

MINUTES
Legislative Education Study Committee
State Capitol, Room 322
Santa Fe, New Mexico
April 23-24, 2018

April 23, 2018

Senator Mimi Stewart, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:08 a.m. in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Vice Chair G. Andrés Romero, Senators Craig W. Brandt, Candace Gould, and William P. Soules, and Representatives Alonzo Baldonado, Dennis J. Roch, Christine Trujillo, and Sheryl M. Williams Stapleton; Advisory: Senators Carlos Cisneros, Linda M. Lopez, Howie C. Morales, and Michael Padilla, and Representatives Joanne J. Ferrary, David M. Gallegos, D. Wonda Johnson, Rick Little, Patricia Roybal Caballero, Tomás E. Salazar, Debra M. Sariñana, Elizabeth "Liz" Thomson, Linda M. Trujillo, and Monica Youngblood.

The following advisory members were not present: Senators Daniel A. Ivey-Soto, Gay G. Kernan, and John Pinto, and Representatives Stephanie Garcia Richard, Jimmie C. Hall, Tim D. Lewis, Angelica Rubio, Patricio Ruiloba, and Jim R. Trujillo.

On a motion by Representative Roch and second by Representative Baldonado, the committee approved the agenda for the April meeting. On a motion by Representative Christine Trujillo and a second by Senator Brandt, the committee approved the minutes for the January meeting.

LESC 2018 Post-Session Memo. Joseph Simon, Fiscal Analyst, LESC presented an overview of financial issues of the 2018 legislative session. He noted public school appropriations totaled \$2.8 billion, or 44.2 percent of recurring general fund appropriations and provided a breakdown of appropriations for public schools, including an overview of the salary increases appropriated by the Legislature. In response to Representative Christine Trujillo, Mr. Simon indicated the \$2,000 increase to minimum teacher salaries was in addition to the average 2.5 percent increase for teacher salaries. He noted language included with the 2.5 percent increase requires an average 2.5 percent increase for all teachers, which gives school district and charter schools flexibility in allocating salary increases. Senator Stewart noted the averaging language has been included with salary increases in previous years. Senator Morales asked if money was included for health insurance increases and Mr. Simon said \$2.8 million was included for insurance increases.

Senator Padilla asked if the \$22.5 million appropriated to increase the at-risk index could be used to provide additional support for schools targeted for school improvement programs and Mr. Simon noted that school districts have wide latitude in how they allocate additional at-risk funding but language in the General Appropriation Act required the Public Education Department (PED) to monitor and evaluate the use of funding from additional at-risk program units. He also said federal grant money could be used for programs at these schools. Representative Roch noted the appropriation included a \$6.1 million credit for a policy change that would have reduced the number of size adjustment program units, but that language changing that policy was vetoed from the budget. He said it was unfortunate that the \$6.1 million credit was taken even though there was no policy change. He noted in previous years, the Legislature had taken care to build in contingencies so that if a bill were not enacted the funding change would not go into effect and that LESC should work with appropriators to ensure formula funding is not diluted in the future. Senator Stewart said the appropriation also took credit for fewer program units in the current year and the Legislature has not done this in the past.

Senator Padilla asked about increases to early childhood programs and Mr. Simon said early childhood programs at PED, the Children, Youth and Families Department (CYFD), the Department of Health, and the Human Services Department increased to \$306.1 million in FY19 from \$269.3 in FY18. He noted there were increases to childcare assistance, home visiting programs, K-3 Plus, and prekindergarten programs. Senator Padilla noted early childhood program funding has more than doubled in the last seven years and said the state is moving in the right direction. He asked about unmet need for these programs and Mr. Simon noted LFC estimates \$164 million is needed to fully fund these programs at current eligibility standards. Representative Thompson noted additional money for childcare assistance is not necessarily for educational programs but is often only for babysitting programs. She said the actual amount needed is likely more. Senator Stewart noted \$53 million of the estimated need is for daycare. Representative Youngblood said many early childhood programs have reverted funds in previous years. She said she would like more information on the reversions and noted it would be important to consider allocating additional funds to programs with greater need.

