

**MINUTES**  
**Legislative Education Study Committee**  
**Hawthorne Elementary School**  
**Albuquerque, New Mexico**  
**September 26-28, 2018**

September 26, 2018

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Senator Craig W. Brandt, and Representatives Alonzo Baldonado, Dennis J. Roch, Christine Trujillo, and Sheryl M. Williams Stapleton; Advisory: Senators Linda M. Lopez, Howie C. Morales, Michael Padilla, and John Pinto, and Representatives Kelly K. Fajardo, Stephanie Garcia Richard, Rick Little, Patricio Ruiloba, Tomás E. Salazar, Debra M. Sariñana, and Linda M. Trujillo.

The following voting and advisory members were not present: Voting: Vice Chair G. Andrés Romero, Senators Candace Gould and William P. Soules, and Representative Monica Youngblood; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, and Gay G. Kernan, and Representatives Joanne J. Ferarry, David M. Gallegos, Jimmie C. Hall, D. Wonda Johnson, Tim D. Lewis, Patricia Roybal Caballero, Angelica Rubio, Gregg Schmedes, Elizabeth "Liz" Thomson, and Jim R. Trujillo."

**Welcoming Remarks.** Dr. David Peercy, President, Albuquerque Public Schools (APS) Board of Education discussed ways in which APS supports a diverse educational landscape, highlighting the diverse programs APS offers, including programs for science, technology, mathematics, athletics, theatre production, film production, music, and Japanese. Raquel Reedy, Superintendent, APS, believes schools have a responsibility to support students through their formative years so they graduate with the skills, knowledge, and confidence to succeed in a highly competitive world. She noted success with dual credit courses and an increasing graduation rate among disadvantaged populations. Judy Martin, Principal, Hawthorne Elementary School, celebrated efforts APS made to make Hawthorne a beautiful, clean, and welcoming campus, and said students, parents, and teachers have noticed. She believes being designated as in need of more rigorous intervention has allowed the school to innovate and focus on whole-child development. She introduced a video clip of the "Dragon News," a news broadcast created by students during the school's Genius Hour.

**Albuquerque Public Schools Implementation of More Rigorous Intervention Plans for Hawthorne, Whittier, and Los Padillas Elementary Schools.** Dr. Antonio Gonzales, Associate Superintendent for Leadership and Learning, Zone Two, APS, talked about APS' school turnaround work under the more rigorous interventions (MRI) designation. After being designated as in need of more rigorous interventions by the Public Education Department (PED), Hawthorne, Whittier, and Los Padillas elementary schools held meetings to engage the communities served by each school. APS worked with the schools to define a common mission and vision centered on continuous improvement through the community school framework. The community school framework is comprised of four pillars: integrated student support, expanded learning time and opportunities, families and community engagement, and collaborative leadership and partnerships. The plans were designed to provide focused objectives coupled with space for innovation at the school level. APS selected highly qualified school leaders to implement platforms for academic, social, and emotional learning, formative assessments for continuous improvement, and cross curricular planning and shared leadership among teachers. The schools also added 10 additional instructional days and extended the school day for students. The schools offered additional stipends for National Board certified teachers, which increased the number of teachers pursuing National Board certification.

Dr. Gabriella Blakey, Associate Superintendent for Leadership and Learning, Zone One, APS, highlighted specific elements of the plans. She explained the Genius Hour is an extra hour of time

for students to pursue activities that may not be part of the school's curriculum. Community school coordinators at each school work with community organizations to offer extra classes in video production, yoga, meditation, music, and dance. The classes offered during Genius Hour differ depending on the community surrounding each school. Dr. Blakey also explained how each school is offering full-day prekindergarten for 3- and 4-year-old children, which will impact students' kindergarten readiness. Teachers at the schools are now compensated an additional \$13 thousand per year for an eight-hour work day and are expected to spend the full eight hours at their schools, increasing the amount of preparation and collaboration time teachers have.

Dr. Kimberly Finke, Principal, Whittier Elementary School, spoke about the different kinds of data educators use to implement school improvement strategies. She noted more than half of the students at Whittier are two grade levels behind based on the PARCC test; however, data from individual student assignments give educators more detail about what particular students are struggling with. Dr. Finke noted teachers need to be trained to use data to support student learning, which requires time for principal observations and teacher resources.

Cesar Hernandez, Principal, Los Padillas Elementary School, explained the support Los Padillas has received from the community and noted it is important for students to believe they are as smart and as capable as anybody else. Los Padillas is located within the Bosque, which is reflected in the courses offered during the school's Genius Hour.

Representative Christine Trujillo believes all the pillars of the community school model should be present at every school. She asked how schools might include blended learning for kids who may have limited resources at home. Mr. Hernandez stated Los Padillas secured enough computers for every student in each classroom, and is providing some parent access to computers. Sixteen parents are taking classes in English as a second language, cooking, and parenting. Dr. Blakey said APS has focused on providing resources like laptops and high-speed internet to ensure students have the 21st Century skills they will need for lifelong success. Representative Christine Trujillo asked how the schools are reducing the impact of adverse childhood experiences (ACEs) related to poverty. Mr. Hernandez explained that Los Padillas is employing two counselors and a community coordinator to provide services on campus. The school is also working with the University of New Mexico School of Law to provide access to legal services and support for parents and guardians raising children. Los Padillas also has a food pantry and provides parenting classes. Ms. Reedy noted she is on the board of the Albuquerque/Bernalillo County (ABC) Community Schools and is discussing ways in which all schools might become community schools, but notes communities need to be engaged in the effort.

Representative Williams Stapleton asked whether there is funding specific for community schools. Dr. Blakey explained community coordinators are hired using APS's operational funding and then are trained by ABC Community Schools. Senator Stewart referenced the Community Schools Act, but noted the Legislature has not provided any funding specific to community schools. Dr. Finke explained that a community school council made up of members of neighborhood associations and community organizations makes decisions regarding which programs and initiatives to allow in the schools.

