

**MINUTES**  
**Legislative Education Study Committee**  
**State Capitol, Room 322**  
**Santa Fe, New Mexico**  
**July 18-20**

**July 18, 2018**

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Vice Chair G. Andrés Romero, Senators Craig W. Brandt, Candace Gould, and William P. Soules, and Representatives Alonzo Baldonado, Christine Trujillo, Sheryl M. Williams Stapleton, and Monica Youngblood; Advisory: Senators Howie C. Morales, 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, Debra M. Sariñana, Elizabeth "Liz" Thomson, and Linda M. Trujillo.

The following voting and advisory members were not present: Voting: Representative Dennis J. Roch; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Gay G. Kernan, Linda M. Lopez, and Michael Padilla, and Representatives David M. Gallegos, Jimmie C. Hall, Patricia Roybal Caballero, Angelica Rubio, Patricio Ruiloba, and Jim R. Trujillo.

**The Science of Learning, Development, and Motivation.** Dr. Melina Uncapher, Director of Education Program, Neuroscape, and Assistant Professor, Department of Neurology, University of California San Francisco, is an educational neuroscientist who has studied over 1,200 students' brains, their executive function, and learning. She stated a student drops out of school every 28 seconds. The United States ranks 31st in math on the Programme for International Student Assessment (PISA) and comparably in science and reading. Many point to money as the cause for the inequity, but the United States actually spends more on education than most other nations at \$800 billion annually.

Dr. Uncapher stated a new job description, "learning engineering," could be a mediator between scientists and educators. Researchers, universities, and school districts should collaborate to leverage solutions for current challenges. Dr. Uncapher asked LESC members to think about their mental model for how students learn. Representative Christine Trujillo stated students learn through tact, visual, and auditory cues and Senator Soules said learning is a practice and through practice neural connections get tighter.

Dr. Uncapher described Deans for Impact, a consortium of college of education deans who are trying to revamp teacher preparation programs to infuse the science of learning into teaching. She highlighted several myths and facts about the science of learning that could improve teacher's understanding of how students learn. First, it is a myth that someone is either a logical thinker or an abstract thinker. This myth is harmful because it may shut down opportunities for students to develop skills and capacity. Around sixth and seventh grade is when student engagement declines but she noted harnessing adolescent students' social brains during puberty could increase student engagement. She suggested the committee read *The Age of Opportunity*, by Lawrence Steinberg, for more information on harnessing the adolescent student brain. The single most important and protective factor that supports traumatized children is having one stable adult relationship. She also noted the myth that action video games are detrimental for students, stating these types of games can actually be good for student's brains in moderation. Students who play action games often have more efficient executive function systems as well as better pattern recognition abilities. Dr. Uncapher stated that this research does not condone the violence portrayed in these games, just the impact on executive function.

There are three stages to encode information: learning, storage, and retrieval. Learning is stronger if the signal is amplified for the hippocampus. Paying attention, making meaning, making connections, and social relevance amplify the signal. The more times something is

retrieved from long-term memory, the longer it will take a person to forget that memory. She noted this is why study habits, such as the use of flash cards, are good habits. Frequent, low-stakes quizzing is another way to integrate this into classroom practices. This makes it effective for both students and teachers. Two books on these practices are *The ABCs of How We Learn* by Dan Schwartz and *Make it Stick* by Mark McDaniel.

Representative Garcia Richard asked if psychological stress, like having a stressful morning, has an impact on encoding, storage, and retrieval. Dr. Uncapher referred to a common stressor, hunger. She said teachers know students are not concerned with learning when they are hungry. It is not that the student has low executive function, their mind is simply preoccupied with whatever caused them to miss breakfast or the hunger itself. Adults should recognize these stresses and address them when appropriate. Representative Garcia Richard asked if it is possible to reengage students when this occurs. Dr. Uncapher said that there are things that capture students' attention like video games or talking with peers. Engaging the social brain, empowering the student, and providing a stable environment helps students to refocus on academics and temporarily forget about the stress caused by what is happening at home. In response to the Representative's question, Dr. Uncapher noted preliminary research has not identified a large difference in core executive functions between girls and boys.

Senator Soules asked about what changes should be made in how colleges of education prepare teachers. Dr. Uncapher said Deans for Impact is making sure new teachers are well-informed on the principles of the science of learning so they may apply them in the classroom.

Representative Thomson asked if standardized testing is the best way to assess what students know. Dr. Uncapher said students should be given frequent, low-stakes testing to reduce the pressure of standardized tests.

Representative Romero asked about using music as a memory tool. Dr. Uncapher said learning to play a musical instrument and developing proficiency is helpful for neural development and noted it is like learning a new language but more complex. Representative Romero asked if listening to music also contributes to neural development. Dr. Uncapher said that music does contribute to neural development because it is creating an auditory context in the classroom used to invoke the learning; music can serve as a retrieval cue.

