting guidance.

Many LESC members commented school board members may not recognize their roles, placing inappropriate focus on athletics and school facilities rather than student outcomes. Representative Baldonado noted school board elections have had historically low turnout, which may result in unqualified people elected to serve on boards. Ms. Ortiz explained NMSBA works to train school board members at as many as four separate

trainings annually, and Mr. Rounds explained New Mexico School Superintendents Association is working with Cooperative Education Services to create an “administrator training platform” based on characteristics of high-performing administrators, training individuals from aspiring principal all the way to superintendent. Mr. Rounds added that school boards are also responsible for hiring and firing superintendents, and New Mexico has created a system that allows school boards to remove superintendents very easily, resulting in very high superintendent turnover.

Ms. Ortiz noted Covid-19 created a significant opportunity to identify old inefficiencies and new efficiencies, which could also inform the conversation about which reporting requirements could be abolished. Senator Brandt, Senator Stewart, and Representative Lane noted New Mexico’s statutes are very complicated and asked the experts to identify a specific list of needlessly burdensome reporting requirements that could be eliminated. Ms. Ortiz noted NMSBA has identified 40 reporting requirements and will work on a list of specific items that could be consolidated or removed.

**Public Education Department Discussion.** Ryan Stewart, Ed. L.D. secretary, PED, spoke with committee members about department oversight of teacher preparation programs, the administrative burden of state reporting requirements on local school districts and charter schools, high school graduation requirements, and plans to spend \$150 million in federal Covid-19 funding.

Mr. Stewart said PED needed to improve the educator preparation program accreditation process to develop a pipeline of educators for New Mexico schools. He said the department needed to examine how closely New Mexico’s standards are aligned to the science of learning to ensure teacher preparation candidates are trained in the newest methods. He said that educator preparation programs should build deeper connections with local school districts and there should be better joint recruitment programs. He noted controversy regarding teacher preparation assessments, saying research was split as to the ability of these assessments to accurately measure teacher effectiveness.

Mr. Stewart said the department was in the process of modernizing its data reporting systems to have disparate data systems communicate with each other to reduce administrative reporting requirements. He said PED wanted to work with the committee to find opportunities to reduce reporting burdens. He noted department information technology staff was a major hiring priority for the department.

Mr. Stewart said PED would be interested in working with LESC over the interim on high school graduation requirements. He said requirements needed to do a better job of connecting students to their passions. He said current requirements focused too much on “seat time” and highlighted the need for innovative models of performance and project-based demonstrations of mastery.

Mr. Stewart said federal funds received due to the Covid-19 pandemic would total more than \$150 million, but only a small amount of that was for PED administration. He stated funds received up to this point has helped PED assist school districts during the pandemic — providing technology for remote learning and personal protective equipment and improving indoor air quality, for example — but he said going forward the department



would look to build what is needed as students come back to the classroom. He said student assessment data from the current year showed learning loss widely varied, although students tend to be falling behind in math. PED will look to sponsor intensive tutoring programs and other programs to make up for learning loss. He also noted the department will build online learning infrastructure because not all students will choose to come back to a physical school site.

**Educator Preparation Programs Discussion.** Representatives of teacher preparation programs at Western New Mexico University, Santa Fe Community College (SFCC), and the University of New Mexico, including Dr. Debra Dirksen, Dawn Wink, and Dr. Kristopher Goodrich, focused discussion on structured literacy, social and emotional wellbeing, school culture and climate, mentorship programs, bilingual education, educator preparation program funding, and alternative licensure pathways. Regarding structured literacy, all teacher preparation program representatives noted structured literacy best practices are built into their reading course offerings. Relating to social and emotional wellbeing, teacher preparation program representatives noted their program's focus on teacher mental health and classroom management. Through discussions of teacher mentorship, all teacher preparation program representatives agreed that mentorship and coaching are essential for beginning teachers but noted the need for mentors to observe classrooms and have more time with new teachers. Questions around bilingual education were present in every small group; Dr. Goodrich noted recruiting bilingual university faculty is a challenge and Ms. Wink noted the Spanish language early childhood certificate is the fastest growing program at SFCC. When answering questions about teacher preparation program funding, all teacher preparation program representatives noted the need for funding directly to colleges of education. The final theme of the small group discussions was the alternative licensure pathway, which teacher preparation program representatives noted concerns and challenges.

**Teacher Representative Discussions.** Ellen Bernstein, Ed.D., president, Albuquerque Teachers Federation, Mary Parr-Sanchez, president, National Education Association New Mexico, Hope Morales, executive director, Teach Plus New Mexico, and Alisa Cooper De Uribe, 2021 New Mexico Teacher of the Year met with LESC members to discuss priorities, challenges, and areas of promise that affect teachers and the teaching profession. A major focus of the discussion was the importance of teacher residency and mentorship for educators to ensure they have support and are well-trained as they begin and continue careers in the classroom. Legislative members asked about the cost of providing teacher mentorship and who is allowed to be a mentor teacher based on what type of license they hold. Dr. Bernstein and Ms. Morales noted it is typically teachers with a level 3 license, but that level 2 licensed teachers may be allowed. The process to apply and become a mentor was noted as being rigorous. LESC members also asked how PED provides direction about implementing effective mentorship programs. Ms. Parr-Sanchez noted 50 percent of teaching staff in New Mexico are in the first five years of their career and that the first five years are also when an educator is most likely to leave the profession, underscoring the importance of mentorship, induction, and training. Ms. Morales noted it is not always new teachers who may be in need of mentoring, but that it can be useful over the course of someone's career as an educator. LESC members asked

additional questions about how mentorship is structured and if teachers must provide mentorship on top of their routine classroom obligations. Several speakers noted it varies based on mentorship model, but that it is often in addition to their regular duties, which can create a demanding schedule with little time to adequately fulfill the role of mentor in addition to their regular classroom duties. Dr. Bernstein noted that site-based mentoring, where teachers are released from classroom time on a rotational basis, can be an option and was chosen as a model in many Albuquerque schools. Ms. Parr-Sanchez added that teachers often need to be currently practicing to have credibility in providing mentorship. Dr. Bernstein added New Mexico has a strong mentoring law in place, but that funding and oversight can be challenging. Another major focus of the breakout was centered on school factors that influence teachers leaving the teaching profession. Many of the speakers noted the quality of a school principal and the culture of a school are crucial in creating an environment in which staff are supported and retained. Ms. Parr-Sanchez added that in addition to many teachers being within the first five years of their career, this is also true of many principals and superintendents who do not yet have several years of experience in their roles as school leaders. LESC members noted the importance of educators better promoting the teaching profession to students who may want to be teachers. A final focus of the breakout panel was on reporting requirements as LESC members asked how administrative obligations affect teachers and school leaders. Ms. Cooper De Uribe replied that there is an important balance between reporting and teaching load. A feeling of overload related to reporting and administrative work can be a concern of teachers as they work to maintain high classroom standards and teaching.