In Response to Representative Williams Stapleton, Dr. Finke noted Whittier could be closed by PED if the school's grade does not improve. Whittier has hired reading and math specialists to work with high-needs students; the school is focused on increasing proficiency rates. Tami Coleman, Chief Financial Officer, APS, stated funding for initiatives at the schools designated for more rigorous interventions is very important to APS, and the school district will consider all budget requests from the schools.

Senator Lopez noted her support for community schools, hoping that the schools become a center for their communities. She values having someone to greet families in Spanish when they walk

through the door. Schools that allow parents and grandparents to pursue an education can give students positive role models.

Representative Ruiloba asked about the Strengthening Quality Teaching (SQT) initiative at APS. Dr. Gonzales explained SQT is work APS is doing to research and examine ideal teaching conditions to replicate those conditions in all schools. The three schools identified for more rigorous interventions were good places to begin implementing the program. Representative Ruiloba asked whether the schools had adjusted discipline practices. Dr. Gonzales answered wrap-around services, counseling, and restorative justice practices have created a supportive approach to discipline, focusing on what supports the child needs.

**Review of Repealed Statutory School Improvement Framework.** Tim Bedeaux, Fiscal Analyst, LESC, reminded the committee that the Legislature repealed PED's authority to require and enforce school improvement plans in 2015. The repealed law, Section 22-2C-7 NMSA 1978, contained a framework for school improvement plans compliant with the federal No Child Left Behind Act. The repealed law required schools that failed to meet adequate yearly progress (AYP) to develop a school improvement plan. Schools in need of improvement were eligible to apply for financial and technical support from the Public Education Department (PED), and became subject to increasing levels of school district and PED intervention after sustained underperformance. If the school failed to meet AYP for six consecutive years, PED and the school district were authorized to completely restructure the school. The federal Every Student Succeeds Act (ESSA) requires states to identify, at a minimum, schools for targeted support and improvement (TSI) and comprehensive support and improvement (CSI) using a state-developed accountability system. The federal law also requires TSI and CSI schools to develop school improvement plans. To create a consistent set of expectations for schools in need of improvement, Mr. Bedeaux recommended LESC reinstitute a framework for school improvement that includes at least four elements: clear metrics for identifying schools in need of improvement; a hierarchy of support for schools with increasing amounts of state control; the types of support the school, school districts, and the state is authorized to provide; and clear criteria that would allow schools in need of improvement to exit that status.

Representative Garcia Richard stated that, in creating a law, she did not want to be constrained by the state's ESSA plan. She noted 100 percent of the students attending all of the schools in need of more rigorous interventions are eligible for free or reduced-fee lunch, which means the schools need more targeted resources and services. She also noted community resources and support, rather than punishment, can help schools improve.

Senator Stewart noted the school accountability workgroup is working on improving how the state measures success in schools. She agreed that providing support instead of assigning a punitive grade can improve morale at schools. The workgroup will present to LESC in the coming months.

Carmie Toulouse, Commissioner, Public Education Commission (PEC), informed the committee that PEC has used corrective action plans to address underperformance in state chartered charter schools. However, PEC does not have access to the 2 percent funding set-aside for administrative support of charter schools. It is unclear to the PEC how PED uses the 2 percent administrative support set-aside funding. She noted a school improvement framework should also consider how to provide resources to struggling state-chartered charter schools.

Senator Lopez stated she appreciates the reminder of the repealed law and the opportunity to put in statute a commitment of support for schools and communities. The law should contemplate supports for homelessness, mobility, and physical and mental health issues. There is an opportunity to integrate supports from the Department of Health, the Human Services

Department, the Children, Youth and Families Department, the and Department of Economic Development.

**FY19 and FY20 General Fund Update.** Lucinda Sydow, Senior Economist, Taxation and Revenue Department (TRD), said FY18 general fund revenue grew by 15 percent and the consensus revenue estimating group (CREG) projects the state's reserves will exceed \$2.1 billion, or 34 percent of recurring FY19 appropriations, at the end of FY19. She said FY20 recurring revenue will exceed FY19 recurring appropriations by an estimated \$1.1 billion, or 18 percent. The group is estimating FY18 recurring general fund revenue at \$6.7 billion, FY19 at \$7.3 billion, and FY20 at \$7.5 billion. She noted the updated forecast increased general fund revenue estimates by \$1 billion each year between FY19 and FY23. She said the increases were mostly due to unforeseen increases in oil production, which raises risks related to revenue volatility. She said the federal Tax Cuts and Jobs Act added \$54 million to state revenues. She also said TRD is examining the recent U.S. Supreme Court decision involving sales tax collection and TRD will be working to define those issues.

Clinton Turner, Chief Economist, Department of Finance and Administration (DFA), said the growth in gross receipts tax is concentrated in certain geographic areas. While Bernalillo, Lea and Eddy counties saw increases, some areas saw decreases or no growth. He noted the growth in the oil sector has been significant; New Mexico oil production has doubled and could double again. He said when North Dakota experienced this, general fund reserve levels increased to 80 percent of appropriations. He noted the importance of maintaining sufficient general fund reserves with the increased exposure. He said recent changes to the tax stabilization reserve fund could help cushion the state in the event of a big downturn.

Dawn Iglesias, Economist, Legislative Finance Committee (LFC), said FY20 distributions from interest earnings will be \$170 million more than in FY18, with permanent fund distributions increasing by \$100 million over FY18. She noted that as the permanent fund grows larger, distributions from that fund will be increased. She noted several risks to the forecast and said the Legislature may not wish to put all of the new money into recurring appropriations. She noted reduced oil production could result in a decrease of up to \$1 billion from the current FY20 revenue estimate. She said CREG recommended general fund reserves of at least 20 percent to withstand the next recession.