Representative Sariñana said there is a problem with high truancy rates in math courses and asked how she can alleviate the stress of students being absent and falling behind. Dr. Uncapher said adults often do not make the things they know explicit to students. She suggested the Representative could tell her class she wants them to feel safe and comfortable to come to class even if they are falling behind. Laying the context can support students to feel at ease in the classroom and can eventually lead to improved attendance and academic outcomes.

Representative Ferrary asked if Dr. Uncapher had comments about the effects of alcohol on the brain. Dr. Uncapher said the author of *Age of Opportunity* talks about puberty being a time of high plasticity. Delaying alcohol and drug use even by just six months can have a significant effect on the brain.

Senator Stewart highlighted teacher candidates and teachers in other countries that have increased residency and mentorship opportunities. High-performing countries focus more on collaboration and research while the United States spends a lot of money on intervention and less on teacher preparation and support. She added that 15-year-old students in Massachusetts do applied research and can perform as well as students in high-performing countries, noting Massachusetts spends more on their students than any other state.

**Education Retirement Board Sustainability Proposals and Retirement Survey.** Jan Goodwin, Executive Director, Educational Retirement Board (ERB) presented the results of a survey of retiring ERB members. She said the primary reason people give for retirement is eligibility to retire; however, many teachers cited dissatisfaction with the teacher evaluation process, as well as low salaries, health, and family issues, as their reason for retiring. Ms. Goodwin also discussed pension fund sustainability. She said the most recent actuarial projections indicated the educational retirement fund would reach 100 percent funding in 61 years, which she said was too long. She noted ERB was working with stakeholders to develop proposals to reduce the amount of time needed to reach 100 percent funding. Ms. Goodwin said sustainability could only be improved with a joint effort including legislators, employers, and retirees and ERB would consider the addition of a tiered multiplier, which better reflects the cost that short-term members have on the retirement system; changes to the return-to-work program; the adoption of anti-spiking provisions to prevent the deliberate manipulation of retirement benefits; and modifying or suspending annual cost-of-living adjustments. She also noted current statutory contribution rates are insufficient to make the full annual required contribution. She suggested potential sources of revenue that could be used to increase state contributions to the retirement fund, including an increase in property taxes.

Senator Soules noted ERB's projections tend to vary significantly and said it does not provide much confidence that long-term projections are accurate. Ms. Goodwin responded that changes are due to modifications in assumptions, which drive the valuation and how long it will take to achieve 100 percent funding. Senator Soules asked why the state was not making full contributions 20 years ago to avoid unfunded liabilities and Ms. Goodwin said there was a significant retroactive benefit increase in the 1990's, based on strong stock market returns. The dramatic downturns in 2001 to 2002 and 2008 to 2009 made assumptions of similar stock market returns problematic. She also said members have been living longer.

Representative Youngblood said an increase to property tax rates would have a large impact on retirees in New Mexico that are living on a fixed income and Ms. Goodwin said that other states have enacted exemptions for certain classes of taxpayers, such as retirees and household with low incomes. Representative Youngblood noted that many taxpayers fall into those categories and given New Mexico's demographics that probably would not work.

In response to Representative Stapleton, Ms. Goodwin said the current return-to-work program sunsets at the end of 2021 and ERB has concerns that the current return-to-work program is seen as a way to increase an individual's compensation. She noted it is attractive for many teachers with low pay to receive a second paycheck from the retirement system while continuing to work; however, the return-to-work retiree is required to pay contributions to ERB without earning additional service credit. Representative Stapleton asked about the Public Employees Retirement Association's (PERA) return-to-work program. Ms. Goodwin said some PERA retirees are allowed to participate in the return-to-work program because they have been grandfathered into the program, but current retirees are not allowed to participate in return-to-work at a PERA-covered employer. Representative Stapleton asked who benefits from the return-to-work program and Ms. Goodwin said that ERB benefits because additional contributions are not attached to an increase in a pension liability but that the return-to-work program encourages people to retire earlier, which places a greater burden on the plan.

Senator Brandt asked if retired police officers who work in school security are required to pay into ERB and Ms. Goodwin said that any retiree from PERA, including retired police officers, are allowed to work for an ERB employer without making contributions, although the employer is required to make contributions. She said this was costing ERB several million dollars per year. Senator Brandt asked how it was costing ERB money if those employees were not eligible to receive any benefits from ERB and Ms. Goodwin said ERB assumes another, contribution-paying

person would take that position. She also noted that retired PERA members can suspend their retirement and earn service credit to boost retirement income.

