

MINUTES
Legislative Education Study Committee
UNM Taos – Bataan Hall
Taos, New Mexico
August 30-31 and September 1, 2017

Wednesday, August 30

Senator Mimi Stewart, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:12 a.m., on Wednesday, August 30, 2017, at UNM Taos, Bataan Hall in Taos, New Mexico.

The following LESC voting and advisory members were present: Voting: Senators Mimi Stewart, Chair, Craig W. Brandt, Candace Gould, William P. Soules; and Representatives Stephanie Garcia Richard, Vice Chair, Alonzo Baldonado, Dennis J. Roch, Tomás E. Salazar, James E. Smith, and Sheryl M. Williams Stapleton. Advisory: Senators Carlos R. Cisneros, Gay G. Kernan, Howie C. Morales, Michael Padilla, John Pinto; and Representatives Joanne J. Ferarry, Rick Little, Patricio Ruiloba, Debra M. Sariñana, Christine Trujillo, Jim R. Trujillo, and Linda M. Trujillo.

The following LESC advisory members were not present: Senators Daniel A. Ivey-Soto and Linda M. Lopez; and Representatives David M. Gallegos, Jimmie C. Hall, D. Wonda Johnson, Tim D. Lewis, G. Andrés Romero, Patricia Roybal Caballero, Angelica Rubio, Elizabeth “Liz” Thomson, and Monica Youngblood.

Also present was Representative Roberto “Bobby” J. Gonzales.

On motion by Vice Chair Garcia Richard with no objection, the agenda for the August 2017 meeting was approved.

No Time to Lose: Teaching and Learning in High Performing Countries and the United States. Michelle Exstrom, Education Program Director, National Conference of State Legislatures (NCSL), said New Mexico is one of a few states that are engaged in learning more about the elements of NCSL’s *No Time to Lose* report. She noted today’s presentation would focus on element two of the *No Time to Lose* report, which is “a world-class teaching profession supports a world-class instructional system, where every student has access to highly effective teachers and is expected to succeed.”

Linda Darling-Hammond, President, Learning Policy Institute and Faculty Director, Stanford Center for Opportunity Policy in Education, said her presentation would build on what Mark Tucker talked about last month. Dr. Darling-Hammond referenced a set of studies she recently completed with national and international scholars, *Empowered Educators*, which studied how top-performing education systems developed teaching quality in Shanghai, Australia, Singapore, Finland, and Canada, which were chosen based on their strong academic performance on the PISA (Performance on the Programme for International Student Assessment). The countries also offer a range of diversity, in terms of minority populations, multiple languages spoken, large immigrant and migrant populations, and a variety of cultures. She stated New Mexico could learn how to create and implement a top-performing education system from these countries.

Dr. Darling-Hammond noted U.S. teachers are less compensated than teachers in the countries featured in *Empowered Educators*, which means U.S. teachers earn 20 percent to 30 percent less than international graduates with similar education. In the United States, teachers have less support for teacher preparation, are less likely to receive mentoring, have less time for and access to professional learning, are less likely to receive feedback from peers, are less likely to have expanded career responsibilities or opportunities to share expertise, and are less likely to be

involved in collaborative planning. If teachers have access to these professional learning opportunities, Dr. Darling-Hammond noted the research shows it improves their effectiveness, how well students perform academically, and classroom teacher retention.

The Learning Policy Institute conducted a study on teacher shortages, which looked at compensation, turnover rates, teaching conditions, and qualifications of teachers across the states to determine the best places for teachers. New Mexico did not rate highly on this study as the state pays teachers less than the U.S. average, but the wage competitiveness with other occupations is a little better than the national average. The teacher pupil ratio is a little better in New Mexico than the national average. However, only 30 percent of teachers felt their schools were collegial, and 20 percent of teachers, more than the national average, reported they had job insecurity related to standardized testing. Additionally, New Mexico has more inexperienced teachers who will generally teach at schools with large minority populations.

Dr. Darling-Hammond said the top-performing education systems have a systemic approach, which allows these countries to incorporate an integrated system that works to produce high teaching quality through effective recruitment, preparation, mentoring, ongoing professional learning, appraisal and feedback, career leadership development, curriculum, and assessment. All the elements feed each other, and there is a common curriculum framework and common assessments for the entire country. She provided a foundation for how high-performing education systems operate. Teacher compensation in the top-performing countries is equivalent to other occupations, and teachers are recruited from the top tier of their graduating classes. In these countries, teacher candidates are rigorously trained the way medical doctors are trained in the United States. Additionally, these countries have implemented systems equivalent to the United States' national board for professional teaching standards program, which are research-based and focus on learning and development with a whole child orientation. Teacher candidates also focus intensively on research and publish in clinical journals. She noted teacher induction programs are readily available in all the top-performing countries. Senior and mentor teachers are trained to do in-classroom coaching that usually lasts for two years. In some countries, the mentoring and induction programs last for four years.

Dr. Darling-Hammond said developing effective professional learning is also important. Effective professional development is organized around curriculum, sustained in duration, has mentoring and coaching aspects, and people have the chance to work collegially in networks. In these other countries, it is common for a national organization or academy to organize professional development, which typically lasts between 15 hours to 25 hours a week and can focus on collaboration, lesson study, action research, peer coaching, and peer observation. The education systems in the top-performing countries build time into their schedules for professional development. Research found teacher collaboration is closely related to teachers' sense of self-efficacy, which is related to their effectiveness, and improves retention.

She noted the following elements are required to have an effective, integrated education system: standards that provide the vision of high-quality teaching; universal, high-quality preparation that is research oriented and clinically based; professional learning that is collegial, job embedded, and continuous over time; time made available for teachers for collaboration; teachers receiving feedback from each other; cultivating teacher leadership and bringing it up the leadership chain; and established networks between and among teachers and schools to continue to learn.

Representative Sariñana asked how top-performing countries work with low-income and homeless students. Dr. Darling-Hammond stated there is much less child poverty in high-performing countries; however, these countries have large immigrant populations who may not qualify for low-income program assistance upon arrival. The countries have a much better safety net, including food security and housing supports, than offered to low-income people in the U.S.

Representative Sariñana asked how high mobility and truancy rates can be addressed given the fact that it is challenging to get students to attend school on a regular basis. Dr. Darling-Hammond stated high-performing countries face similar obstacles with student mobility, transiency, and refugees coming to their countries in higher numbers than the United States. Dr. Jeannie Oakes, Presidential Professor Emeritus in Educational Equity, University of California, Los Angeles, stated community schools that form partnerships with cities, nonprofits, and local businesses to provide social supports to help students overcome the barriers associated with poverty address the Representative's concerns and she highlighted examples in Albuquerque.

Senator Morales asked where the United States ranked in education in the 1970s. Dr. Darling-Hammond said the United States was widely acknowledged as the number one nation in the world in the 1970s with higher educational attainment, more people graduating from high school and college, and large investments in education in terms of national and state public policy. After the 1970s, the United States started to decline in education rank.

Senator Morales asked for recommendations to address the fact that teacher vacancies are often filled by people with insufficient teacher preparation. Dr. Darling-Hammond said states have different approaches to addressing the growing crisis of teacher shortages across the country, such as lowering admission standards to teacher preparation programs, improving incentives to enter the teaching profession, creating service scholarships, increasing forgivable loans, and creating teacher residency models.

Senator Kernan asked if Dr. Darling-Hammond could explain how teachers demonstrate accomplishment. Dr. Darling-Hammond stated in several countries, some form of evaluation or appraisal of teachers is at the core of the process. Typically the evaluation is conducted by senior teachers in that subject area or the principal and includes observations and feedback. Additionally, they tend to look at curriculum plans the teacher has developed, student achievement results, and how the teacher has contributed to the development of other teachers through mentoring or professional development.