In response to Senator Stewart, Ms. Iglesias said \$449 million was placed in the tax stabilization reserve fund at the end of FY18 because operating reserves were more than 8 percent and CREG expects the fund will have almost \$1.5 billion, or 23 percent of recurring general fund appropriations, at the end of FY19, assuming no additional general fund appropriations in FY19. Senator Stewart asked how previous estimates missed the growth in oil production and Ms. Iglesias said the mid-session revenue estimate showed a 30 percent jump in oil production and appeared to be leveling off; however, production continued to increase. She said it would not have been prudent to say that oil production would grow by an additional 30 percent, on top of the \$500 million that was added to the mid-session estimate. She also said the recovery in the rig count in New Mexico has been abnormal and that no other state experienced the same recovery. She highlighted risk involved in making revenue estimates and noted there are ways to smooth out estimates that would prevent the need to make budget cuts one year while experiencing excessive revenues the next. She also said there is no state law that determines what is recurring revenue and what is nonrecurring revenue. For example, recent federal lease sales are unlikely to recur at the same level in future years, but that money is counted as recurring revenue because the state receives lease sale revenue every quarter. She said CREG is trying to convey significant revenues that are above trend.

In response to Representative Salazar, Ms. Sydow said that although New Mexico's personal income tax is aligned with the federal tax structure, New Mexico can determine the applicable tax rate and tax bracket. She said the system can be designed to be more or less progressive than the

federal system and TRD would be willing to run scenarios on any proposals before the legislative session. Representative Salazar asked about the possibility of a recession and Mr. Turner noted the baseline estimate does not forecast a recession, but many forecasting agencies are projecting a recession within the next couple of years, though many economists do not see any signs of a recession in the near term.

In response to Representative Garcia Richard, Mr. Turner said year-over-year rig counts had increased by 40 percent but that limited pipeline capacity will have a dampening effect. He noted there were four planned new pipelines and each one would be capable of handling current New Mexico production. Senator Brandt asked what the price discount was for New Mexico oil, and Mr. Turner said West Texas median oil pricing is about \$71 per barrel, while New Mexico is at about \$54 due to transportation issues. Ms. Iglesias noted the price discount was typically \$3 to \$4; however, backlogs in the Permian basin have increased the costs of getting New Mexico's oil to market.

In response to Senator Brandt, Ms. Iglesias said all federal leasing payments are considered general fund revenues. She noted there is a possibility of a very large land lease sale in December and that prices have been much higher than normal.

Representative Sariñana pointed out that although New Mexico was receiving significant revenue from oil and gas, continued reliance on oil and gas was having unintended consequences for the environment and other resources. She said all costs and benefits should be considered.

Senator Padilla asked about lessons learned from budget downturns of the last several years and Mr. Turner said the importance of the overall revenue trend and the ability to incorporate a high-estimate and a low-estimate scenario into the budget were important. He also noted the importance of having legislative direction on recurring versus non-recurring revenue so that CREG can bring consistent estimates. He also noted the Legislature could develop policies on how to use the rainy day fund in the event of an economic downturn.

**Health Insurance Cost Drivers and FY20 Health and Risk Insurance Requests.** Laura White-Davis, Director, Risk Management Division, General Services Department (GSD), said GSD requested a 5 percent increase for health benefits in FY20 and noted the department would make some small plan design changes. She said controlling health costs is a challenge in rural New Mexico. In addition, prescription drugs are a big driver for healthcare costs. She said GSD also provides property and liability insurance for state agencies and local government bodies. She said the department develops premiums for those policies based on agency losses over the last five years. She also said GSD purchases excess insurance for catastrophic losses. GSD insures over \$9 billion in property at a cost of \$2.8 million in annual premiums. She noted there was no excess insurance for liability or health benefits.

Mark Tindall, Director of Employee Benefits, Albuquerque Public Schools (APS), reviewed health insurance cost drivers in New Mexico. He said medical inflation is putting pressure on health plans, regardless of whether those plans are offered through Medicare, Medicaid, the health insurance exchanges, or through commercial plans like those offered by APS. He said pharmacy costs are increasing and that the consolidation of health care providers and health insurers is also putting upward pressure on costs. He said it is common in many New Mexico communities for a majority of providers to work for a single entity. For example, providers that work for hospitals often make referrals to hospitals, rather than to lower cost locations like imaging centers and independent laboratories. He also said costs associated with chronic disease are increasing. He said the prevalence of type II diabetes is higher than the national average and although obesity is lower than the national average, the rate of obesity in New Mexico is moving in the wrong direction. He also said high Medicaid participation puts pressure on commercial payers because

Medicaid reimbursement rates does not cover all costs. He said APS is planning a small rate increase for 2019, after holding premiums steady the past three years. APS will also make minor plan design changes. Todd Torgeson, Chief of Human Resources and Legal Support Services, APS, said no major changes to property, liability, or workers' compensation plans and programs are planned.

Ernestine Chavez, Executive Director, New Mexico Public Schools Insurance Authority (NMPSIA), said the overall FY20 appropriations request 2 percent less than FY19 but noted that rates were continuing to rise due to higher claims costs. In addition, NMPSIA's request anticipates \$12.9 million will be appropriated to the state equalization guarantee distribution to cover the employer's cost of projected increases in premiums. She said health insurance accounted for \$10.2 million and risk insurance accounted for \$2.7 million. She said the NMPSIA covered employers pay 63 percent of total health insurance premiums. She noted NMPSIA has been proactive in containing medical cost. Recently, the Interagency Benefits Advisory Council (IBAC) – the joint purchasing arrangement for NMPSIA, APS, GSD, and the Retiree Health Care Authority – was successful in negotiating a prescription drug contract that provides deeper discounts and larger rebates. She stated NMPSIA's employee benefit fund balance has been reduced since FY14. She also noted that the board reconsidered rate increases in FY19 at the request of LESC, the Legislative Finance Committee, and the Department of Finance and Administration, so that school districts and charter schools could focus on compensation increases rather than health benefits in FY19. She said this may require a larger increase in premiums in FY20. Ms. Chavez stated the NMPSIA risk program insured \$25 billion in assets, with many properties at increased risk of fire or flood. She said liability claims have been decreasing in frequency but increasing in severity, noting significant payouts for sexual molestation cases.