Senator Stewart asked how many ERB and PERA retirees are working for an employer covered by the other pension system and not making contributions into that system and Ms. Goodwin said she would have to follow up on that. Senator Stewart said there is a need to shine a light on what is being done. There is an effort to allow PERA members to get their pension and go back to work. Senator Stewart said many individuals participating in the return-to-work program have called her and are upset they have to pay into ERB without receiving additional benefits. She recommends suspending retirement, going back to work, and gather more credits for a higher retirement.

**Efforts to Strengthen Charter School Authorizer Accountability and Oversight of Charter Schools.** Dr. Lisa Grover, Senior Director of State Advocacy, National Alliance for Public Charter Schools (NAPCS), reviewed New Mexico's charter school laws in light of policy considerations for authorizer accountability. New Mexico charter school contract and performance framework requirements are largely lifted from NAPCS' model law. Some strong points of New Mexico's charter school law are: the inclusion of both state and local authorizers; requirements that national best practices be followed for monitoring, oversight, and reporting; and annual reporting by authorizers on the performance of schools in their portfolio. Dr. Grover noted New Mexico's law might be improved by: greater clarity in charter school renewal standards; training for authorizers aligned with best practices; evaluation of authorizers' adherence to national authorizing best practices; the establishment of a statewide entity to oversee charter school authorizers; and consideration of sanctions for low-performing authorizers, including closure.

Katie Poulos, Director, Options for Parents and Families Division, Public Education Department (PED) noted over the past three years, the Public Education Commission (PEC) revised their contract template to help schools understand their rights and obligations, and has developed revised academic and organizational performance frameworks. Ms. Poulos indicated that 10 percent of a \$22.5 million federal grant for expanding charter schools can be allocated for technical assistance to both sub-grantees and authorizers; the grant includes development of authorizing principles and standards, for which PED would like to engage authorizers and other stakeholders. The new standards would be used to craft formative evaluations on the quality of charter school authorizing to help authorizers better focus their efforts.

Deborah Elder, Executive Director, Charter School Team, Office of Innovation and School Choice, Albuquerque Public Schools (APS) spoke briefly about APS's goals, noting they are working toward a portfolio strategy in APS to ensure students have what they need for success while coordinating with Albuquerque's economic and workforce development needs. Dr. Joseph Escobedo, Senior Director of the APS Charter School Team, reviewed APS's performance framework. He noted the academic indicators framework needed further development, which APS is undertaking with the National Association of Charter School Authorizers (NACSA), hoping to be finished by next year. Dr. Escobedo made note of some charter school renewal timeline issues. Charter school renewal applications are due in October, leaving insufficient time for the entire renewal process from submission to completion, given the limitations imposed by the contemporaneous winter break from school.

Patricia Gipson, Chair, PEC, spoke of the PEC's work to improve their performance review and accountability systems, emphasizing equitable access for all students while making closing low-performing charter school closure more practicable, noting new contract and performance framework templates and renewal forms, which were released for charter schools' input. PEC's academic performance framework and new accountability system ranks schools in four tiers; schools in tier one exceed PEC performance expectations and are on par with or exceed the highest performing schools in the state, while schools in tier four are consistently failing to meet

academic performance expectations. The new accountability system will facilitate annual review and analysis of charter school performance, allowing schools to track their status and which, at the end of the third year, will indicate schools' progress towards upcoming renewal, including the possibility of expedited renewal for high-performing charter schools. Ms. Gipson noted schools will come under terms of the new performance frameworks and contract templates when they renew their charters, although certain amendment requests, such as increased enrollment, or expansion to additional locations, if granted, would bring the school requesting the amendment under the new contract and frameworks. Ms. Gipson noted PEC's intervention procedures will help drive the conversation about school accountability by affording PEC regular opportunity for communication with schools about their performance, while also giving the schools more information on their own progress, and the chance to address deficiencies before they go too far. Failure to address such deficiencies, however, may result in a notice of breach of contract and, eventually, revocation review.

Senator Stewart asked about the annual charter schools report statute requiring PED's Charter Schools Division (CSD) to provide to the LESC, the Legislative Finance Committee (LFC), and the governor, which should include a comparison of charter school students with comparable students in traditional public schools, noting it had not been completed since 2013. Representatives Thomson and Christine Trujillo also expressed their continued frustration at CSD's failure to provide the report. Ms. Poulos accepted responsibility for not preparing the report and indicated CSD was looking at similar reports from around the country in an effort to update the report and make it more effective. Senator Stewart encouraged Ms. Poulos to convene charter school authorizers to discuss issues of accountability, and Ms. Poulos noted PED is already planning to do so, to continue discussions about such issues as authorizer shopping, and to seek consensus on how best to improve high-quality authorizing practices, with an initial virtual meeting scheduled for the end of July.