Representative Roch asked what the recommended ratio is between teaching and professional collaboration time. Dr. Darling-Hammond suggested getting the United States to the international average of eight hours of collaboration time is possible. She has worked restructuring schools that have redesigned their schedules and their staffing to allow anywhere from seven to 10 hours a week of independent and collaborative time for teachers. The redesign can include having teachers serve as advisors, hiring fewer paraprofessionals, and putting money into the teaching coffers. The Representative stated nonteaching staff in his school district are mostly paraprofessionals or ancillary service providers that serve students with disabilities and asked how other countries work with students with disabilities. Dr. Darling-Hammond noted there is a dire need to reform the way U.S. schools works with students with disabilities, which is costly. In high-performing countries, teachers are trained in special education as a general education teacher. Additionally, these countries have specialists to work with students with severe disabilities. There also are no individualized education programs for special education students. By high school, there are very few students in special education because they received what they needed, when they needed it from a well-trained teacher.

Vice Chair Garcia Richard asked how students of color can benefit from a teacher that looks like them and if any research has been done on the recruitment of indigenous teachers. Dr. Darling-Hammond stated there have been difficulties recruiting indigenous teachers due to lack of financial access to higher education and teacher certification. Often times, teachers of color are recruited through alternative means, which does not always give them the training they need to be successful. She stated there is evidence student achievement for indigenous students and other students of color is higher when they have teachers who know their context and culture. Throughout the country, there have been opportunities created to recruit and

retain teachers of color, including service scholarships, service scholarships coupled with mentorships, and teacher residency programs. Dr. Oakes stated there are efforts in Colorado to diversify the teaching profession, which focus on early recruitment, providing support, and building cultural responsiveness into the teacher training curriculum.

Ms. Exstrom facilitated the afternoon by posing questions to Dr. Darling-Hammond and Dr. Oakes.

Ms. Exstrom asked how teachers are involved in decisions about curriculum, standards, and assessments. Dr. Darling-Hammond said all of the top-performing countries either have state or national curriculum standards, which were developed by teachers, national education experts, and subject matter experts. Once the standards were developed, there was a long process by which the standards were reviewed and revised if needed. This process takes place every seven to 10 years. The curriculum framework describes the kind of assessment goals and strategies, usually performance-based assessments, which teachers are expected to integrate in their classrooms.

Ms. Exstrom asked where states can begin to build an effective teaching force. Dr. Oakes stated states must have a comprehensive plan and goals to run a whole system for teacher quality from recruitment to preparation programs to the most senior levels of teaching. Dr. Darling-Hammond noted financial investments could incentivize improvement. She acknowledged there are some good teacher preparation programs, but noted a competitive investment could improve the quality of lower-quality programs. Also, service scholarships and forgivable loans could be used to incentivize teachers to teach in high-need schools or in high-need fields.

Ms. Exstrom asked how alternative and traditional teaching pathways could be made more rigorous. Dr. Darling-Hammond said she became a teacher through an alternative pathway, but also noted she is committed to effective teacher preparation because she did not receive it. One option is to provide the funding to those who can go through a traditional preparation program so the candidate will not have to choose between being fully prepared or partially prepared. Another option is to strengthen alternative programs. For example, California increased the requirements for clinical preparation received in teacher education, including mentorship, and strengthened the requirements for alternatively certified teachers by requiring competent, high-quality, daily mentoring.

Ms. Exstrom said all states were required to establish a plan for how they are going to ensure more equitable distribution of high-quality and effective teachers to high-need schools. She asked how the United States compares with other countries in terms of placement of highly effective teachers with the students who need them most. Dr. Darling-Hammond said high-performing countries value placement of teachers in high-need subjects with low-income or rural students. Service scholarships, stipends, bonuses, or free housing are incentives provided to teacher candidates who choose to work in a high-need area or subject.

Next, Ms. Exstrom asked how legislators could reallocate resources to fund these policy shifts. Dr. Oakes stated money is most useful when it is spent well. Thus, it is important to determine what is necessary to fund and to develop a plan to distribute the funding. Dr. Darling-Hammond spoke to California's recently enacted progressive school finance system, after years of both declining funding and increasing inequality that allocates more money to children in poverty, English learners, and foster care children. She said international studies show equality and overall achievement are improved when more money is given to the most disadvantaged kids. California also eliminated categorical programs.

Dr. Darling-Hammond said California and Oregon have tried to increase their education budgets by reducing the prison budget. In the United States, the amount of money spent on incarceration since the 1980s increased 900 percent and the ratio of people in prison increased

by 400 percent. She noted states make different judgments about the revenue sources that are available to be used to invest in more progressive funding formulas and states have to examine their potential revenue sources, including sales tax, income tax, or lottery revenue.

Ms. Exstrom asked if there are areas where states could better allocate resources where investments are high but returns are low. Dr. Darling-Hammond said teacher turnover is a real big money loser and grade retention is another huge inefficiency. Kids who are retained typically do not end up with greater achievement but end up with higher dropout rates. Investments in preschool and summer learning are positively impacting learning.

Ms. Exstrom asked about the level of control and flexibility that local schools have over their budgets. Dr. Darling-Hammond said principals have control of their budgets in many of the countries studied and receive a lot of training about how to spend the money; in the United States, local control exists without training about where investments would do the most good.

Senator Cisneros asked how much demographics had to do with learning capability or teaching expectation. Dr. Darling-Hammond answered the societies they researched were not homogeneous. In many of those societies, low-income students, students who recently immigrated, or refugees have a bigger safety net even if they are not homogenous with the country's population. Teachers do not have to assume the challenge of students who have not eaten or who are homeless. One of the things they do in almost all the multilingual countries is provide language instruction in the native language and another language.

Representative Williams Stapleton asked Dr. Darling-Hammond if retention is a policy used in other countries and if it is efficacious under certain circumstances. Dr. Darling-Hammond said that hundreds of studies have shown that kids who are retained, except under unusual circumstances, typically do not ultimately achieve at a higher level. Dr. Oakes added prekindergarten and programs like New Mexico's K-3 Plus program, which provide additional learning time for low-income students, produce better results. Dr. Darling-Hammond noted wholesale grade retention of kids typically leads to high dropout rates and lower-achievement rates.

Representative Williams Stapleton asked what the relationship is between teacher professional development and student progress. Dr. Oakes said the Learning Policy Institute published a paper about the characteristics of highly effective professional development which identifies seven characteristics that make professional development effective and is a useful guide for spending professional development dollars well. In response to the Representative's question about the effectiveness of academies, Dr. Darling-Hammond said there is evidence that small learning communities like academies, where teachers share students and plan together and students and teachers have strong relationships, have strong beneficial effects on graduation rates and students' sense of belonging in school.

Representative Ferrary asked what New Mexico could do to remedy the effects of the two-year teaching credentialing program. Dr. Darling-Hammond said two-year alternative pathway programs should be extended as these candidates are unlikely to have a strong enough content and pedagogical base in two years to be an effective teacher. She suggested the two-year alternative pathway programs could be extended by partnering with four-year universities to create a teacher pipeline where all candidates can be successful. In the future, she said the entrance standards for alternative pathway programs should be changed to be as competitive as entrance standards for four-year traditional programs.

Representative Ferrary asked what early learning policies will help New Mexico students be more school ready and successful, like students in Shanghai and Finland. Dr. Darling-Hammond said prekindergarten makes a huge difference. There are long-term studies that have looked at the effects of high-quality preschool on low-income children and the payoff for a state, in terms

of less incarceration, less poverty, greater employment, greater graduation rates, higher educational attainment, and kids contributing to the state tax base instead of being the recipients of services. For every \$1 invested in high-quality prekindergarten, \$11 dollars in return are realized.

Representative Little asked about the existence of any study of international vocational education programs that shows how many students go on to college and how many graduate directly to a career. Dr. Darling-Hammond said about 50 percent of high-school graduates in Finland, Australia, and Canada go to a university. In Singapore, about 85 percent get a postsecondary education: about 30 percent go to the four-year university and 55 percent go to a technical college or a three-year polytechnic, and 15 percent go straight into vocational programs.