Representative Christine Trujillo asked if insurers had an incentive to keep medical provider rates low for self-insured plans, and Ms. Chavez said carriers negotiate rates for all of their insurance plans and it is in their best interest to negotiate the best rate for IBAC entities. She also said IBAC contracts are awarded on a competitive basis. Representative Linda Trujillo asked if IBAC entities could be more efficient if they were consolidated, and Ms. Chavez said joint contracting currently saves administrative fees but increases in costs are being driven by claims costs, which would not be lowered by consolidation. Representative Linda Trujillo expressed concern that NMPSIA's contractor, Poms and Associates, was telling school districts that they could contract with teachers to carry guns in New Mexico schools. She said she did not agree that the statute allows for this. Ms. Chavez stated that those decisions were being made at the local level and that Poms and Associates was not encouraging school districts to arm teachers.

**Equity from the Get Go: Giving All Students a Fair Shot.** Dr. Pedro Noguera, Professor Emeritus, University of California Los Angeles (UCLA), presented strategies to address some of the major challenges facing the state such as the highest child poverty rates in the nation. There is no evidence that poor children cannot learn. Students in poverty have poor academic performance because they are often ignored. A reason some students are far ahead of others is because they start out with more resources. The focus should be on eliminating barriers for students so they can receive the education needed to fully participate in society. Currently, there are schools in America successfully serving children who are homeless, in foster care, dyslexic, or autistic. The children are not the problem; the system has failed to create conditions in schools to meet all students' needs.

Dr. Noguera stated the biggest obstacle to equity is complacency: the idea that the problem is the children, their families, or that the system is broken. Instead of taking over schools, states should provide the supports needed to be more effective. Equity is not lowering standards, it is about serving all students well. The University of Chicago provides proven research through their Consortium on School Improvement. The five essential components for school improvement are

a coherent instructional guiding system; ongoing staff development; strong parent and community ties; a student-centered learning culture; and shared leadership.

Dr. Noguera said there are effective and ineffective ways to use data. An ineffective strategy is to rank schools and students. Schools are often told they are failing, but not told how they can improve. The value added measures used to judge teachers is not effective. It creates disincentives for teachers to work with high-needs students and increases turnover rates. An effective use of data is to diagnose learning needs and provide early intervention.

Toronto, one of the highest performing urban systems in the western hemisphere, uses capacity building as its school improvement strategy. If a school is struggling, the ministry does not punish them, it provides support. District offices engage in problem-solving with schools by focusing on the whole child. This moves beyond an academic focus, and recognizes that social and emotional needs impact outcomes. Toronto ensures there is cultural competence among school staff.

Humanitas Academy High School in Los Angeles is in a poor neighborhood where 100 percent of students are Hispanic and 50 percent are English learners. However, it has the fourth highest graduation rate in the city. The neighborhood is surrounded by gangs though there have been no fights in seven years. The school's success stems from a few key components. First, it is the only high school in Los Angeles where students provide non-evaluative feedback to their teachers. The school also spends the first three days of the semester building a sense of community between students and school staff. They have found that when students trust the adults within their schools, they have better academic performance. The school trained teachers and differentiates professional development based on data. They did not focus on changing poverty, instead they focused on what was being taught and how it was being taught. They inventoried school resources and found ways to use them more efficiently. The highest focus was on what the school could actually control. Too often schools focus on what they cannot control, and do not make progress because of this.

The United States is presently focused on raising achievement within the education system. The focus should, instead, be to get students excited about learning. A focus on achievement means teaching to the test, while a focus on motivation gets students interested in learning. It reminds teachers that their job is to develop natural curiosities in students. Finally, school morale should be a top area of focus. High-performing schools do not have low morale.

Representative Roch asked for an example of an ideal teacher evaluation system. Dr. Noguera replied that some school districts are exploring peer-evaluation. The Learning Policy Institute, based in California, has been focused on how to assess teacher efficacy; this would be an appropriate resource for consultation. Representative Roch then asked how achievement should be measured. Dr. Noguera clarified that assessments like PARCC and Smarter Balanced are reliable ways to measure achievement and such measures should not be avoided. He added, however, more important than measuring achievement is learning how to leverage the results for improvement.

Representative Ruiloba asked about effective approaches for public school children in foster care, noting they often are moved between different schools during a school year. Dr. Noguera replied that UCLA is opening a center to focus on children in foster care, serving as a great national resource. Students in foster care have the worst outcomes because they lack stability. At the school level, a child should have a consistent adult who is checking-in as a mentor who also knows the foster family.

Representative Linda Trujillo asked about what cultural competency would look like in practice. Dr. Noguera responded that school staff should be open-minded about how to work with diverse students and families.

In response to the Chair's question about implementing everything Dr. Noguera talked about, Dr. Noguera noted the plan must be non-partisan and create a trust where school districts could petition to fund their equity-based initiatives. He also cautioned that it is not effective to spend money too quickly without designating how it should be spent. He also suggested a review panel of experts that could manage the trust. To build capacity, it would be beneficial to start a consortium involving community partners, school districts, universities, and others.