Representative Thomson asked about guidelines regarding who may serve on charter school governing boards and salary levels for head administrators. Ms. Gipson indicated, as with school boards, there are no requirements for people that may serve on a governing board, though PED has recently promulgate rules requiring training for governing council members to better equip them for their role in governing charter schools. PEC's new application process helps clarify what makes an effective charter school governing board member. It is the governing council that sets salaries for administrators. Representative Thomson then inquired about potential liability of charter school governing board members. Ms. Gipson noted charter schools are insured by the state through the New Mexico Public School Insurance Authority, as traditional public schools are.

Senator Stewart asked about the status of charter schools authorized by PEC that would currently be ranked tier four in the PEC's accountability system. Ms. Poulos said some of those schools have already been closed, but that the tiers are of value in making difficult decisions about schools. For example, Ms. Gipson gave the example of an administrator of a charter school on a corrective action plan who was encouraged to pursue professional development outside the school; they did so through a program sponsored by the superintendent's association.

Senator Stewart said a number of years ago many of the audit findings noted in the APS audit were findings related to charter schools and asked how APS is addressing the issue. Dr. Escobedo said audit findings are reviewed in each charter school's financial performance framework and APS is focusing on reducing the number of repeat audit findings. Charter schools with audit findings are required to develop a corrective action plan and APS is monitoring their implementation.

Senator Stewart asked about audit findings of state-chartered charters. Ms. Poulos said CSD has presented audit reports to PEC and is discussing repeat findings with charter schools. PED

included the reduction of audit findings as a goal in their federal charter school grant application, and while PED has not reached their goal, overall findings at state-chartered charter schools have been declining.

Senator Stewart said she recently met two teachers starting a new state-chartered charter school, who said the state application did not seem rigorous. Ms. Gipson responded that was not the intent of the PEC, mentioning available governing council training that, while not required, would be helpful to new charter school applicants. Dr. Grover, however, noted that potential charter school founders should be capable and possess the necessary expertise to start a new school from the onset of deciding to open a charter school; she was troubled by the possibility of an application submission by an otherwise unprepared group based on such training.

**Community Schools: An Effective School Improvement Strategy.** Dr. Jeannie Oakes, Senior Fellow in Residence, Learning Policy Institute (LPI), and Presidential Professor Emeritus, University of California, Los Angeles, spoke to the efficacy of community schools especially in low-income communities. New Mexico faces many challenges in terms of children's circumstances outside of school that profoundly affect their lives. Academic development is related to children's social and emotional development. Community schools are designed to mitigate the damage that poverty can cause with housing, food insecurity, or exposure to violence.

Effective community schools have four consistent pillars: integrated student and family support; expanded learning time and opportunities; strong family and community engagement; and collaboration. The integrated student supports are related to health, counseling, housing, neighborhood safety, and other kinds of concerns. Students have trouble focusing on learning unless their non-academic needs are being met. Community schools have many community partners, so they can offer children additional expanded learning time and opportunities. Community schools use supports and relationships to enable low-income communities to create the elements present in other highly effective schools. Students who receive integrated supports, expanded learning time and opportunities, and active family and community engagement show improved attendance, academic achievement gains (particularly in math), higher graduation rates, and reduced racial and socioeconomic achievement gaps.

States have started crafting legislation and communities are implementing local initiatives. The Learning Policy Institute is preparing its second product called the *Community Schools Policy Playbook*, which will list model legislation for state and local policymakers. Title I and Title II of the federal Every Students Succeeds Act (ESSA) allow the use of community schools as an evidence-based strategy, including use of the 7 percent Title I set-aside for the lowest performing 5 percent of schools in the state that are subject to intervention. There are several other opportunities for federal funding for community schools, including support from Medicaid or Temporary Assistance for Needy Families (TANF) and, increasingly, the Federal Commission for School Safety.

Albuquerque has a community schools initiative that is a joint effort of community groups, city government, the school district, and some schools. An effort to blend and braid resources in New Mexico would include the Health and Human Services Department, the Children, Youth and Families Department (CYFD), and PED. However, stringent implementation is imperative for community schools to be successful. The community must be involved in the long planning process that would start with a needs assessment to find out what is available, then developing relationships with partners, moving slowly and deliberately.

Representative Little said he believes public schools, especially in rural areas, should deliver important services but the state's departments, counties, and community colleges do not always partner with the schools. Dr. Oakes said the idea makes sense in rural communities to consolidate so that buildings and resources are used for multiple things. Money is needed to hire a community

school coordinator at a school, whose full-time job should be to build those relationships. Dr. Oakes said perhaps the new governor could be encouraged to develop a Children's Cabinet comprised of all the departments working with children to develop collaborative projects.

Representative Ferrary asked if there was training for community organizers or mentors to work in these schools. Dr. Oakes said the Coalition for Community Schools (CCS), a national organization supported by foundations and nonprofits, provides support systems to develop expertise in community schools. The former director of the Albuquerque Community Schools, Jose Muñoz, is now the national director of CCS. Dr. Oakes said she defined community schools as a set of relationships.