Senator Kernan said New Mexico has a statute that calls for retention. She asked what the research is on advancing kids through grades who are not prepared. Dr. Darling-Hammond said the studies she mentioned about grade retention find that students who are promoted to the next grade often do better academically than their similar peer who is retained. She noted a potential solution might be to provide several years of kindergarten to ensure school readiness. California has transitional kindergarten, where kids have two years of kindergarten, which allows kids to catch up and get ready by doing much of what would have happened in preschool. Senator Kernan asked that LESC look at transitional kindergarten next interim.

Representative Roch asked Dr. Darling-Hammond about her concerns over the use of the value-added model in determining teacher effectiveness, and asked what measures do the research suggest should be used to measure teacher effectiveness. Dr. Darling-Hammond referred to her book, *Getting Teacher Evaluation Right*. A teacher's effectiveness depends, in part, on their qualifications, preparation, knowledge base, and the conditions under which they teach. One of the things they found about teacher collaboration is that school achievement is much higher overall when teachers are collaborating regularly. A teacher who looks like they are effective in one school may look like they are not effective in another school because they are not in a supportive environment. A multiple measure system might be best that looks both at how a teacher is doing at a particular moment and place and also what the conditions are that support effectiveness.

Representative Roch asked if there is consensus among education researchers on the measures of effective teaching. Dr. Darling-Hammond answered there is not a perfect consensus but scholars of teaching will look at how teachers influence both students' attitudes about learning as well as their evidence about learning gains. Teachers will impact student attendance and student motivation and drive as well as the cognitive outcomes. It is a combination of the ways in which a teacher helps a kid see themselves as a good learner, have engaging experiences and opportunities, and allows them to demonstrate their skills in a variety of ways. Most scholars of teaching would look at all of those measures to see if a teacher is effective. In response to the Representative's comment about subjective and objective measures, Dr. Darling-Hammond recommended looking at Massachusetts's teacher evaluation system, which has evidence of student learning from both the classroom and a variety of objective measures.

The committee broke into small groups to continue the discussion.

State Auditor Review of Charter School Authorizers Use of 2 Percent Withholding. Sunalei Stewart, Chief of Staff, Office of the State Auditor (OSA), presented a risk review of the 2 percent withheld from charter school-generated program costs by their authorizers for the schools' administrative support. With amounts totaling close to \$20 million over a five-year period, accountability is critical.

Mr. Stewart noted charter schools, which have proliferated rapidly over the last decade, operate with greater flexibility and autonomy than traditional public schools, in exchange for greater accountability and oversight. Charter schools, however, are funded with public dollars, and the state requires both academic and financial accountability; provision of the 2-percent set-aside should help ensure accountability, provide charter schools with necessary resources, and safeguard the public monies.

OSA set out to answer several questions regarding the 2 percent withholding: How is the money being used, tracked, and accounted for and what is an appropriate level of withholding that would reflect actual need? OSA selected 10 state-chartered charter schools, 11 schools chartered by Albuquerque Public Schools, and charter schools from the Deming, Gallup-McKinley, Santa Fe, and Taos school districts, attempting to get a diverse sampling of charter schools in size, geography, and capacity. Important to this discussion, he noted, was House Bill 446 (HB446) passed during the 2011 legislative session and signed by the governor. The bill required every charter school and chartering authority to negotiate a performance framework as part of their chartering contract, requiring stipulation of how the 2-percent withholding was to be used though, in practice, things were seldom this clear.

Authorizers appear to be withholding appropriate sums. However, there is a lack of awareness of these statutory requirements, and the importance of tracking these funds, which makes it difficult to tie withheld funds to particular expenditures. The Public Education Commission (PEC) and other large authorizers use boilerplate language in all of their contracts, rather than tailoring the language to the needs and circumstances of particular schools, which may vary. Other problems included: complete absence of contracts; contracts that include “requests” for certain sorts of assistance rather than negotiated terms; and widely varied levels of contractual detail.

Referring to the last slide of his presentation, Mr. Stewart noted a number of recommendations for greater transparency and accountability, including the Public Education Department (PED): revising outdated guidance in the New Mexico Manual of Procedures for Public School Accounting and Budgeting; directing school districts to budget 2-percent withholding revenue as “unrestricted grants;” providing appropriate training; and reporting on sufficiency and efficacy of funding for charter schools. OSA also recommended chartering authorities and charter schools ensure tracking and accounting of expenditures, and amendment of charter contracts when necessary. Current guidance, issued in 2011, is outdated, particularly considering HB446 was enacted in 2012, and indicates school districts may use these funds as they see fit, as unrestricted grants. OSA thinks these monies should be treated as restricted grants only for the use of charter school support, as set in the contracts.

The Chair noted PED was invited to speak to this subject but declined to do so. Legislation had been proposed in the past that would have divided the 2-percent withholding for state-chartered charter schools between PED and PEC, which historically have had trouble collaborating with each other. She noted a desire for PED to better account for their use of the 2-percent set-aside they received from state-chartered charter schools.

Representative Roch asked Mr. Stewart if it were possible to eliminate the associated risk identified in the audit report referenced in the OSA’s letter to Secretary-Designate Ruskowski. Mr. Stewart said risk could be reduced, but not eliminated, through actions such as clarifying contract terms so that they are legally enforceable and less likely to be litigated.

Representative Roch then turned to several specific areas the OSA identified as potential risks, or areas of noncompliance. First, he noted OSA indicated the correct amounts are being withheld by authorizers, but in seeming contradiction, said the accuracy of these calculations should be confirmed. Second, OSA indicated a detailed description of how withheld funds are going to be used is required, and immediately followed this assertion by noting that many

contracts contain boilerplate language on this issue, suggesting the language somehow does not fulfill this requirement merely because it is boilerplate. Third, he noted OSA suggested tracking of expenditures is an issue, despite both the correct amounts being withheld, and the reality that PED may spend more than the withheld amount on charter school support. Finally, he noted OSA identified as a risk the fact that the statutorily required 2 percent may be insufficient, as a general rule, to adequately support charter schools, even though the determination of that amount included in statute is in the province of the Legislature, not PED.

Regarding the first issue, Mr. Stewart said that it should not be dismissed merely because there were no violations found in this sample audit. Moreover, to the second point, Mr. Stewart noted that while the boilerplate language may fulfill statutory requirements, statute is open to the interpretation that greater detail over the use of the 2-percent withholding be included in the contracts, rather than a general boilerplate assertion that the funds be used to help charter schools. Representative Roch countered that the contracts are often quite specific regarding PED's support of charter schools. Mr. Stewart replied that there is no problem with the specificity except that contracts themselves do not require an accounting of how the funds were actually spent or how they were tailored to the needs of the school. Representative Roch noted that, nonetheless, the contractual terms do not violate the Audit Act, even if they are not best practices, and there is no indication that the funds are being used illegally or inappropriately.

Representative Roch noted the tracking of expenditures was identified as a potential problem, despite prior assertions that the correct amounts are being withheld, and that in some cases, PED actually spends more than is withheld. Mr. Stewart noted that in any risk review, there will be good and bad findings, as well as areas of uncertainty, all of which should be highlighted; what may seem contradictory may just be OSA pointing out areas of both good and bad performance. The language in question is trying to point out that, in some areas, PED is fulfilling its obligations with the 2-percent withholding, even if other areas are less certain.

Finally, Mr. Stewart agreed the decision of how much is to be withheld for charter school support is a legislative decision. OSA was highlighting that it was unable to clearly determine whether 2 percent represents sufficient revenue to provide the required annual support because PED has failed to provide the required annual report on its use of the 2-percent withholding for several years.

Representative Roch appreciated that point, and thanked Mr. Stewart for walking through those four issues with him, concluding it appeared PED was using the funds legally and appropriately. He noted the imposition of a special audit creates a public perception that there may be some wrongdoing, even before an audit was completed, despite the fact that the report did not appear to identify any wrongdoing.