#### September 27, 2018

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**Administrative Rulemaking.** Andrea Ochoa, Fiscal Analyst, LESC, presented a proposed rulemaking to repeal and replace Part 3 of Section 6.60 NMAC, Alternative Licensure. The proposed rule repeals current rules that establish the available paths to obtain alternative teacher licensure and replaces them with three defined paths for teacher candidates to obtain alternative licensure: alternative educator preparation pathway (EPP), alternative NMTEACH pathway, and alternative post-baccalaureate experience pathway. The proposed rule also includes changes to the alternative administrator license and adds a new alternative student success advisor license. The committee was concerned with the high amount of requirements and lack of support for teachers pursuing an alternative license. Additionally, the committee was concerned that years spent teaching under an alternative license will not count toward the minimum three years needed for teachers to apply for a level two teaching license.

Ms. Ochoa also presented a proposed rulemaking to repeal and replace Part 8 of Section 6.60 NMAC, Background Checks for Educator Licensure. The proposed rule replaces the current rule for background checks on all applicants for initial teaching licenses, instructional support provider licenses, alternative licenses, and substitute certifications. The proposed rule specifies the differences between in-state and out-of-state background check requirements. Also the language that stipulates disclosure procedures has been clarified. The committee did not have any questions or comments on the proposed rule.

Ms. Ochoa presented a third proposed rulemaking to repeal and replace Part 9 of Section 6.61 NMAC, Certificates of Endorsement Waiver. The main proposed change is that some endorsements listed in the current regulation will no longer be eligible for a waiver in the proposed rule, such as endorsements for teaching English to speakers of other languages (TESOL), bilingual education, and modern or classical languages. The committee expressed concerns that the proposed rule will increase the difficulty in hiring for "hard-to-staff" positions in schools, though Representative Roch reminded the committee that teachers who are teaching on a waiver are not fully endorsed and therefore not qualified to teach the assigned content area.

Tim Bedeaux, Fiscal Analyst, presented the proposed repeal of Part 7 of Section 6.10 NMAC, Statewide Standardized Testing Security Issues and Irregularities and replacement with, Standardized Testing Procedures and Requirements. The proposed rule reorganizes and clarifies existing rules and responsibilities and makes minor substantive changes to standardized testing requirements. The rule delineates requirements for the administration of standardized tests, prohibited practices, and procedures in instances of suspected testing irregularities. Representative Romero voiced a concern that some of the requirements regarding test proctors and test security were inappropriate to require for end-of-course exams (EOCs), though it is unclear EOCs fall under the scope of the Assessment and Accountability Act.

Mr. Bedeaux also presented the proposed rulemaking to repeal and replace Part 2 of Section 6.75 NMAC, Relating to the Public Education Department Instructional Material Bureau. The proposed rule adjusts wording in many clauses for clarity, consolidates some regulations, and eliminates other regulations. Among its many minor changes, the proposed rule also contains two significant deviations from current practice: the proposed rule would allow schools, school districts, and publishers to submit open source and school district-developed materials for review during the summer review institute; and the proposed rule eliminates language stating instructional materials receiving 90 percent of the possible points in the summer review institute would be recommended for final adoption as core material, replacing this section with new criteria PED staff will use to recommend core instructional material for adoption. Several LESC members were concerned with the ambiguity in the new criteria for adoption of instructional material and the lack of a funding source for the review of open educational resources.

**Ensuring Quality School Leadership.** Dr. Sheri Williams, Assistant Professor, Educational Leadership, College of Education, University of New Mexico (UNM), presented research on high-quality national and international programs that would support the preparation and development of strong, equitable, and ethical school leaders in New Mexico. According to the National Conference of State Legislatures' report, *No Time to Lose*, top-performing countries have a rigorous set of criteria to determine a candidate's eligibility to enter into a principalship. Research shows principals are second only to teachers in their impact on school improvement. Learning for aspiring principals must be concrete, targeted, and embedded in school systems. Dr. Linda Darling Hammond, President and Chief Executive Officer, Learning Policy Institute, calls principal preparation programs that are specifically focused on investing in close partnerships with school districts, universities, and state education departments, "the new norm". According to *Preparing to Lead: Lessons in Principal Development from High Performing Education Systems*, a research report issued by the Center on International Education Benchmarking, the best systems deliver this new norm within the leadership development continuum that includes recruitment of promising candidates, rigorous initial training, a clinically rich full-time internship, and ongoing training and support. The federal Every Student Succeeds Act (ESSA) recognizes the need for updated principal preparation standards. ESSA also provides new flexibility to help states and school districts develop strategies and actions to improve school leadership. Many states are using federal Title II-Part A funds to support school leadership and improve state policies for principal preparation, licensure, and evaluations. New Mexico's ESSA plan does not state how it will fund the preparation of aspiring instructional leaders.

Dr. Penny Garcia, Dean, College of Education and Technology, Eastern New Mexico University, represented the New Mexico Association of Colleges of Teacher Education (NMACTE). She said preparing dynamic principals is a priority in all institutions of higher education and NMACTE has three recommendations. The first is to strengthen the current licensure system for educational leaders. Currently there is only one level three-B administrator license for all education administration positions. Other states have a principal license, a superintendent license, a business administration license, and a director of instruction license, all of which are nuanced to meet the differing needs of the positions. The second recommendation is to ensure current programs in school leader preparation reflect a different set of outcomes such as a clear vision, goal-driven

decision-making, a strong focus on teaching and learning, and sustaining transformation. The final recommendation is immediate adoption of the Professional Standards for Educational Leaders (PSEL), adopted in many high-performing states.

Dr. Virginia Padilla-Vigil, Dean, School of Education, New Mexico Highlands University, represented the Public Education Department's (PED's) Professional Practices and Standards Council. She said principals must be prepared to manage change; build a school environment that supports students; support teachers in the implementation of evidence-based rigorous instruction; foster teacher collaboration; ensure that teachers have the resources needed; effectively recruit, train, and develop high-potential teachers; use data to improve outcomes; and build strong bridges between home and school. The PSEL standards address all of these components. Dr. Padilla-Vigil shared an anecdote of her experience with the adoption of new standards for teacher preparation. She noticed positive changes in educator preparation programs across the state, such as strengthened clinical practices, improved recruitment strategies, and comprehensive assessment systems. She felt the adoption of PSEL would mirror these benefits.