Kevin Force, Senior Research Analyst II, LESC, reviewed action on other education-related legislation and capital outlay appropriations.

2018 LESC Interim Meeting Schedule and Work Plan. Dr. Tim Hand, Deputy Director, LESC, presented the LESC staff work plan for the 2018 legislative interim. The main areas of focus for the interim are as follows:

Teaching, Learning and Administration Issues

- *No Time to Lose*, building a world-class education system;
- School personnel, including career pipelines and opportunities, mentorship, leadership, teacher preparation and licensure, the early childhood educator workforce, and educational retirement;
- Student support, language, and culture; and
- Education finance, including instructional spending and transportation.

Opportunity to Learn

- Early literacy and early childhood education, including school readiness issues;
- School climate, safety, and extended learning opportunities, including school discipline, adverse childhood experiences, school calendars, and security issues;
- School choice, including charter school governance and virtual charter schools; and
- Facilities and capital outlay, including public school facility maintenance and conditions.

Education Pipeline and Outcomes

- Assessment and accountability, including school grades and student growth;
- College and career readiness, including high school competency and graduation;
- Career and technical education, including employment and apprenticeship pathways; and
- Twenty-first century skills, including science, technology, engineering and math (STEM) education.

Mr. Hand stated staff will continue to monitor state and federal rulemakings, statutory reporting requirements, meetings of educational stakeholder groups, federal education appropriations, lottery tuition payments, lawsuits that PED is a party to, initiative spending at the department, dual credit program changes, implementation of school turnaround efforts, and authentic assessment models.

Senator Brandt voiced support for studying diversified licensure levels and for identifying the strengths and weaknesses of a year-round school calendar. Representative Linda Trujillo commented about working toward legislation requiring a safety net for students withdrawn from school and not yet re-enrolled. She also referenced *No Time to Lose* as support for using one afternoon a week to increase professional development time for Santa Fe Public Schools teachers. Senator Padilla thanked staff for including innovative assessment as a secondary workplan item and reminded the committee about Senate Joint Memorial 16 from the 2018 legislative session, which provided for a study of healthy foods in the school lunch program. Senator Morales reminded the committee that adverse childhood experiences trace back to the Coleman report in 1966 and the effects of poverty on educational outcomes. The senator would like to see research about how spending on student support services such as guidance counselors, school nurses, and counselors has changed since the recession. Vice Chair Romero supported Senator Brandt's comments about the importance of year round school and also voiced support for more inquiry into college remedial courses and how effective they are at supporting incoming college students who enter college behind academically. Senator Lopez identified the interim as an opportunity to also study ethnic studies due to the relationship between ethnic studies and student retention.

Update on LESC School Grades Work Group. Dr. Tim Hand, Deputy Director, LESC, presented on the status of the School Grades Work Group. Senate Memorial 145, passed in 2017, asked the LESC to form a work group to study school accountability systems in New Mexico and nationwide. At the first school grade meeting on October 31, 2017, the group reviewed New Mexico's accountability system and systems in other states. Education Commission of the States presented a comparison of how states are holding schools accountable under the federal Every Student Succeeds Act (ESSA). The work group had a conversation about the difference between baseline proficiency and student growth; while proficiency measures whether a student achieves a specific benchmark on a test, the growth model determines whether students grow at a higher or lower rate than expected. The majority of the points in New Mexico's school grading system are based on those two metrics and are tied directly to performance on the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment.

On January 12, 2018, the work group focused on the non-academic skills students need to succeed in college and the workforce. Dr. Nicholas Yoder from the American Institutes for Research presented on social and emotional learning and how it is used to evaluate school performance. Social and emotional skills, sometimes called "soft skills," help students identify and regulate emotions, develop positive relationships, and make responsible decisions. Social and emotional learning is not being used in any state's accountability system because it is difficult to measure. Instead, schools tend to measure the outputs associated with social and emotional learning, like attendance.

On March 23, 2018, the work group focused on school climate. National research shows there is more to a positive school climate than is measured in New Mexico's system, which measures whether students are attending school and believe their teachers are effective. The National School Climate Center's Comprehensive School Climate Inventory lists 13 factors that impact school climate, including safety, teaching and learning, interpersonal relationships, institutional environment, staff, and social media. The overall message was that the climate of the school is directly related to the success of the students within the school in terms of achievement scores and attendance and behavior.