Senator Morales asked Mr. Stewart if PED provides the same services to local school districts, for whom no program cost is withheld, as it does to charter schools for which they withhold the 2 percent for administrative support. Mr. Stewart replied that while it depended on the school district and the charter school, PED is probably providing the same services to other schools as well.

There being no further business, the Chair recessed the meeting at 4:38 p.m.

Thursday, August 31

Senator Mimi Stewart, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:10 a.m., on Thursday, August 31, 2017, at UNM Taos, Bataan Hall in Taos, New Mexico.

The following LESC voting and advisory members were present: Voting: Senators Mimi Stewart, Chair, Craig W. Brandt, Candace Gould, William P. Soules; and Representatives Stephanie Garcia Richard, Vice Chair, Alonzo Baldonado, Dennis J. Roch, Tomás E. Salazar, James E. Smith, and Sheryl M. Williams Stapleton. Advisory: Senators Carlos R. Cisneros, Gay G. Kernan, Howie C. Morales, Michael Padilla, John Pinto; and Representatives Jimmie C. Hall, D. Wonda Johnson, G. Andrés Romero, Patricio Ruiloba, Elizabeth “Liz” Thomson, Christine Trujillo, Jim R. Trujillo, and Linda M. Trujillo.

The following LESC advisory members were not present: Senators Daniel A. Ivey-Soto and Linda M. Lopez; and Representatives Joanne J. Ferarry, David M. Gallegos, Tim D. Lewis, Rick Little, Patricia Roybal Caballero, Angelica Rubio, Debra M. Sariñana, and Monica Youngblood.

Also present was Representative Roberto “Bobby” J. Gonzales.

Welcoming Remarks and Strategic Initiatives of University of New Mexico Taos Branch.

Patrick Valdez, Chief Executive Officer, said UNM Taos enrollment has increased over the last 10 years. Since FY15, UNM Taos increased retention about 18 percent. Sixty percent of UNM Taos students are Hispanic, qualifying it as a Hispanic Serving Institution (HSI). Congress passed this law in 1992 granting additional funds to institutions that serve 25 percent or more Latino students who are low-income. UNM Taos has several grants because it is part of the HSI network, which benefits all students.

In 2016, 131 certificates were awarded, including 88 associate’s degrees. The transfer rate is about 11 percent; a majority of those students will attend UNM. The transfer rate from a community college to a four-year institution has never been higher than 20 percent. Sixty percent of students who did transfer to a four-year institution finished their degree. The graduation rate at UNM Taos is about 11 percent for first-time, full-time freshman.

Dr. Valdez said 10 percent of UNM Taos revenue is received from tuition and fees, 18 percent from the local mill levy, 40 percent from contracts and grants, and 30 percent from the state.

Dr. Valdez highlighted UNM Taos Kids’ Campus program, the Small Business Development Center and the Center for Business Innovation (CBI), and the STEMH center at Klauer Campus. He noted UNM Taos has been working with Senator Cisneros and the Healy Foundation to renovate the Civic Center to serve as an archive for information on acequias and land grants.

Senator Cisneros stated the Higher Education Department (HED) Capital Projects Committee has implemented a “no expansion” policy for postsecondary institutions, which has impacted HED approval for previously approved GO bond funding. The Senator noted UNM Taos requested a renovation project; however, in that renovation project, the architectural design would increase square footage by around 700 square feet. The Senator voiced concern that the project was approved by the Legislature and the voters of the state of New Mexico. Senator Cisneros asked the Committee to send a letter to Secretary Damron requesting approval of the project. Representative Garcia Richard made a motion to write a letter in support of UNM Taos using GO bond money to go ahead with their renovations in conjunction with UNM Taos staff. Senator Stewart seconded the motion, and it passed unanimously.

Senator Cisneros added the archive facility would be an individual capital outlay project with a dollar for dollar match from the Healy Foundation. He noted the history, knowledge, and expertise of acequias and land grants is fading and this project would preserve important

historical information about acequias and land grants. He noted the project is dedicated to Ron Gardiner, deceased, who started this project.

Representative Gonzales said Taos County is one of the few counties with a mill levy and gross receipts tax. He noted the importance of UNM Taos to the community, stating the first graduating class had only a few graduates, but now graduation had to be held in two different sessions because of the number of graduates. The institution has been effective at retraining individuals when the economy changes, such as when the Chevron mine closed.

Representative Hall asked which vocational training certificate programs UNM Taos offers. Dr. Valdez said UNM Taos offers construction technology, an administrative assistants program, applied arts and crafts, culinary arts, dental assisting, holistic health, and massage therapy. The Representative also asked if the UNM Board of Regents ever meets in Taos and suggested the Board should meet in Taos. Mr. Sauzo was not aware of any Board meeting in Taos in the last 10 years.

Senator Padilla was excited to see the number of associate's degrees awarded has more than doubled since 2012. He asked if this information was making its way into economic development data models. Anita Bringas, Institutional Researcher and Effectiveness Coordinator for UNM Taos, said they work closely with the community in assessing needs for workforce and program development.

Representative Linda Trujillo asked about the type of dual credit courses students take at UNM Taos. Dr. Archuleta, Dean of Instruction, UNM Taos, said they offer a number of different courses in their dual credit program. Core general education courses are offered that transfer to UNM and other New Mexico postsecondary institutions and some institutions outside of New Mexico. Career exploration pathway courses in certificate areas, culinary arts, hospitality, early childhood, teacher preparation, and other areas, are offered that give high school students, particularly first generation college students, a chance to explore. In response to the Representative's questions about dual credit, Dr. Archuleta noted some students enroll at UNM Taos after high school graduation, but some attend other institutions. She noted a good percentage of UNM Taos's enrollment is dual credit students and she believes dual credit is a strong recruitment tool. Dr. Archuleta also noted expansion of online courses is a priority for UNM Taos. Their Title V grant for HSI's supports the development of distance education. Online courses serve the community well, as many students are unable to attend classes on campus.

Representative Salazar asked if Dr. Valdez has been involved in the ongoing conversations about higher education governance. He also highlighted Senate Joint Memorial 8 of the 2017 regular legislative session, sponsored by Senator Sapien and Representative McCamley, which requested a study of the governance structure in higher education. Dr. Valdez said New Mexico probably does not have too many campuses but noted there may be too many governance systems. He noted this is a national conversation and demographics are shifting. He said there are going to be more first generation students, Pell recipients, and low-income students in higher education and noted enrollments may be depressed because of how institutions are reaching out to students' needs to change.

Strategic Initiatives of Local School Districts and Taos Pueblo. Lillian Tórrez, Superintendent of Taos Municipal Schools (TMS), introduced CJ Grace, Director of Federal Programs, TMS, who said TMS's 18 new initiatives over the last three years, most of which are in their second to third year of implementation; it usually takes three to five years to fully implement new programs.

Dr. Tórrez said TMS expanded their prekindergarten programs through grant funds, and has seen academic improvements in the students who participate in the K-3 Plus program. TMS also

works with YDI to administer their Head Start program, which is in two schools. Dr. Tórréz noted they consistently have long waiting lists for these programs.

Dr. Tórréz said TMS has implemented a “Teach to One” personalized math learning model for all sixth graders and a sixth grade academy to help students, including students from Taos Pueblo, as they transition from fifth to sixth grade. She also noted gains in middle school reading scores as a result of the Advancement via Individual Determination (AVID) program. TMS has been able to achieve 98 percent attendance in its middle schools with the help of a truancy coach and a full-time social worker.

Dr. Tórréz noted they are using the “High Schools that Work” model that includes career pathways for all high schools, so that when a student enters ninth grade they are able to choose the pathway they would like to pursue. The program requires extensive fundraising; TMS holds as many as 80 fundraisers a year to support the program. Once a student selects a pathway, all their coursework will be in that area; upon graduation, they may be awarded certificates in addition to their diploma. TMS has expanded Advanced Placement (AP) classes, and offers high school tutoring before, during, and after school hours. A high school advisory council meets with homeroom teachers, distributing information on college and career paths and financial aid.