Representative Romero spoke about a presentation from the University of Colorado that mentioned the number one reason for teachers leaving the profession was they felt a lack of leadership from their school administrators.

Representative Tomás Salazar asked how school principals are evaluated. The panel responded that there are a set of competencies to evaluate principals. Principals must be well-versed in budgeting, instructional leadership, and communication with staff and the community.

Representative Roch asked Dr. Garcia to clarify how the addition of more administrator licensure levels would improve school leadership. Dr. Garcia responded that it would be ideal to prepare initial administrators with a narrow set of proficiencies and build on that knowledge base as the administrator gains experience. It would affect quality once the principals are in the field. From a principal preparation program's perspective, it would help refine the nuances of preparing school leaders at the initial level.

Representative Roch asked about the program requirements for becoming a school leader in New Mexico. Dr. Garcia responded that a candidate must hold a bachelor's degree or higher from an accredited college or hold National Board certification, complete a minimum of 18 credit hours in a PED-approved principal preparation program, and complete a 180-hour internship. Educator preparation program's use a list of competencies enforced through regulation to inform principal preparation coursework.

Chair Stewart ended the session by asking the panel to return to the committee with specific recommendations to consider in the new legislative session.

**A Comprehensive Approach to Youth Media in Northern New Mexico.** Andy "Rosey" Hayett, Executive Director, True Kids 1, a youth media education nonprofit based in Taos, stated there are real dangers facing young people online and students need to safely and responsibly navigate modern technological life. Student success in their social and emotional skills and community engagement shows readiness to succeed in secondary or vocational schools. True Kids 1 works with partners to address these issues, impacting communities and supporting schools and students. The model involves public schools, universities, nonprofits, and other stakeholders in common goals that impact education and economic opportunity in New Mexico. True Kids 1's goals are to make sure kids are able to distinguish between fact and fiction, be safe users of the internet, and succeed in college, vocational school, or the workforce. True Kids 1's radio show is hosted by a science team at Taos Academy, which recently won a national award for their research on alternative treatments for Alzheimer's and diabetes. A powerful example of civic media produced by True Kids 1 students was the "see something/say something" app and

campaign. In 2017, Taos suffered a devastating series of teen suicides. “See something/say something” went on to win the 2017 Verizon Innovative App Challenge, beating over 2,500 submissions.

The core component of True Kids 1’s model is ongoing professional development. While the program takes place in public schools, higher education provides mentors and resources, local government provides facilities and infrastructure, civic organizations provide purpose and guidance, local media gives access to an audience, and employers give access to internships and real world experience. The pedagogical framework of the initiative is provided by Dr. Friezen, Director of the Media Education Lab at Columbia College-Chicago.

Chair Stewart asked about the connection to public schools. Rosey explained this program in Taos is a regular curriculum in classrooms where students create video products. They would like to start a program in Santa Fe as well. There are also partners who provide workshops, employment opportunities, and internships.

**Speech Language Pathology Assistant Licensure.** Dr. Sandra Nettleton, Clinic Director, Department of Speech and Hearing Sciences, University of New Mexico (UNM), explained New Mexico is one of only 11 states that does not license or certify speech language pathology assistants (SLPAs). There are 1,500 licensed speech pathologists and 65 licensed audiologists in New Mexico. The New Mexico Speech Language and Hearing Association (NMSHA) represents these licensed professionals. In 2012, NMSHA discovered the Public Education Department was issuing a New Mexico educational assistant licenses to out-of-state licensed speech language pathology assistants because New Mexico does not have a license for speech language pathology assistants, and asking licensed speech language pathologists to supervise speech language pathology assistant’s work.

The first draft of a bill for speech language pathology assistants licensure was sent to speech language pathologists for feedback. The version presented to the LESC was the second draft that incorporated their comments. The proposal would replace “apprentices”, individuals working on a master’s degree, with “assistants” in Section 61-14B 3.1 NMSA 1978. Speech language pathology assistants would be required to hold a certification or an associate’s degree or higher in speech language or a related field and would be authorized to assist the speech language pathologist with speech, language, and hearing screening; carry out lesson plans determined by speech language pathologist; maintain delivery of treatment; act as an interpreter; participate in research; and attend meetings regarding the student. They would not be allowed to represent themselves as a speech pathologist; administer diagnostic tests, or formal or informal evaluations; conduct swallowing screenings; interpret data or clinical information; treat clients without following the individualized treatment plan; refer clients to other professionals or agencies; and counsel families.

Representative Linda Trujillo asked the panel who would carry the legislation and who opposes the bill. The panel responded they have yet to secure a legislator for sponsorship. NMSHA membership is very supportive. There is also national support because there are few professionals and high caseloads.

**How Theatre Programs Apply Lessons from Every Discipline and Why That is Important.** Terry S. Davis, Co-Producer, Enchantment Awards, New Mexico High School Musical Theatre Awards, explained the benefits of theatre programs in New Mexico. The High School Musical Theatre Awards recognize the talents and efforts of drama programs across the state, and give students the opportunity to perform at Popejoy Concert Hall. In addition to being a creative platform for students, theatre classes integrate subjects such as history, math, literature, and physics through experiential projects in which students learn and practice skills that would be valuable in the workplace.

Theatre programs are run like businesses, and students must learn skills needed for running a business through their involvement in productions. When choosing the musical, theatre teachers must take into consideration the audience, which is the community, and they must market the shows to the community. Ticket sales represent about 30 percent of theatre program funding.

Mr. Davis explained that a teacher's job is to raise citizens of the world; theatre teachers are able to do this by helping students become curious, empathetic, responsible, and reliable social beings. Students in theatre perform in a completely different way than they might in English or math classes so theatre teachers are able to recognize when students are able to challenge themselves a little bit further.

