

MINUTES
Legislative Education Study Committee
State Capitol, Room 322
Santa Fe, New Mexico
November 15 – 17, 2017

November 15, 2017

Senator Mimi Stewart, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:07 a.m., on Wednesday, November 15, 2017, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following LESC voting and advisory members were present: Voting: Chairwoman Mimi Stewart, Vice Chair Stephanie Garcia Richard, Senators Craig W. Brandt, Candace Gould, William P. Soules, and Representatives Alonzo Baldonado, Tomás E. Salazar, James E. Smith, and Sheryl M. Williams Stapleton; Advisory: Senators Gay G. Kernan, Linda M. Lopez, and Representatives Joanne J. Ferarry, Rick Little, Patricia Roybal Caballero, Patricio Ruiloba, Debra M. Sariñana, Elizabeth "Liz" Thomson, Christine Trujillo, and Linda M. Trujillo.

The following LESC voting and advisory members were not present: Voting: Representative Dennis J. Roch; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Howie C. Morales, Michael Padilla, and John Pinto, and Representatives David M. Gallegos, Jimmie C. Hall, D. Wonda Johnson, Tim D. Lewis, G. Andrés Romero, Angelica Rubio, Jim R. Trujillo, and Monica Youngblood.

Also present was Representative Kelly Fajardo.

On a motion by Representative Smith and seconded by Senator Brandt, the November agenda was approved with no opposition.

On motion by Senator Brandt and seconded by Representative Smith, the LESC September meeting minutes were approved with no opposition.

National Conference of State Legislatures (NCSL) *No Time to Lose* Welcome and Introductions. Joellen Kralik, Policy Specialist, Education Program, NCSL, said *No Time to Lose* outlines four common elements of high performing, world class education systems and November's presentations will focus on career technical education (CTE).

Nathan Driskell, Senior Policy Analyst, Center for International Education Benchmarking, National Center on Education and the Economy (NCEE) said NCEE sees CTE as not only a strategy for dropout prevention or diversifying program offerings but as an important part of economic development.

Career Technical Education in High Performing Countries and the United States. Robert Schwartz, Professor Emeritus of Practice in Educational Policy and Administration, Harvard Graduate School of Education and Co-Leader of Pathways to Prosperity, presented on the international context of career technical education (CTE). The United States has emphasized a "college for all" expectation for the last 20 years, focusing on four-year postsecondary institution attendance. There is a mismatch between what students are learning in school and the changing nature of the labor market and the increasing demand for skills. He also noted CTE is stigmatized in the United States as if it is a second class system for students who are not on the four-year degree pathway. Two-thirds of jobs projected in the future will require some kind of postsecondary degree. Recently, the middle of the economy has begun hollowing out, leaving two kinds of jobs: high skill, high wage jobs requiring at least a four year degree, and low skill, low wage jobs for everyone else. Estimates range between 35 percent and 50 percent of the current and projected jobs are in this middle skills category. Some examples are in the IT field, engineering, health care and manufacturing, and life and physical sciences based on a 2012 study.

Mr. Schwartz said between 40 percent and 70 percent of students across a range of European countries spend their upper-secondary years in vocational programs. Some vocational education is mostly school-based and some is a mix of schooling and apprenticeships in a broad range of fields. Compulsory education in most of Europe ends at the end of ninth grade, when students are either 15 or 16 years old. Students then choose to pursue CTE or an academic route. There are many crosswalks between the academic and the technical side. In the Netherlands, Austria, Switzerland, Germany, and Norway, youth unemployment numbers were in the single digits before the recession and they stayed in the single digits after. The common denominator is strong systems of CTE. Apprenticeship is a strategy that serves a broad range of students and prepares them for a broad range of occupations including high-tech, low-tech, white collar, and blue collar occupations. Employers play a key role in defining the standards that young people need to effectively enter the workforce. The strongest systems took pains to ensure that the training is broad, with generic work skills and social soft skills.

CTE systems in Switzerland, Austria, Germany, and Denmark are primarily employer-driven. Even in the school-based systems, young people are getting at least a six-month internship. The United States, South Korea, China, and Scotland all created systems with the assumption that economic success would be reached by increasing the number of people with four-year degrees. Now, these countries are seeing this is not the best strategy; a tier of well-qualified, highly skilled people at the technician level is needed.