Shawn Duran, Tribal Program Administrator, Taos Pueblo, spoke of how education in the Pueblo is focused on treating education as a public investment with the potential to yield community benefits. She indicated the Pueblo Bureau of Indian Education (BIE) school stopped serving students in sixth through eighth grades who have transitioned into the public school, charter schools, or the Santa Fe Indian School, while the Pueblo considers taking over the BIE School. She noted that the Pueblo has great interest in a longitudinal study of trends in Indian Education, but noted they have problems obtaining individual student data because of FERPA.

Ms. Duran noted attendance rates have increased, though students are not meeting proficiency on PARCC (Partnership for Assessment of Readiness for College and Careers), generally scoring between one and three. She highlighted proficiency rates of Taos schools in reading, math, and science.

Ms. Duran said she would like to see improved communication between the Taos Pueblo and TMS, a more vital summer school program, and better use of online resources to support student proficiency. The Pueblo is also looking at better tracking proficiency levels and access to PARCC scores. She noted a cooperative effort between the Pueblo, TMS, and Vista Grande High School to support cultural integrity and instruction in Tewa, a significant change from when tribal elders preferred traditional language instruction in the home.

Vice Chair Garcia Richard asked about the number of Native American students who are identified as English learners (ELs). Ms. Grace said few Native American students are identified as ELs. TMS only serves about 150 ELs of various backgrounds because many parents do not fill out the home language survey correctly because of old-perceptions that stigmatized EL status.

Representative Christine Trujillo expressed a concern, relayed to her by several local Taos community members, that newer teachers in the area do not understand the unique blend of Spanish and Tewa culture and language found in Taos. Some teachers assume that these language issues are indicative of special needs, without giving children opportunity to process the information the way they need to. She asked how Taos Pueblo addresses this stigma of native language instruction and other special needs. Ms. Grace, who oversees Indian Education for TMS, said good communication between parents, schools, and teachers improves trust, and Native American staff are on hand to support better communication. There are professional development programs to mentor new teachers on the importance of education to the Pueblo, sharing their perspective on language instruction.

The Chair asked how many students take the PARCC test in Spanish, and Ms. Grace said about 50 students, with test results about the same as those from exams administered in English. The Chair was particularly struck by the low math scores in TMS. Referring to the discussion on teacher collaboration from the *No Time to Lose* report, she said that the most effective way to improve scores is to increase collaboration among math teachers. Dr. Tórrez responded that the Teach to One middle school program requires collaboration and professional development for all teachers, including 45 minutes of uninterrupted collaboration and a planning period, with similar periods in the high school. The Chair replied the time allotted for those activities is not enough; more collaboration and planning, as in the high-performing nations from the *No Time to Lose* report, may help increase those lagging math scores.

Consensus General Fund Revenue Forecast FY18 and FY19. Clinton Turner, Chief Economist, Department of Finance and Administration (DFA), presented the August consensus revenue estimates. He noted the consensus revenue estimating group – the Legislative Finance Committee (LFC), DFA, and the Taxation and Revenue Department (TRD) – reached a consensus estimate of \$5.9 billion for FY18 and \$6.1 billion for FY19 in recurring general fund revenue, which represents only about \$25 million, or less than 0.5 percent, in new money for FY19, which is less than inflation. While inflation in recent years has been less than 1 percent, the group estimates it has stabilized between 2 percent and 3 percent.

Mr. Turner noted growth has not been consistent throughout New Mexico. The Rio Grande corridor has moderate growth while the northwest has not grown as much. Taxable gross receipts fell by 40 percent in Lea County and by 30 percent in Eddy County. He noted the importance of the stabilization fund to account for volatility in the oil and gas markets. He said New Mexico oil is expected to be \$44.50 per barrel in FY18, \$45.50 per barrel in FY19, about 2 percent growth, but there are both upward and downward risks to oil prices. He noted there was not much employment growth in the oil and gas sector.

Mr. Turner said projections were to end FY18 with only about 3.5 percent of recurring general fund appropriations in reserve. He noted that number was concerning, given how reliant the state is on growth in oil. He noted promising news in construction employment with construction and a settlement with the Pueblo of Pojoaque regarding their gaming compact.

Elisa Walker-Moran, Chief Economist, TRD, said the majority of state revenues come from gross receipts tax (GRT) and compensating tax; the second largest source is personal and corporate income tax. She noted GRT was revised upwards in the forecast by \$151 million in FY17, by \$65 million in FY18, and by \$20 million in FY19. Ms. Walker-Moran said an anomaly with “60-day money” – revenue that comes in without a source being identified. Because GRT is the largest revenue source, anything that is more than 60 days old is recognized as GRT, but if the revenue is later matched, it goes into the proper revenue source. She said some large taxpayers made payments but had not filed proper returns and those returns were actually income tax withholding returns, not GRT. When FY17 closes, those returns will be corrected and the state will see a decrease in GRT money and an increase in personal income tax (PIT) revenue.

Ms. Walker-Moran noted most growth in GRT was in the health care sector and the professional science and technology services, while the construction sector declined. She said some of the increase in GRT is due to savings from a lower payout for high wage jobs tax credit. PIT declined, partly because of the loss of high wage jobs in the oil and gas industry. But collections were down for all sources in PIT in FY17. Corporate income tax (CIT) declined significantly. Ms. Walker-Moran said TRD has been increasing audit efforts, which led to increased collections of GRT, compensating tax, and PIT.

Jon Clark, Chief Economist, LFC, discussed trends in employment. He said there was a gap between the growth in weekly earnings for New Mexicans and weekly earnings for the country as a whole. He noted the previous forecast saw this gap at the greatest it had been on record but

in the last several months it began to narrow. He said New Mexicans have increased their debt accumulation faster than their income is rising which could have an impact on GRT because debt payments do not generate GRT. He said New Mexicans are spending more on mortgage debt, student loans, and automobile debt.

Mr. Clark said New Mexico has lost a decade of wage and salary growth but the state is beginning to finally see some growth. Employment levels have still not recovered to pre-recession levels. He noted concern regarding the settlement of the Pojoaque gaming compact. He said it is still not clear the state is going to get this \$12 million that Pojoaque put in escrow during the two years for which there was no gaming compact. The tribe, if it does not pay, could end up with a two-year tax holiday that other tribes did not experience.

Mr. Clark said the forecasting agencies and national economists have assessed minimal risk for a recession in FY18 and FY19. He said if the nation enters FY20 without a recession, it will be the longest expansionary period in modern U.S. history. While this does not mean there will be a recession in FY20, there is some concern that there could be a recession looming in FY20 or beyond and the state should plan to increase reserves to a reasonable level to prepare for a toner recession. Moody's Analytics is preparing a report detailing what minimum reserve levels should be for every state on the basis of historic revenue volatility. He said that New Mexico has more volatile revenue than most other states. Los Alamos National Laboratory is going to issue a request for proposals for a new management contract in 2018; if management goes to a nonprofit organization, the state will lose significant GRT and CIT revenues.

Mr. Clark concluded by noting the state is still facing some real challenges, including low reserve levels, a \$141 million recurring budget gap and \$122 million total budget gap, and "new money" for FY19 that is less than the rate of inflation. There will still be challenges to funding state government at current levels. He also discussed the difficulty of increasing reserve levels without harming the state's economy with steep cuts in government services or a steep tax increase.

Senator Kernan asked why the anomaly in "60 day money" was happening and Ms. Walker-Moran said part of the reason may be the change from paper returns to electronic filing. She noted that large taxpayers are required to e-file, but some of these taxpayers continue to file paper returns and TRD then has to enter them into the system. Senator Kernan noted observations that the oil and gas workforce is slow to come back. She said she thought oil production is becoming more efficient and being serviced in a more technical way and requires fewer people.