Representative Christine Trujillo said she envisioned a community school like a mall where there would be a centralized area with services for kids and families, but the classrooms would be accessible, and asked what Dr. Oakes' idea of the ideal community space is. Dr. Oakes said it is often an issue best decided by the people in the space after they figure out what they need, including how to remodel or build a new building. In New Mexico, there is a community schools statute that was enacted a few years ago; although no funds were attached to the statute, it provided a good foundation to build upon.

Representative Thomson asked if there had been collaboration between Head Start programs and public schools. Jeannie Oakes said New Mexico is ready to blend and braid programs to align teacher qualification requirements and quality standards. Community schools fit perfectly into the first characteristic of high performing countries outlined in *No Time to Lose*, ensuring that children are given preparation and support before they come to school and struggling children continue to get extra support during their public education.

Ms. Gudgel said LESC has been working on a program evaluation of community schools and looking at the work LPI did. Dr. Linda Darling Hammond and Dr. Oakes have been assets in thinking through the metrics used to evaluate a school with, including leading indicators, to ensure focus on improved academic performance is placed at the right time in the development of a community school.

The committee recessed at 4:15 P.M.

### **July 19, 2018**

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Vice Chair G. Andrés Romero, Senators Craig W. Brandt, Candace Gould, and William P. Soules, and Representatives Alonzo Baldonado, Dennis J. Roch, Christine Trujillo, Sheryl M. Williams Stapleton, and Monica Youngblood; Advisory: Senators Carlos Cisneros, Linda M. Lopez, Howie C. Morales, and John Pinto, and Representatives Kelly K. Fajardo, Joanne J. Ferrary, Jimmie C. Hall, D. Wonda Johnson, Tim D. Lewis, Rick Little, Tomás E. Salazar, Elizabeth "Liz" Thomson, Jim R. Trujillo, and Linda M. Trujillo. Also present was Representative Bill McCamley.

The following voting and advisory members were not present: Advisory: Senators Daniel A. Ivey-Soto, Gay G. Kernan, and Michael Padilla, and Representatives David M. Gallegos, Stephanie Garcia Richard, Patricia Roybal Caballero, Angelica Rubio, Patricio Ruiloba, and Debra M. Sariñana.

### ***Strengthening New Mexico's Early Childhood Education and Care System: Accountability, Equity, Governance, Quality, and Workforce***

#### **National Conference of State Legislatures Invitational Workshop for LESC and the Legislative Finance Committee**

Senator Mimi Stewart, Chair of the LESC, and Matt Weyer, Senior Policy Specialist, National Conference of State Legislatures (NCSL), welcomed LESC and LFC members to NCSL's invitational workshop on strengthening the early childhood education system in New Mexico.

**Coordinating State Early Childhood Education and Care Systems.** Lori Connors-Tadros, Senior Project Director, Center on Enhancing Early Learning Outcomes, shared the organization's mission to strengthen the capacity of state education and early learning agencies to lead sustained improvements in early learning opportunities and outcomes. She outlined how to design early learning programs for success by focusing on implementation and staying focused on goals to avoid shifting priorities. Mrs. Connors-Tadros explained the importance of coordinating early childhood system infrastructure at the state and local levels to enable coordinated service delivery. She also emphasized the importance of accountability systems that align with evidence-based and best practices and drive improvement, as well as assessing programs based on outcomes.

Alejandra Rebolledo Rea, Acting Division Director, Early Childhood Services Program, (CYFD), discussed the journey to coordinate and align the New Mexico early learning system including the successes, lessons learned, and strategies for next steps. Ms. Rebolledo Rea discussed the challenges of coordinating three state agencies in New Mexico responsible for different early childhood programs. Ms. Rebolledo Rea reported the complexity of the early childhood funding and accountability system in New Mexico creates challenges to implementation of a cohesive and coordinated system, both at the state and local level. Next steps included developing a formal governance agreement between the three state agencies for shared governance, decision making and planning, as well as establishing data governance policies and procedures.

Dr. Michael Weinberg, Early Childhood Policy Officer, Thornburg Foundation, presented on early childhood governance models. Mr. Weinberg focused on the potential to streamline New Mexico's early childhood governance model to achieve greater quality, equity, and accountability in delivery of services. He outlined three governance models: coordinating across agencies, consolidating within an agency, and creating a new agency, providing state examples for each governance model. Mr. Weinberg concluded by discussing New Mexico's early learning coordinating structures.