The presenters would like to see theatre classes treated more like other extracurricular activities in schools. Currently, theatre programs do not receive as much funding or support as other programs such as athletics, and New Mexico spends significantly less than other states on theatre programs, making it hard for New Mexico to compete nationally. They would also like to see money for assistants.

Students Montana Sandoval, Bosque School; Joanne Davidson, Cibola High School; Parker Knight, Los Alamos High School; Colin Miller, Sandia Prep; and Angela Leyva, Rio Rancho High School sang Human Heart from Once on this Island for the committee. The students shared their favorite experiences from productions they acted in, and lessons the productions taught about history and life.

**Status and Needs of New Mexico School Libraries and Librarians.** Heather Dahl, Director of Government Affairs and Policy, Albuquerque Public Schools (APS) said librarians across the state would like a memorial to study the status of public school libraries. She said librarians know the purpose of libraries, but many librarians feel that state and local leadership do not. The Public Education Department (PED) is responsible for the distribution of funding from general obligation bonds, but it is unclear whether funding is distributed to all schools that have physical libraries. She said sometimes money is reverted, which is one of the reasons that there is a need for a study that streamlines information across the state.

Heather Christensen, Chair, Advocacy for School Libraries Special Interest Group (ASLSIG), said research shows that reading takes many hours of practice. Libraries help to bridge inequities between children by giving everyone access to materials. She said teacher-librarians help students manage and leverage school library resources and schools that have certified librarians see an increase in reading scores, as well as increased scores in other content areas. Ms. Christensen said that while many libraries provide databases to every student, some libraries lack certified librarians to show students how to use these resources. She said librarians promote reading motivation.

Mary Chappell, Teacher-Librarian, S.Y. Jackson Elementary School, said school librarians are teachers and instructional leaders, curriculum developers, and curators of digital and print resources in our schools. They are responsible for curating collections of the best, most relevant books, putting those books into the hands of kids, and inspiring them to become readers. She said librarians provide high quality professional development workshops in digital learning and literacy for other school staff.

Rachel Altobelli, Director of Library Services and Instructional Materials, APS, said APS received a special allocation for libraries, which has been helpful in purchasing items that help students have access to library materials in a variety of spaces. Ms. Altobelli said it is important to ensure all students have access to high-quality libraries, no matter where they live.

Teresa Ortiz, Library Media Specialist, Deming High School, said a new library facility in Deming gives students access to cutting edge technology and library services. She said it is a versatile space that different groups can use to meet their unique needs. Ms. Ortiz said librarians thank the Legislature for the money that has gone to libraries, but she said librarians would like more money to be allocated to school libraries so that students to have equitable access to library resources, including qualified teacher-librarians.

Representative Salazar asked about a letter that members of the committee received regarding library funding. Joe Sabatini, Co-Chair of the Legislation Committee of the New Mexico Library Association said that the letter referred to a proposal that is meant to address funding for libraries in rural areas. It refers to public libraries, not school libraries.

#### September 28, 2018

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Vice Chair G. Andrés Romero, Senator Craig W. Brandt, and Representatives Alonzo Baldonado, Dennis J. Roch, Christine Trujillo, and Sheryl M. Williams Stapleton; Advisory: Senators Linda M. Lopez, Michael Padilla, and John Pinto, and Representatives Kelly K. Fajardo, Stephanie Garcia Richard, Patricio Ruiloba, Tomás E. Salazar, Debra M. Sariñana, and Linda M. Trujillo.

The following voting and advisory members were not present: Voting: Senators Candace Gould, and William P. Soules, and Representative Monica Youngblood; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Gay G. Kernan, and Howie C. Morales, and Representatives Joanne J. Ferarry, David M. Gallegos, Jimmie C. Hall, D. Wonda Johnson, Tim D. Lewis, Rick Little, Patricia Roybal Caballero, Angelica Rubio, Gregg Schmedes, Elizabeth "Liz" Thomson, and Jim R. Trujillo

**Martinez and Yazzie Plaintiffs' Suggested Remedy to Lawsuit.** Attorneys for the plaintiffs in the Yazzie and Martinez versus New Mexico cases presented plaintiffs' proposed remedy platforms. Plaintiffs' attorneys emphasized the need for equity in the education of the state's at-risk student population – students who are economically disadvantaged, Native American, English learners, or receive special education services – which comprises about 70 percent of the students in the state. Attorney's stated the remedy platform stresses equal educational opportunity and the need for culturally sensitive and relevant education for the state's Hispanic and Native American populations.

Gail Evans, Lead Counsel for Education, New Mexico Center on Law and Poverty, introduced plaintiffs' proposed remedy platform. She indicated the goal is to implement Judge Singleton's clear directive to "provide a uniform system of free public schools sufficient for the education of, and open to, all children of school-age in the state," so students have a chance to become career- and college-ready, as required by the state constitution. Ms. Evans noted the remedy focuses on six major policy areas: multicultural education, early childhood education, extended learning opportunities and literacy, social services, teacher recruitment and capacity building, and funding and resources. Plaintiffs' attorney's focused the presentation on short-term goals.

Preston Sanchez, Staff Attorney, New Mexico Center on Law and Poverty, spoke to New Mexico's need for multicultural education, which reflects the multicultural origins of the state's students. He noted Judge Singleton's finding that Public Education Department (PED) has not provided a framework for multicultural education, despite the Hispanic Education Act (HEA), the Indian Education Act (IEA), and the Bilingual and Multicultural Education Act (BMEA), none of which they indicated has been fully funded or implemented. Mr. Sanchez indicated overarching goals of the remedy platform are to: restructure PED so the state's educational foundation is rooted in multicultural education; pass legislative requirements of the PED secretary mirroring those in the constitution; provide PED with resources necessary to fully implement the HEA, IEA, and BMEA; and increase the qualifications required of PED staff in the Indian Education Division, and the

Multicultural Education Bureau. Specifically regarding the education of English learners (ELs), the judge found the state had failed to comply with both state and federal law, including providing a teacher endorsed to teach English as a second language or a research-based curriculum.