Representative Linda Trujillo said 15 years ago there was a lot of work done about resiliency in children. Schools seem to need to help children heal from traumatic events. Dr. Hand said this illustrates the relationship between learning outcomes and students' opportunity to learn. The opportunity to learn includes access to mental health services, counselors, and school based health services. There is a lot of debate about whether or not schools should be held accountable for only outcomes, or for also ensuring there is the opportunity to access those services.

Public School Safety Strategies. Debbie Rael, Deputy Secretary for School Transformation, Public Education Department (PED) and Dean Hopper, Director of the Safe and Healthy Schools Bureau, PED presented on four components related to school safety: planning and training, collaboration and communication, facilities, and prevention. Each school district is required to have a “safe schools plan” as of 2008. There is an emergency operations plan so a school team knows how to respond internally and with the community in advance of a crisis.

Mr. Hopper explained the safe schools plan requirements, which focus on prevention, protection, mitigation, response, and recovery. Safe schools plan requirements are aligned with federal requirements established by the Readiness and Emergency Management for Schools (REMS) and the Federal Emergency Management Agency (FEMA). PED works closely with state and federal departments of health around “postvention” after an incident has occurred. The New Mexico Department of Health (DOH) assigns mental health advocates to each school district. Poms and Associates, a contractor for the New Mexico Public School Insurance Authority (NMPSIA), conducts hazard assessments within school districts.

Mrs. Rael referenced the \$6 million in HB306 and the \$10 million in SB239 available in FY19 for public school capital outlay school security projects.

Kirk Carpenter, Superintendent, Aztec Municipal Schools, gave an overview of the shooting at Aztec High School. He said Casey and Paco, the two students that were killed in December, were angels and saved many lives that day. A custodian radioed for a lockdown while the gunman was firing at him. Because his call came through on an emergency radio frequency, his call went to all staff and the principal called for a lockdown on the intercom. The shooter had an extended 9mm clip that held 30 full metal jacket bullets. Aztec administrators are trained in incident command, which improved organization after the incident.

Stan Rounds, Executive Director, New Mexico Coalition of Educational Leaders (NMCEL), reiterated the need for vigilance and training. NMCEL provides an annual workshop around safety incidents to talk about what worked, what did not, and what trainings are needed. Mr. Rounds discussed potential uses of the funding available for school security projects. Security cameras rarely help prevent incidents. He said the best use of funding is training. Most incidents last five to 10 minutes and ensuring all staff within a building are trained, not just certified staff, is important.

Mr. Carpenter said the Aztec school resource officer (SRO) was not on campus, but nothing would have stopped the incident from occurring in December. He noted sufficient funding must now also include building security. Mr. Carpenter spoke about the funds appropriated for security initiatives, and noted many school districts have offsets for direct legislative appropriations and cannot bond because of economic issues. He asked that these issues be considered by the Public School Capital Outlay Council as they develop program guidelines for security projects funding.

Mr. Carpenter added mental health issues also need to be considered. School districts need to communicate with law enforcement and mental health specialists in an iterative process. If needed, laws should be changed to protect students. He highlighted differences in how law treats school gun threats and school bomb threats, and asked for parity in consequences.

Public School Infrastructure. Jonathan Chamblin, Director, Public School Facilities Authority (PSFA), said PSFA has been conducting workshops around the state for the past few weeks. School administrators have requested PSFA find a way to make schools safer while also maintaining an educational environment for their kids.

Mr. Chamblin said PSFA is gathering best practices from school districts through a survey. Schools have been focused on security since the Columbine incident. PSFA asked schools to identify threats. In rough order of priority, threats include custody disputes, domestic violence, vandalism and theft, mental health and drug abuse, social media, violent actions, natural disasters, and animals. The statewide tours will result in a security guidelines document of best practices that are based on national standards and include local input. PSFA is also updating the adequacy standards. The state has been funding interventions for many years as a part of adequacy, including safety features such as fencing and gates, site access and control points, guard checks, emergency notification systems, two-way communication devices, and external door locks.