**Improving Workforce Capacity to Ensure Equity and Quality.** Dr. Caitlin McLean, Workforce Specialist, Center for the Study of Childcare Employment, University of California-Berkeley, discussed supporting early childhood educators. Dr. McLean said the key to quality early childhood education is a skilled and stable workforce. Early educators need adequate preparation, appropriate compensation, and support to be successful. According to the Bureau of Labor Statistics, the earnings of childcare workers rank in the second percentile, preschool teachers rank 15th, center directors rank 49th, and kindergarten teachers rank 61st nationwide. Dr. McLean said wages are a key factor in workforce retention, and early childhood workforce compensation must be addressed.

Catron Allred, Director of Education Programs and Human Services, Central New Mexico Community College, and Dr. Jennifer Sallee, Director, Early Childhood Center of Excellence, Santa Fe Community College, focused on supports for early childhood educators in New Mexico. Mrs. Allred began by talking about the importance of mentorship, highlighting New Mexico's early childhood mentor network and the program's potential for statewide implementation. Dr. Sallee discussed early childhood educator preparation, specifically focusing on New Mexico's T.E.A.C.H. scholarships, as well as training and professional development opportunities. Dr. Sallee concluded with recommendations such as increasing financial support for a statewide mentoring and support network.

**Leveraging Local Community Capacity to Improve Program Outcomes.** Margaret Freedson, College of Education and Human Services, Montclair State University, presented on policies and practices for emergent bilingual children and children in poverty and how local community capacity can be leveraged to improve program outcomes. Mrs. Freedson explained how linguistically responsive programming can improve social-emotional outcomes, academic outcomes, and cognitive outcomes in early childhood education. She provided examples of successful bilingual and dual language immersion programs and their positive impact on student outcomes. Mrs. Freedson also discussed strategies for family engagement and family literacy programs and provided examples of promising programs.

Debra Baca, Vice President, Youth Development, Inc. (YDI) began by discussing Head Start's history and program delivery model from a national perspective. Next, Mrs. Baca discussed the Head Start landscape in New Mexico, including Head Start, Early Head Start, and Tribal Head Start programs, enrollment, and the associated workforce. Mrs. Baca emphasized the inclusive family support model of Head Start and explained this correlates with their workforce development as 44 percent of the nearly 350 YDI Early Childhood Division employees are former or current Head Start or Early Head Start parents. Mrs. Baca said relationships are critical in creating an effective early learning community. Mrs. Baca concluded by offering some recommendations for workforce development, including providing high school courses that can lead to the attainment of a degree and offering college credit for prior learning experiences.

**Utilizing Data to Improve Program Quality and Accountability.** Carlise King, Executive Director, Early Childhood Data Collaborative, presented on states' uses of integrated early childhood data and strategies for integrating early childhood data. Mrs. King said strong data policies at the state level help address equity concerns by ensuring equal access to high-quality early childhood programs. She said that coordinated data systems save time by enabling providers to get answers quickly, and by facilitating interagency communication. Mrs. King concluded by outlining strategies for linking child-level data with other key data systems, and linking program-level and workforce-level data.

Dr. Meriah Griego, Director and Research Assistant Professor, Cradle to Career Policy Institute, University of New Mexico, discussed leveraging early childhood education data in New Mexico. Dr. Griego explained it is important to share data to spread awareness of potential issues or solutions, to improve and evaluate existing programs, and to identify areas for collaboration. Data should be shared with policy makers, tribal leadership, community members, practitioners, funders, agency staff, and researchers. Dr. Griego discussed how data provides an opportunity to build a culture of learning by enhancing internal evaluation and research capacity. She concluded by discussing opportunities to use data more effectively.

The workshop concluded with a discussion of lessons learned and identification of legislative priorities facilitated by NCSL staff.

The committee recessed at 4:08 P.M.

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**Instructional Materials Purchase Process and Review of Previously Proposed Legislation.** Tim Bedeaux, Fiscal Analyst, LESC urged the committee to look at the instructional materials process as a system and think of ways to make sure instructional materials are aligned with instruction practices. In FY09, the Legislature appropriated \$39 million for instructional materials, but annual appropriations declined during the Great Recession and have never recovered to pre-recession levels. In FY18, the appropriation hit a low of \$10.5 million. Starting in FY17, the state began using money from the public school capital outlay fund for instructional materials. In FY19, the Legislature appropriated \$12.5 million total from the public school capital outlay fund and the general fund.

The Public Education Department (PED) reviews and adopts instructional materials on a six-year cycle, and the Legislature makes funding decisions based on each adoption cycle. Some adoption cycles, such as English language arts, are more expensive than others, such as physical education and health. School districts use annual appropriations to cover the subject that is adopted as well as other subjects that require consumable materials like English workbooks. Allocations to school districts are based on enrollment on the first reporting date of the prior school year. Statute requires new students to be funded at six times the per-student amount, but, based on allocation spreadsheets posted on the department's website, it is unclear that PED is following this statutory requirement. Each summer, PED assembles a team of teachers to review instructional materials during a summer institute. PED publishes a rubric of state standards for each subject up for review. Teachers apply to be on the review team and receive stipends to review instructional materials and recommend whether PED should adopt the materials as "core basal" or "supplementary." The summer institute is fully funded by fees that publishers pay to have their materials reviewed.