Lauren Winkler, Staff Attorney, New Mexico Center on Law and Poverty, spoke of the importance of prekindergarten, extended learning time, social services, and teachers. Full-day prekindergarten, she noted, has been found to improve student outcomes as it prepares them for kindergarten, yet it is still not universally available. The plaintiffs' remedy platform suggests expanding prekindergarten programs to full-day programs, and expanding the program to reach as many prekindergarten students as possible by the 2019-2020 school year. Plaintiffs recommend expanding K-3 Plus to include fourth and fifth grades, and providing it to all qualified children, with additional funding for summertime transportation.

Ms. Winkler noted children in New Mexico often have poor social, economic, and health outcomes, the presence of which detract from educational outcomes. Social services should help improve student outcomes, emphasizing that non-academic supports, like onsite nursing, health services, counseling, and social work tend to be present in high-performing schools. Plaintiffs recommend these types of services be extended to all students as a basic part of education.

Concerning teachers, Ms. Winkler noted: New Mexico has a shortage of teachers; current teacher salaries are too low to maximize recruitment and retention efforts; and there is insufficient funding to adequately train teachers. Consequently, plaintiffs focus on incentivizing people to enter and stay in the profession. They recommend establishing a pathway for Native American dual language speakers and early educators to become licensed teachers, with state-paid tuition and stipends. Further, they recommend increasing teachers' base pay to \$45 thousand, \$55 thousand, and \$65 thousand for each level respectively, and provide regular increases tied to inflation.

Regarding education funding, plaintiffs' attorneys recommend fully funding all the programs they highlighted, reinstating funding that has been lost since the recession after accounting for inflation, increasing the weight of the at-risk factor to 0.336 so that at-risk students generate 25 percent more funding than others students, and using 180 percent of federal free and reduced-fee lunch figures to determine poverty rates, rather than census-based poverty determinations, as the state currently does.

Ernest I. Herrera, Staff Attorney, Staff Attorney, Mexican-American Legal Defense and Educational Fund, spoke of the need for equity in New Mexico schools for all students, reiterating many of the court's concerns. Highly effective teachers should be allocated to schools serving the most at-risk students, for which the state should provide adequate funding. Further, the training and experience index should be changed to ensure funds are allocated in a way that reflects training needs. Mr. Herrera noted the teacher evaluation system should ensure that teachers are teaching in the classrooms in which they are most needed, accounting for culturally relevant curricula and the needs of ELs. He emphasized that at-risk students should have equal access to extracurricular activities, as well as art and music classes. Plaintiffs stressed that multicultural education should entail ensuring teachers receive training on anti-racism and access to racially neutral texts that include minority contributions to history and culture.

Representative Salazar noted the plaintiffs' remedy and the judge's ruling raised issues more important than funding, to which Ms. Evans replied the case was not about money, per se, but about the programs and opportunities that students in the state lack, and how to reform the education system in the state so that students would have access to programs and opportunities.

Representative Garcia Richard asked for clarity regarding proposed changes to the at-risk index, and Ms. Evans noted that free and reduced-fee lunch should be used in the at-risk index as the

poverty indicator, and it should include students whose families are at or below 180 percent of the federal poverty level rather than at or below 100 percent of the federal poverty level. Further, at-risk students should receive 25 percent more funding, and the index factor should be set at 0.366. Representative Williams Stapleton asked about the \$380 million needed to reinstate funding lost since the recession, and if plaintiffs intended to reinstate the services that were lost with the funding. In reply, however, Ms. Evans emphasized the Legislature needed to examine the capacity needed to supply and restore needed services, and work to fund to that level, rather than just throw money at the problem. The representative then noted that, while the plaintiffs say funding is not the issue, it seems plaintiffs want the \$380 million in lost funding restored, and the Legislature to go further than that funding level to comply with the judge's ruling. Ms. Evans indicated that was accurate, but the real issue is making the necessary changes, for which money is clearly necessary.

Representative Williams Stapleton wondered how money would follow the at-risk students so that they were assured of receiving services to which they were entitled. Ms. Evans replied that the state seems somewhat unaware of what programs are offered in school districts throughout the state, and that increasing the at-risk index multiplier should help with equitable funding for needed programs. The representative then asked whether a culturally sensitive educational framework would include anti-bias and restorative justice training for all teachers, to which plaintiffs' counsel replied that such training might be a suggestion, but that school districts could decide whether or not to make it part of their pedagogy.

Representative Williams Stapleton asked about teacher professional development, and what plaintiffs propose. Ms. Evans replied that they would add 10 professional development days to teacher contracts, and acknowledged that proposed increases in teacher salaries and additional days in teachers' contracts are one some of the expensive aspects of the proposed remedy platform.

Senator Padilla asked what services the plaintiffs are referring to when they reference social services. Plaintiffs' attorneys noted the court uses the term 'programs and services' to include social work, health services, counseling, and the needs of foster children in schools.

Senator Padilla then asked what organizations the plaintiffs were working with. Ms. Evans referred to their presentation, noting it listed groups like the Coalition for the Majority, College Horizons, Keres Children's Learning Center, the National Education Association NM, and the Native American Budget and Policy Institute, among others.

Representative Christine Trujillo asked how they can ensure PED will follow through on their obligations. Superintendent Veronica Garcia of Rio Rancho Public Schools and former secretary of public education noted that it is up to the governor to direct PED to do so, and that the Legislature can audit the department to ensure statutory and regulatory requirements are being executed.

Representative Linda Trujillo noted PED may not be the best start with executing the plaintiffs' remedy, wondering if changing statutes that address specific policy areas might be better, which the attorneys agreed may be a better place to start.