Senator Morales asked about estimates for proceeds for severance tax bonds, Mr. Clark said he did not have that information today but that he could provide it to the Senator. Senator Morales asked if there were any updates on the special education maintenance of effort issue. Rachel S. Gudel, Director, LESC, said LESC staff had not been provided with any updated information from the Public Education Department (PED). She said there is an \$85 million shortfall from FY11 to FY14. She said the Legislature was informed two years ago that PED had reached a settlement with the U.S. Department of Education (USDE) but to her knowledge the settlement had still not been finalized and it is unclear if PED is still in negotiations with the USDE. She noted there may have been some delay due to the change in administration in Washington. The Chair said it seemed strange this issue could not have been settled earlier so the Legislature could budget for it. Senator Morales said he would like to see a written agreement from USDE. He said he was concerned the \$85 million would actually be taken from the state equalization guarantee distribution.

Senator Padilla asked about Pojoaque's gaming compact and the potential for a two year "tax holiday," and Mr. Clark noted the tribe has not had a compact since 2015. While the state entered into litigation immediately, it took two years for the lawsuit to be resolved and the

lawsuit only covered whether or not the tribe had to sign a compact with the state. While the court ordered the tribe to sign the compact, the court did not rule on what happened to the money that Pojoaque had been putting in escrow. Mr. Clark said he understood discussions were ongoing, but at this point it was unclear if the state would get any or all of the \$12 million in back taxes the state would have received if a compact was signed two years ago. Senator Padilla asked if this was a one-time issue and Mr. Clark said he did not expect it to happen again. He did, however, note that, if the state does not receive the entire \$12 million in back taxes owed by Pojoaque, it could create an incentive for tribes to refuse to sign compacts and enter into litigation to stall payment as long as possible.

Senator Padilla asked how much the state was losing due to flaring at oil pumps or if the state could work with the oil companies to minimize flaring. Senator Kernan said part of the problem is getting pipelines built and right-of-ways from the Bureau of Land Management (BLM). She said the alternative to flaring is to shut down the well, which is not a good solution. She said the state does a pretty good job of permitting, but the federal government does a terrible job. Senator Padilla said he was told New Mexico permitting processes are actually better than the Texas processes, but because of the federal BLM land, permitting is incredibly difficult. Senator Kernan agreed that New Mexico had a better permitting process than Texas.

Representative Williams Stapleton asked if the hurricane in Houston will impact the economic forecast, and Mr. Clark noted that it will be a while before the impact from Hurricane Harvey is known. Mr. Turner said that three of the four refineries have been impacted in Houston, but better information will be available in December.

Representative Williams Stapleton asked about revenues related to severance tax bonds and if they have increased from last December. Mr. Clark said revenues from the severance tax permanent fund are up from last December.

The Chair asked about the phase out of the general fund hold harmless distributions. She said she did not see any reduction. Ms. Walker-Moran said there are declines every year in the forecast due to the phase out, but it is not a dollar for dollar match because there is also some growth assumed in food and medical expenditures. Mr. Clark said with the medical hold harmless distribution there is a protest case and an interpretation from TRD that said, for certain cases on the medical deduction, it would be allowed in places where it had not been envisioned. The Chair asked how much local government could raise GRT to offset the phase out of the hold harmless, and Mr. Turner said counties and municipalities could each impose three one-eighth increments. Ms. Walker-Moran noted a city with a population below 10 thousand or a county below 48 thousand would not be subject to the phase out unless they impose a hold harmless GRT rate. The Chair asked if any of those smaller cities and counties imposed the tax and Ms. Walker-Moran said Corrales had. Senator Morales asked where the 10 thousand population limit came from, and Ms. Walker-Moran did not know who decided that, but it may have been borrowed from other statute. Senator Morales said he wanted to investigate more on this threshold. He said he was concerned if Silver City, with a population of 10,200, was impacted the same way as a city like Albuquerque.

The Chair asked if the \$25 million in “new money” assumed a certain amount for reserve, and Mr. Clark said for FY18 there is a 3.8 percent projected ending reserve level. If the \$25 million were spent, FY19 would end with 3.8 percent reserves as well. In response to the Chair’s question, Mr. Clark said for FY18, the revenue estimates assumed a cost of \$44.50 per barrel of oil at the New Mexico price and prices are a little bit below that right now.

Diversity and Inclusion in the Classroom. Linda Ware, Associate Professor, Ella Cline Shear School of Education, Geneseo, began her presentation on diversity and inclusion in the classroom by explaining that the way that society currently views disability is problematic. Society’s approach to disability operates on the premise that disabled people are to do the things

the way that has already been established. Disability studies aim to turn the conversation on its head, not to ask what is wrong with individuals, but to ask what is wrong with society, and how society can learn about the issue.

Dr. Ware explained that the built environment impedes access. Even when accommodations are set up to improve accessibility, small details like the weight of a door can be all that it takes to impede access. In education, people do not engage in this dialogue about disability because it makes them uncomfortable. Curricula that engages students in a discussion about disability can make teachers uncomfortable, even when students with disabilities in the classroom have already come to terms with their disability. Additionally, traditional “inclusion” elements in schools can often be elements of exclusion. For instance, having a page in the yearbook for students with disabilities is exclusionary, where pictures of students with disabilities engaging in their school community interspersed throughout the yearbook can be inclusionary.

The conversation on inclusion began in the 1970s with civil rights, when people with disabilities began to recognize they possessed a form of diversity that was not being recognized. Dr. Ware explained that the global conversation is also beginning to shift in this regard. The United Nations Convention on the Rights of Persons with Disabilities underscores that individuals with disabilities need more supports, and that they are generally unemployed, under-employed, and impoverished.

Representative Linda Trujillo remarked that there is a lot involved in making sure that, as a society, we are including not just the students but the adults that are attached to those students. Dr. Ware responded by mentioning the community element. As people with disabilities become more integrated, the community will be able to relate with these individuals, and the support for their inclusion will increase.

Representative Thomson remarked that students with disabilities should be included in early childhood education programs so that young nondisabled children are exposed to children who are different than them from an early age.

Representative Salazar asked how conversations about special education and bilingual education are related. Dr. Ware noted a progressive thought process arguing education is not a “special need,” it is a “human need.” Both special education and bilingual education are currently viewed as exclusionary programs, where students are pulled away to get them to a baseline level before they are allowed to interact and integrate with other students. English learners can also be incorrectly identified as special education students because they are not participating and because they are performing poorly in class.

Senator Kernan shared a story about inclusion in the classroom, where a parent of a child with cerebral palsy asked if the student could explain his situation to the class. The student explained in great detail exactly why he had what he had. Dr. Ware explained how that is a lesson in the kind of information that should be included in individualized education programs (IEPs).

Senator Soules asked how to train educators to accept and educate students with disabilities. Dr. Ware remarked that it is an issue of campus culture. Educators that learn about inclusion generally are more open to inclusion of students with disabilities. However, in the general scheme of educator preparation, it is a tougher issue because policies are slow to change. Senator Soules mentioned high-performing countries train all educators to help students with disabilities. Dr. Ware believes this is possible, but educators need to feel like they will not be penalized for low student test scores.

Director’s Report and Administrative Rulemaking. Kevin Force, Senior Research Analyst II, LESC, discussed the final adoption of the Public Education Department’s (PED) proposed rule for charter school governance body training requirements, which included changes from the

proposed rules. First, while the proposed rule removed all training requirements for local school board members, the adopted rule restored all those requirements. It is likely this change was in response to strong objections to the removal of these requirements expressed at the rule hearing.

The adopted rule consistently expanded periods of time found in the rule so that all periods of five days were expanded to seven, all periods of 10 days were expanded to 14, and all periods of 15 days were expanded to 21 days. The adopted rule also struck several terms from the definition section that are already defined in other statutes. A new definition of “school specific on-boarding” was added. For training for continuing governing body members, the training on open government was expanded to include training on free public education. PED has committed to providing guidance for helping to identify specific standards in each of the required areas of training which are ethics, fiscal requirements, the evaluation of academic data, and open government and free public education.