All instructional materials reviewed are adopted as either core basal or supplementary; if materials receive more than 90 percent of possible points on the rubric of state standards, the material is considered core basal, otherwise the material is considered supplementary. Statute requires school districts to use 50 percent of their annual appropriation to purchase materials from the adopted list, but there does not appear to be a requirement to use any specified amount of the annual appropriation on core basal materials versus supplementary materials; a school district could use 50 percent of their annual allocation to purchase materials from the supplementary list and would not be limited in how it chose to spend the remaining 50 percent of the annual allocation. It is unclear how this practice affects the quality of the materials reaching the classroom. National research suggests adopted lists are powerful tools for states if the review process is transparent and trusted; educators who trust the adopted list will spend less time reviewing materials to use in the classroom and more time teaching. However, New Mexico's scoring process is not transparent, making it difficult for educators to know how many points materials received during the review process and make educated selections from the multiple list.

In 2017, LESC endorsed and the Legislature unanimously passed House Bill 42 (HB42), which eliminated the requirement that school districts use 50 percent of their annual instructional materials allocation on materials on the multiple list, eliminated references to private schools consistent with the New Mexico Supreme Court's decision in *Moses v. Skandera*, and changed the student count for the purposes of allocations from the first reporting date to the second reporting date because the second is more stable and accurate in terms of actual students enrolled. The governor vetoed HB42, noting concern that the bill would affect the quality of classroom materials.

TJ Parks, Superintendent, Hobbs Municipal Schools, offered examples of how the instructional materials allocations and review process affect Hobbs. In the 2017-2018 school year, Hobbs received \$332 thousand for instructional materials, or approximately \$33 per student. Nationally, school districts spend an average of \$250 per pupil on instructional materials. In the 2017-2018 school year, Hobbs spent \$984 thousand on instructional materials and used more than \$500 thousand from the school district's operational budget to supplement their instructional materials allocation. Hobbs does not always purchase materials on-cycle; the school district purchases consumable materials annually, with a recurring cost of \$223 thousand per year. Mr. Parks noted some high performing states do not have an annual adoption cycle and take steps to make open-source material more available. He noted if the state were more accepting of open-source materials it would also reduce the statewide cost of instructional materials.

Rachel Altobelli, Director of Library Services and Instructional Materials, APS, said APS has instructional materials issues as similar to those of Hobbs. APS receives close to \$40 per student for instructional materials, which is not enough to buy a traditional textbook for every student. Additionally, 50 percent of that per-student amount must be spent on items on the adopted list, which stretches funding even thinner. APS has supplemented instructional materials allocations with operational funds, and is trying to use funds more creatively. However, PED's adopted lists do not promote the use of primary sources, digital subscription resources, or open source materials. APS is still two to three years behind the adoption cycle, but Ms. Altobelli believes improving the flexibility of how instructional materials funding can be used would reduce overall costs and help APS get back on schedule.

Senator Soules said textbooks are a serious issue and wondered if the Legislature could catch up with its funding to help replenish instructional materials. Ms. Gudgel said the Legislature could appropriate more money for instructional materials but could also consider ways to offer flexibility to school districts. The current statutory definition of instructional materials does not allow funds to be used for open source or online materials, which could be less costly for school districts. Mr. Parks, however, said even digital textbooks cost the same as paper textbooks, and he is not sure open source would save money because of printing costs. Students will also need a device to access online materials. Senator Soules noted math materials have not changed very much in the past 20 years, and highly skilled teachers can accomplish a lot with old textbooks or no textbooks at all. He asked if LESC could study how textbooks are actually used in classrooms. Mr. Bedeaux said the Brookings Institute recommends collecting data on which textbooks are being used and how they are being used. PED is already collecting more data than most states, but still needs to ask how the materials are being used.

Representative Sariñana said APS makes copies of the online Eureka Math platform for teachers. The platform is effective because it teaches critical thinking using math. She asked if APS saves money by using the online platform. Ms. Altobelli said the printed versions of the platform is about one third of the cost of an algebra textbook, but APS cannot use instructional materials funds to make those copies.

Representative Lewis asked about the status of social studies materials. Ms. Altobelli said social studies is one of the subjects APS is behind on, with some materials being 10 to 15 years old. Representative Lewis said it is important to keep social studies materials up to date with current events, so he uses online materials in his classroom.