Mr. Chamblin said part of what has been fruitful about the workshops is having a diverse conversation beyond capital improvements. He reiterated there is a need for more and different types of training. He also noted solutions would be school specific and needed to address things such as threats from individuals who are not students and should not be on campus versus threats from current students, which may not have an appropriate capital solution.

Preventative and Responsive Active School Shooter Interventions. Pete Kassetas, State Police Chief, Department of Public Safety, said Aztec's early warning system was the two students who were shot. There are processes of compiling information from multiple sources for the benefit of law enforcement, school officials, and counselors. Chief Kassetas is a proponent of using the state's fusion system under the Department of Homeland Security to do this. He also noted law enforcement should be consulted as new schools are built.

Michael Baker, Chief Operating Officer, Rio Rancho Public Schools (RRPS), said RRPS's security philosophy is learning will only occur if students feel safe. RRPS has a professional security force of retired law enforcement, military, and school resource officers (SROs). RRPS has a crisis manager app through which they conduct threat and vulnerability assessments on campus. Mr. Baker said RRPS is considering arming all security personnel. He cautioned against arming teachers because reaching proficiency with a firearm takes years of experience and training.

Mr. Baker said RRPS is currently strengthening security measures at school facilities. Schools have "forced entry" so people cannot enter a campus unimpeded. RRPS also has electronic controls on all doors so doors can be accessed from a single remote location. Staff have identification badges and have all been checked against the national sex offender registry. RRPS is updating fences and has guard shacks at their two major high schools.

Mr. Baker said the Legislature can help with funding and through legislative changes. Currently, state law requires a retired police officer who is employed by an educational retirement board (ERB) covered employer to forfeit their cost-of-living-adjustment (COLA) increase in the public employee retirement association (PERA) system. Many retirees find losing the COLA a hurdle. Laws 2017, Chapter 33 prohibits students from being restrained unless there is imminent danger of serious physical harm. This phrase is not defined, so RRPS refers to federal law, which says it has to be a life threatening injury to use restraint. Instead of school staff handling situations when students become violent, staff now have a tendency to call law enforcement. In terms of emergency drills, he asked for statute and code to be amended to replace some fire drills with lockdown, shelter in place, evacuation, and lockout drills. RRPS also recommends school shooting threats to be upgraded to the same severity as a bomb threat – a fourth degree felony. He also asked that PED revisit its rules so schools can use metal detectors when the need arises.

James Vautier, Senior Manager of Safety and Security, Poms and Associates said Poms tries to minimize risk for their members. Poms conducts on-site school facility inspections to identify and reduce workers' compensation claims and property and liability claims. Poms also provides site security consultations along with law enforcement. Mr. Vautier said Poms introduced an app

called “Stop It,” which helps mitigate risk by allowing students to identify and report threats anonymously.

Mr. Vautier said Poms noted state law is unclear about who is able to carry deadly weapons on school premises. Currently, there is no definition of school security personnel, who are statutorily allowed to carry firearms on school premises. Additionally, there are no training requirements or requirements for background checks or mental health examinations for school security personnel. Private security providers are not required by state law or regulation to hire specific, qualified personnel as school security personnel; there is no state license requirements for being a school security personnel. Because of these gray areas, some school districts want to hire school employees and designate them as armed staff.

Representative Gallegos asked if there is a problem with having fewer emergency drills. Mr. Hopper said he is open to discussing the types of drills required in regulations. Representative Gallegos asked Mr. Chamblin if it will be hard for superintendents that cannot bond to get security funding. Mr. Chamblin said PSFA is trying to make the application process easy but noted a district that is unable to pass a bond may not be eligible for a waiver pursuant to the Public School Capital Outlay Act.

Senator Padilla asked how students were being engaged to be part of the solution. Mr. Carpenter said Aztec students were surveyed about what helps them feel safe. Students asked for teachers to be in the hallways and also asked for armed police. Mr. Carpenter has added SROs at the high school including an armed SRO.

In response to Representative Christine Trujillo’s question about securing buildings that are not attached to the main building, Mr. Chamblin noted site security could be increased by doing things such as hardening doors and windows.