While failure to report may give rise to sanctions, any disciplinary action from either PED or the charter school’s authorizer will be limited to the authority of that particular entity, a change which also seems to have been influenced by public comment.

PED may now approve trainings offered by other state agencies on their own review without requiring that agency to go through the normal process to be certified as providers. The adopted rule clarifies that PED approval for a facilitator would not be granted if a proposed facilitator had been a governing body administrator, business official, or senior leader of a charter school that had its board of finance suspended, or its charter revoked or not renewed if the governing body member was on staff at that school during the time of the activity that led to the revocation, suspension, or nonrenewal. Finally, an identical change was made for the revocation of approval from a provider.

Representative Linda Trujillo noted that the School Boards Association strongly opposed this rulemaking, particularly the removal of a training requirement for local school boards members, the only elected officials who have a responsibility to attend continuing training, and applauded the reinstatement of that requirement in the adopted rule. However, Representative Linda Trujillo was uncertain PED had the authority to require training of charter school governing body members, thinking the rulemaking may overstep their authority. Rather, she suggested, it was the authorizers, the Public Education Commission (PEC) and local school districts, who seemed the natural source of authority for imposing training requirements on the governing bodies of their charter schools.

Mr. Force then offered to speak to a few of the comments made in the discussion that were not clearly questions, noting that while Representative Linda Trujillo made a good point when speaking of PEC as the authorizing body being more appropriate to adopt rules on this issue, PEC and local school boards, lack rulemaking authority, and PED may have been trying to fill that void by promulgating these rules. The secretary and PED have very broad rulemaking authority, in general, and Section 22-8B-5.1 NMSA 1978 speaks directly to the training issue.

There being no further business, the chair recessed the meeting at 5:02 p.m.

Friday, September 1

Senator Mimi Stewart, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 8:45 a.m., on Friday, September 1, 2017, at UNM Taos, Bataan Hall in Taos, New Mexico.

The following LESC voting and advisory members were present: Voting: Senators Mimi Stewart, Chair, Craig W. Brandt, Candace Gould, William P. Soules; and Representatives Stephanie Garcia Richard, Vice Chair, Dennis J. Roch, Tomás E. Salazar, James E. Smith, and Sheryl M. Williams Stapleton. Advisory: Senators Carlos Cisneros, Michael Padilla, and John Pinto; and Representatives Joanne J. Ferarry, Jimmie C. Hall, D. Wonda Johnson, G. Andrés Romero, Elizabeth “Liz” Thomson, Christine Trujillo, and Jim R. Trujillo.

The following LESC voting member and advisory members were not present: Voting: Representative Alonzo Baldonado. Advisory: Senators Daniel A. Ivey-Soto, Gay G. Kernan, Linda M. Lopez, and Howie C. Morales; and Representatives David M. Gallegos, Tim D. Lewis, Rick Little, Patricia Roybal Caballero, Angelica Rubio, Patricio Ruiloba, Debra M. Sariñana, Linda M. Trujillo, and Monica Youngblood.

Also present was Representative Roberto “Bobby” J. Gonzales.

College of Education Program Approval Process. Heidi Macdonald, Senior Fiscal Analyst II, LESC, provided an overview of the revised college of education (COE) program approval process, which included information on when each COE would be visited and evaluated, details on the pilot conducted by the Public Education Department (PED) in March of this year, and concerns from the participating pilot COEs. Concerns included the limited time that was given to COEs to prepare for the actual onsite pilot visits, PED’s capacity to implement and manage the revised process, and program review questions that were not aligned to the particular preparation program.

Ivy Alford, Director of State Services for School Improvement, Southern Regional Education Board (SREB), stated she would provide information on the strengths and challenges of the pilot. The primary reason for the review of the COE program approval process is to gather additional feedback to provide to the teacher preparation programs to help them continuously improve. Columbia University’s Center for Public Research and Leadership (CPRL) designed and created the rubric in the fall of 2016. PED conducted a pilot with the rubric in March of 2017 with New Mexico State University (NMSU) and Central New Mexico Community College (CNM). After the pilot was conducted, PED staff had conversations with COE staff at both schools about what they learned from the pilot, including restrictions, limitations, and how to move forward in the process.

Ms. Alford noted concerns associated with the pilot, which included requesting a data collection in a short timeframe; training the visiting team during the on-site visit, which allowed for minimal time to be well versed in the rubric and data or evidence submitted by the pilot school; and providing the visiting team with data shortly before the on-site visit. She continued by describing what happened during the scheduled pilots, including the site presentations where each school identified their strengths and their next steps to address any obstacles from their viewpoint. During the second day of the site visits, the visiting team conducted interviews and observations, and debriefed at the end of the day on the process and the elements of the rubric. On the last day of the site visits, the visiting team discussed and finalized the recommendations based on the overall site visit. Additionally, the COEs were given the opportunity to debrief with the visiting team.

She noted the pilot was not as thorough as a regular non-pilot visit would have been, but it was an opportunity to evaluate the tools used during the visits. Ms. Alford and the visiting team learned several lessons during the pilots, such as time is valuable; revisions are required to the

rubric and to the interview questions; identification of local team members prior to the site visit to ensure they receive an advance multiple day training; and new timelines will need to be created. She noted PED is proposing to facilitate additional pilots of two different schools in the fall and spring.

Catron Allred, Director of Education Programs, CNM, stated her program volunteered for the COE program approval pilot because CNM is one of the largest alternative licensure programs in the state. She felt it was important the alternative programs' voice was represented during the pilot. Ms. Allred noted the COE deans and directors appreciated collaborating with PED on the development of the approval process. As noted earlier, teacher preparation does not happen in isolation, and this process allows for continuous improvement with collaboration from all stakeholders. It also opens the door for COEs to work in collaboration with school districts to be involved in the conversation of being a holistic, supportive system for teachers.

Ms. Allred proposed recommendations to improve the COE approval process from lessons learned during the pilot. She noted local public school teachers should be on the visiting team as they are the ones who work as mentor teachers and have student teachers in their classrooms. She suggested it is important to spend more time observing classrooms, as a snapshot of 15 minutes will not necessarily provide what the visiting team may be looking for when the observations occur. Because of the time constraints, the visiting team did not have adequate time to look at the data, and most of the feedback the pilot schools received was based on anecdotal evidence from the visiting team's conversations. Unfortunately, in an accreditation process, anecdotal evidence is not evidence-based. More time is needed to make this a reliable process with stakeholder buy-in. Additionally, she noted the pilot was implemented as an evaluative process and not necessarily a pilot of the process. Additionally, PED did not build time into the pilot to hear constructive feedback from the pilot school.

Gloria Napper-Owen, Associate Dean, College of Education, University of New Mexico (UNM), stated she volunteered on both pilots as a member of the visiting review teams to understand the process and what her program can do to begin to prepare for its future site visit. She noted higher education tends to work from a standards-based, and the current review process appears to be more rubric-based. It is unclear what evidence under the rubric is needed from COE programs. Additionally, it is unclear how a site visit will be for a university with seven different teacher preparation programs such as UNM. Dr. Napper-Owen also mentioned she and her colleagues are concerned with the fact that not all programs, including those at the school district level, are going to partake in the same review process. All programs, regardless of the type, should be required to follow the same review process, and it is unclear if this will be the case.

Enedina Vásquez, Associate Dean, College of Education, New Mexico State University (NMSU), stated the whole mission of program improvement is to make preparation programs the strongest so they can prepare the best teachers. She also expressed her appreciation to PED for their continued collaboration on the approval process. NMSU is currently engaged in the application for the Council for the Accreditation of Educator Preparation (CAEP) accreditation and will be the first university in the state to be accredited with CAEP. In the midst of the application for CAEP, NMSU has been gathering data and reports for each of its teacher preparation programs, and this helped in gathering data for PED's pilot. Dr. Vásquez noted it was helpful to see the matrix from PED that shows what data was expected to be produced, although the matrix needs some refinement.