Representative Salazar asked Ms. Altobelli how APS is planning to meet the need for high quality materials aligned with the NextGen science standards. Ms. Altobelli said APS is trying to be thoughtful. The NextGen science standards will require a very different type of instruction focused on applied learning, and the materials APS needs may not be traditional textbooks. Mr. Parks said Hobbs plans to use Discovery Ed, an online platform that will update as the science

standards are updated. If the standards change, Hobbs does not want to be stuck with out of date materials.

Representative Youngblood asked what other states and other countries are doing to ensure access to high quality materials and technology. Mr. Bedeaux said *No Time to Lose* explains how instructional materials go hand and hand with instruction. NCSL and Education Commission of the States (ECS) do not have staff dedicated to “instructional materials” because they generally consider materials to be an integral part of the instructional process. He offered to compile some resources on other states’ strategies. Representative Youngblood also suggested that LESC look for teachers and schools taking creative approaches to this problem.

Representative Little asked what the members of the panel would recommend as LESC continues to examine instructional materials. Mr. Bedeaux said one recommendation would be that the system may not be carefully designed. Some pieces of the system may need to be changed, such as offering school districts more flexibility, or LESC could discuss redesigning the system entirely. Ms. Altobelli said APS would benefit from increased flexibility and increased funding. Mr. Parks agreed that the process needs more flexibility, and added the timing of the allocations can be problematic. Additionally, an earlier adoption date would give school districts more time to purchase materials before the end of the fiscal year.

**Administrative Rulemaking.** On June 26, 2018, PED posted final adoption of new rule, Part 2 of 6.11 NMAC, “Rights and Responsibilities of the Public Schools and Public School Students,” that implement restraint and seclusion requirements of Section 22-5-4.12 NMSA 1978, enacted by Laws 2017, Chapter 33. The adopted rule included several changes from the proposed rule, including a requirement that any review of discipline records for homeless students must be in compliance with the Federal Educational Rights and Privacy Act (FERPA). PED eliminated provisions in the first draft that would have allowed the department to withhold or delay the state equalization guarantee distribution from a school district if one of its schools failed to comply with requirements for school safety plans. Finally, training requirements for targeted school personnel on positive behavioral interventions and the use of restraint and seclusion was expanded beyond traditional public schools to include charter schools.

On July 10, 2018, PED published a Notice of Proposed Rulemaking, proposing to amend Part 2 of 6.31 NMAC, “Children with Disabilities/Gifted Children,” addressing complaint procedures for children with disabilities. The rule proposes to remove attorneys and private advocates from the list of entities to whom PED must annually email information on complaint procedures for children with disabilities to better reflect longstanding requirements of the federal Individuals with Disabilities Education Act.

The June 26, 2018 issue of the New Mexico Register contained the final adoption of the new rule, Part 3 of 6.65 NMAC, “Educator Preparation Program Accountability.” Specifically, the new rule defines the requirements for teacher preparation program practices including: entry and exit requirements, clinical practice experiences, candidate observations, alignment with PED standards, and submittal of data to PED. Programs will be evaluated with both a comprehensive site visit and a scorecard. Dr. Tim Hand, Deputy Director, LESC, walked committee members through the scorecard for one of the colleges, noting overall points and points for each of the domains, which include: admissions; candidate promise; hiring and retention; and classroom performance.

Several committee members expressed concerns with certain educator preparation program (EPP) scorecard indicators. Senator Soules would like to know the rationale behind the weight of each indicator and the reliability and validity of the data and calculations. Dr. Tim Hand stated that the Deans and Directors agree with the senator and would like the weights to be validated and adjusted. EPPs are interested in improving teacher quality but want to be equal and active

creators of the evaluation process. Representative Roch commented in response to the scorecard indicator that incentivizes EPPs whose completers teach in a high need area. The representative stated EPPs should not be liable for local hiring decisions. He noted school administrators prefer to place veteran teachers in high need areas to ensure student success. He also noted that new teachers working in a high need area oftentimes leave the profession due to the increased level of difficulty. The representative's concern was that an EPP may gain points for a completer who is hired in a high need area but may lose points for that same completer when they leave the profession.

Other concerns related to the statutory authority PED has to enact the regulations. Representative Salazar said Section 22-10A-19.2 does not give PED the authority to revoke a program. He stated the statute, which outlines requirements for the educator accountability report, is for the purpose of collecting and reporting data and that the management and control of universities is under the purview of the board of regents. Senator Stewart stated the focus in evaluation should be to provide support, such as funding opportunities, for struggling programs instead of using a punitive approach. Representative Christine Trujillo and Representative Little stated the committee needs to take action in order to begin to resolve these issues. Senator Stewart noted staff would draft a letter for the committee's consideration at the next meeting, but reminded members that PED already adopted the rule.

The committee adjourned at 11:57 P.M.