Representative Stapleton asked how schools pay for handheld radios. Mr. Chamblin said they are currently funded through operational dollars because the criteria for spending capital dollars is equipment that lasts more than five or 10 years. The Public School Capital Outlay Council (PSCOC) is looking at the issue. Representative Stapleton asked what is needed to assist at-risk youth with mental health issues. Mr. Rounds said bringing agencies and resources together in a coordinated way is a best first effort. In addition, counselors and social workers are not specifically funded through the public school funding formula.

Representative Youngblood asked how policy can be changed so offsets are not prohibitive to school safety projects. Ms. Gudgel said the \$6 million in Laws 2018, Chapter 80 (House Bill 306) for capital outlay security projects does not require offsets. The funding in Laws 2018, Chapter 71 (Senate Bill 239) requires the council to use the state and local match calculation, which includes calculating any offsets.

Representative Thompson asked if the “Stop It” app was free. Mr. Vautier said a sponsor is paying for the program for a subset of NMPSIA members. Currently only 25 thousand users can participate in the pilot. Poms would like to roll out the program statewide and tackle the issue of cost and funding.

Representative Linda Trujillo said for a bomb threat to be a fourth degree felony there has to be a specific threat about the bomb being in a specific place. Many threats are vague about something happening in school. Creating a law that addresses a nonspecific threat is difficult. Senator Stewart said students who are under 18-years-old would not be charged with felonies but the offense would fall under the Delinquency Act.

Representative Ferrary talked about incorporating security measures into schools so that schools do not feel like prisons for students. Mr. Chamblin gave an example of an elementary school that used bollards and planters in front of the school and arranged them like the planets around the sun. Kids are sensitive to their physical environment.

Senator Stewart emphasized the need to do all that can be done to prevent another incident like the shooting at Aztec High School but noted the importance of making sure those efforts are balanced with making schools comfortable learning environments for students and teachers.

The committee recessed at 5:03 p.m.

April 23, 2018

Senator Mimi Stewart, Chair, called the LESC back to order at 9:08 a.m. on Tuesday, April 24, 2018, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Senators Craig W. Brandt, Candace Gould, and William P. Soules, and Representatives Alonzo Baldonado, Christine Trujillo, and Sheryl M. Williams Stapleton; Advisory: Senators Carlos Cisneros, Linda M. Lopez, and Michael Padilla, and Representatives Joanne J. Ferrary, David M. Gallegos, D. Wonda Johnson, Rick Little, Patricia Roybal Caballero, Tomás E. Salazar, Elizabeth "Liz" Thomson, Linda M. Trujillo, and Monica Youngblood.

The following voting and advisory members were not present: Voting: Vice Chair G. Andrés Romero and Representative Dennis J. Roch; Advisory: Senators Daniel A. Ivey-Soto, Gay G. Kernan, Howie C. Morales, and John Pinto, and Representatives Stephanie Garcia Richard, Jimmie C. Hall, Tim D. Lewis, Angelica Rubio, Patricio Ruiloba, Debra M. Sariñana, and Jim R. Trujillo.

Learning Time and Opportunities. Dr. Jeannie Oakes, Senior Fellow in Residence, Learning Policy Institute, began by noting the Learning Policy Institute recently did a lot of work on community schools, which relates to learning time. To be prepared for postsecondary education, students require traditional academic knowledge, as well as deeper learning competencies, such as intellectual flexibility and critical thinking. She indicated the United States is not giving students, particularly impoverished students, the instructional time they need, despite there being cost-effective ways of adding learning time.

According to the Legislative Finance Committee (LFC) report, *Assessing Time-on-Task and Efforts to Extend Learning Time*, teachers report there is insufficient time to meet higher expectations when so much school time is lost to administrative work, school discipline, and other issues. This loss of instructional time exacerbates learning differences. Poor families cannot keep up with more affluent families' investment in activities like tutoring or sports, which reflects the growing learning gap, currently an hour per day, between poor and more affluent families' time spent with their children. By kindergarten, there are already achievement gaps, and by the time students reach middle school, this learning gap is equivalent to 6,000 hours.