Dr. Vásquez noted it was a little uncomfortable during the observation of NMSU faculty because it almost gave the impression that the reviewers were evaluating NMSU faculty and not necessarily the faculty's role within teacher preparation. Additionally, PED has not mentioned what the approval process will cost COEs, if at all. She does not want the state approval process to be a financial burden on programs if they are going through national accreditation at

different times. Finally, she recommended sending the COE self-study to the review team ahead of time so they would have the chance to review it and offer feedback if necessary for improvement.

Senator Soules asked if any of the institutions were nationally accredited and whether or not this was important. Dr. Napper-Owen stated UNM is nationally accredited through the National Council for Accreditation of Teacher Preparation (NCATE), and will seek CAEP accreditation in 2021. National accreditation is important for a university because it provides a national stamp of approval. Dr. Vásquez stated NMSU is NCATE accredited and is currently seeking CAEP accreditation. She said the biggest benefits to being nationally accredited include an assurance to the university's students that the teacher preparation program has met certain high-quality standards. Senator Soules stated New Mexico was previously a state recognized partner with NCATE and asked if PED is considering becoming a CAEP partner. Matt Montaña, Deputy Secretary, PED, stated New Mexico is not currently a partner state with CAEP. He also stated PED is open to becoming a state partner with CAEP if that is the direction the COE deans and directors are suggesting.

Vice Chair Garcia Richard asked how COE pilot review teams were selected. Ms. Allred stated for the visit to CNM, due to the time constraints, PED determined the review team. She noted one of her biggest concerns with this process is the three-year evaluation cycle, which would include a review of five institutions every year. The logistics, planning, and participating as a review member could be time consuming. There is also not an established process to determine who will be review members for future site visits.

Senator Brandt spoke about the importance of carefully selecting candidates for teacher preparation programs, and he asked the COEs what they have done to address the selection of teacher candidates. Dr. Napper-Owen stated teacher candidates admitted to UNM are required to take the three essentials skills assessment test by the National Evaluation Series (NES), which is a more difficult assessment than the prior New Mexico Teacher Assessments. Some students are having difficulty passing this test, and this naturally will help with the selectivity of candidates applying to UNM. Additionally, if candidates have a lower ACT score, UNM is helping these students with tutoring to help the student pass the NES test prior to applying to the program. Ms. Allred stated students applying to CNM are required to have a 3.0 grade point average (GPA) and pass the NES test before being admitted. Dr. Vásquez stated students admitted to NMSU are required to pass the NES test, and recently the GPA requirements were increased for entrance into programs.

Representative Romero asked about the oversight for the Online Portfolio for Alternative Licensure (OPAL) pathway, and Mr. Montaña stated the OPAL process is a process in which PED has been trying to slowly eliminate because of the struggles associated with this program. It is much easier to get into the OPAL process because a candidate only needs a degree in a qualifying area. PED is promoting a similar process to the OPAL pathway, which is the district certification for licensure that uses the NMTEACH system. Few school districts are using the NMTEACH pathway.

Representative Salazar asked if the state's revised approval process is just a duplication of national accreditation through the new CAEP accreditation process. Dr. Vásquez stated there is some duplication in the effort, but not all of it. Ms. Allred said there will be some overlap and duplication. She noted that hopefully in the future, there will be an alignment between the state process and national accreditation as to not create undue burdens on the institutions. Dr. Napper-Owen stated she believed the intent is not to have a COE do one thing for the state process and something totally different for national accreditation. She also hopes there will be alignment for both accreditation processes so COEs can use similar data for both review processes.

The Chair asked about the next steps in the process. Mr. Montañó stated the pilot is a work in progress and PED has not defined or finalized the final process yet. Additionally, no final decisions have been made regarding the revised COE approval process. As such, this is a collaborative effort between PED and the COEs to determine a valid and reliable state approval process that meets the unique needs of New Mexico.

College of Education Report Card Development. Matthew Goodlaw, Liaison Officer III, Educator Effectiveness and Development, Public Education Department (PED), said every New Mexico student deserves to learn from an effective teacher every day in every class, and every teacher deserves to be prepared for success when they begin and as they continue their career. Teachers are the most important school factor impacting student learning.

Dr. Penny Garcia, Dean, College of Education and Technology, Eastern New Mexico University, said the colleges of education (COEs) support high standards that ultimately lead to strong student academic performance. She noted teacher candidates can enter the teaching profession through an alternative pathway, which might not necessarily be within a university setting, or through a traditional teacher preparation program. She asked that all pathways to teacher licensure be treated with the same high standards. Mr. Goodlaw said PED will hold all pathways to the same standards.

Dr. Garcia said discussions about the need for a data exchange between PED and the COEs began approximately four years ago. Three years ago, PED requested data from the COEs in a short timeframe, and the COEs provided a substantial amount of data to PED within the limited timeframe. Once in PED's hands, the data became corrupted, and the process unfortunately started again from the beginning. During the current data exchange, the COEs will receive information on how their COE graduates are performing in the classroom based on their NMTEACH evaluation scores and the academic performance of their graduate students.

Mr. Goodlaw stated the COE report card will be attempting to address the following areas: recruitment and admission strategies used by the COEs; information on COE completers; the numbers of candidates who are being recruited and retained in the state from state institutions; and how beginning teachers are performing. Mr. Goodlaw noted PED has been working in collaboration with various stakeholders on the development and roll out of the COE report card. PED has also been working with the Urban Policy Development Group to build the data system. Additionally, Mr. Goodlaw mentioned the pilot approval process PED engaged in with the University of New Mexico (UNM) and New Mexico State University (NMSU), which used valid data from these two schools. Before the information on the COE report cards is made public, he noted the COEs will be given an opportunity to see the data and validate its accuracy.

Vice Chair Garcia Richard asked about the timeline and next steps for the COE report card. Mr. Goodlaw said this is a multistep process. First, the memorandum of understanding (MOU) has been revised and is expected to be signed by the COEs and PED by mid-September. The data exchange will begin between September and early October. He stated PED expects to release the COE report card to COEs for review and give them the ability to respond if concerns exist. This early release to COEs would also give them the opportunity to become familiar with the format, ask questions if concerns arise, and receive responses from PED regarding those concerns. PED plans on releasing the COE report cards publicly at the end of November or early December.

Vice Chair Garcia Richard asked if these will be referred to as scorecards or report cards and what type of scoring metric will be used. Mr. Goodlaw stated PED has not finalized what these will be known as formally nor has the department determined what the final scoring metric will be. Dr. Garcia noted PED stated in the past that this would be a scorecard using an A through F performance rating system. She also noted that the COE deans and directors have not seen what the final report card will look like. Mr. Goodlaw assured the committee the final report card would be available to the COE deans and directors before the public release.

Representative Roch asked how the specific metrics were determined. Mr. Goodlaw stated PED determined the metrics for the COE report card. The Representative asked what role, if any, the COEs contributed to determining the metrics to be used and if there was consensus in what should be measured. Dr. Garcia said the metrics were presented to the COE deans and directors, and the metrics aligned with the expectations of a national accrediting body. She also stated that after some passionate discussions, the metrics were agreed upon.

Representative Roch asked if COEs would be held accountable if graduates left the profession for personal reasons, such as starting a family or developing a medical condition. Mr. Goodlaw stated that if a person was not retained in a school district, due to personal reasons or otherwise, this would count as someone who left the profession and could potentially count against the COE the candidate graduated from. The Representative stated the implication then is that the person was not retained because of a failure of preparation and not because of a choice that was unrelated to their preparation.

The Chair stated she is concerned about a public document that nobody even knows yet what it is going to look like. She suggested possibly moving forward in the process to get all the concerns addressed before making the document public and noted it is important that PED continue to work with the COEs in this matter. Mr. Goodlaw stated he appreciated the Chair's comments, and said PED is committed to continuing to collaborate with the COE deans and directors to finalize a process and end product that is valuable to all involved.

There being no further business, the Chair adjourned the LESC meeting at 12:20 p.m.