Dr. Oakes noted some school systems have increased the length of the school day or year, while many schools, often with high minority student enrollment, have rearranged their schedules to provide more time for collaboration and individualized learning. Some states, however, have focused on high-quality afterschool and summer programs and prekindergarten. New Mexico, she noted, does well at establishing high-quality standards, but reaches only a fraction of students in need.

Dr. Oakes noted the five states that comprise the Time Collaborative – Colorado, Connecticut, Massachusetts, New York, and Tennessee – have worked on redesigning the school day and teaching practices, while focusing on strong community partnerships. Time Collaborative states

require 200 instructional days each school year with staggered teacher schedules and intensive study blocks interspersed with intercessions. Dr. Oakes noted approximately \$1 billion in Title I funds could be used to expand school years or days, and federal 21st Century Learning Communities program funds can be used for afterschool programs. Currently, these programs only fund 1.5 percent of students to participate in after school programs. Dr. Oakes suggested K-3 Plus should be a mandatory program and provided school-wide in Title I schools, which could potentially eliminate the achievement gap for participating students. A 2014 study found only 71 thousand New Mexico students participate in after school programs, though another 91 thousand would participate if a program were available.

Dr. Oakes concluded by recommending the state take advantage of federal funds, provide more state funding, increase full-day prekindergarten slots, and offer summer programs for middle school students.

Senator Stewart noted PED had designated four schools as needing more rigorous interventions after successive years receiving grades of F and that the schools must choose one of four restructuring options or be closed. Plans proposed for the three Albuquerque were evidence-based, aligning with research on high-poverty schools by increasing the school year by 10 days and the school day by one hour. When asked, stakeholders suggested, among other things, converting schools to community schools, a plan that engendered excitement among parents and teachers. PED, however, denied these plans. Dr. Oakes noted a recent report indicated community schools were an evidence-based strategy that qualifies for Title I funding.

Charles Sallee, Deputy Director, LFC, noted many students are starting so far behind that even with a full year of academic growth they cannot catch up. A deeper understanding of each school's individual problems is necessary to solve them. Expanding the school year to 185 days a year, with professional development opportunities, has been considered but never funded. School days should be restructured to balance teacher professional development and collaboration with expanded learning time for kids.

Senator Stewart asked about safety in community schools. Dr. Oakes replied community schools are built on relational trust, often becoming community hubs. These schools build in supports for mental health, diagnoses, and support. Stan Rounds, Executive Director of the New Mexico Coalition of Educational Leaders noted that the safest place for a child is at school, and the second safest is a school bus. He went on to indicate that chronic truancy doubles as students age resulting in the learning gap growing larger. While funding is crucial, he said, it will not solve the problem. Rather, support of student learning and providing afterschool opportunities is key to success.

Representative Roybal-Caballero asked about a specific example of integration of community and culture in community schools. Dr. Oakes noted the Oakland International High School in California, which features hands-on learning that renders English language mastery less necessary for accessing content, and gives their students an additional year, if needed. New Mexico, she noted, has all the resources necessary to have every child begin bilingual study at an early age.

Representative Thompson asked if APS' year-round schools do things differently. Dr. Oakes replied that there is benefit in shorter, more frequent breaks for English learners, as development of English fluency is less interrupted.

Representative Linda Trujillo brought up the lack of success in federal Head Start programs when compared with state prekindergarten programs, noting that when kids are separated by socioeconomic status, they do not have the benefit of interacting with diverse peers. She is proud that prekindergarten is offered without an income qualification, saying that it should remain

available to all students. She went on to note summer programs must be of high academic quality, integrating summer employment and collaboration with schools.

Dr. Oakes said she is on the board of the Los Alamos National Laboratory Foundation, which along with Thornburg and the Santa Fe Community foundations are developing a seminar series based on *No Time to Lose* to help local leaders get in tune with the report's agenda. The foundations want to build a nonpolitical base for these ideas.

Representative Little asked about parental responsibility with regard to these sorts of early learning programs. Dr. Oakes replied that early education starting as early as home visiting helps young parents help their children thrive, and recommends programs that provide academic instruction with vocational learning.

The committee adjourned at 11:47 a.m.