In Switzerland, people who are in a training role are credentialed. Everyone influencing a young person, whether school teachers or industry trainers, have a base of understanding around adolescent development, pedagogy, and learning. The assessments at the end of the three-year period are collaboratively designed by employers and educators. They are designed to measure academic and applied learning. Apprenticeships are designed to meet the needs of the labor market. Companies do not offer apprenticeships unless a job exists at the end of the apprenticeship. A Swiss economist found, the investment companies make over a three-year period, including wages of apprentices and training costs, are more than offset by the gains in productivity. This only happens if the program is long and intense enough for the student to move from a learner to a productive learner. Switzerland has the highest proportion (70 percent) of its young people in CTE of any other European country. The apprenticeships are highly competitive and students receive around \$800 a month. Students are treated as young adult workers; there is independence and responsibility.

Amy Loyd, Associate Vice President, Building Educational Pathways for Youth, Jobs for the Future, explained there is a need for students to have early and sustained, ongoing career information and advising. The first thing the organization looks at is the labor market. They have a sense of which industry sectors and career occupations will continue to be in demand. Industries like IT, health careers, and advanced manufacturing are almost everywhere across the country. The goal of Jobs for the Future is to work to support schools and regions to build pathways that allow students to complete high school with at least 12 college credits. Their work in early college high school has demonstrated that students who start developing a college focus while in high school, especially first generation students, students of color, and students from low-income families, are far more likely to complete a postsecondary credential.

Ms. Loyd said most students receive little advice about career pathways and possibilities. There needs to be a cross sector approach for this to work with public schools, postsecondary institutions, employers, workforce and economic development agencies, government, and community-based organizations. This cannot be the sole responsibility of the education system.

Mr. Schwartz noted a series of more detailed case studies of states and regions. The first two are Delaware and Tennessee. Both states have a strong political leadership to connect the state's economic needs and the workforce. Only 32 percent of the Tennessee workforce has a postsecondary credential; the goal is to grow that to 55 percent. Delaware systematically shut down obsolete CTE programs and focused on real job opportunities. They modernized their CTE programs and connected them to postsecondary education.

In response to Representative Christine Trujillo's question regarding high school counselors and union apprenticeships, Mr. Schwartz said the United States has to think more creatively about how to provide career pathway information and experiences to students as early as middle school. Mr. Schwartz said the unions are the principal providers of apprenticeships in the United States. Apprenticeships come after high school and as an alternative to postsecondary education. In Switzerland, 70 percent of high school students are in an apprenticeship. The unions typically are partners with employers in shaping these programs and negotiate wages. Germany is a more unionized country than Switzerland and employers are seen as equal partners.

Senator Kernan asked if Mr. Schwartz had suggestions for getting postsecondary support for funding CTE dual credit and early college high school programs, and Mr. Schwartz said the United States needs to think across the secondary and postsecondary divide. High performing countries think of nine through 14th grade as the focus of their work and that means taking advantage of early college high school and dual enrollment models to get young people started on the postsecondary component while they are still in high school.

In response to Senator Brandt regarding dual system models, Ms. Loyd said one of the reactions to career pathways is fear of grouping students into particular pathways. In the United States, students do not know what they want to do for a career at the age of 14. The goal of dual pathways, however, is not to force students to narrow their future options, but to allow them to launch a career recognizing that they will likely change careers and industries. Mr. Schwartz added it is important to maintain focus on what all kids need while recognizing that nationally only about 20 percent of kids in the United States are in CTE programs.

In response to Senator Soules regarding teacher preparation programs for industry trainers, Mr. Schwartz said the important point is making sure that it is critical to scale up high quality workplace opportunities for as many students as possible. High quality means ensuring those opportunities are well structured and well scaffolded. Ms. Loyd mentioned the role of intermediary organizations. Credentials for supervisors are not necessary. Attention needs to be paid to workplace experiences that are well designed to support the learning of young people.

In response to Representative Thomson's question about funding, Mr. Schwartz said both Delaware and Tennessee worked with no new money. They reallocated and brought state agencies together. California and Ohio have done work with the infusion of new funding. The issue is how states are using the resources they currently have. Mr. Schwartz said his starting point for New Mexico would be to develop a strategy to bring together employer association leaders and start a dialogue around where the state wants to go and how to work collaboratively together. Ms. Loyd suggested a tri-agency approach, including public education, higher education, and labor and workforce development. The governor's office and members of the Legislature often participate to help set goals around college completion and economic development and create a tri-agency workplan.

CareerWise Colorado. Gretchen Morgan, President, CareerWise Colorado, presented on efforts to launch a statewide youth apprenticeship in Colorado. She explained only a small portion of students who receive a postsecondary degree are immediately entering the workforce in Colorado. This is an indication the education system only works for a small number of students. There are many middle-skills jobs that are the fastest growing and the hardest to fill, yet the system is not producing talent for these jobs. Colorado has an estimated 25 thousand job vacancies in high-skills positions that may not require a four-year degree but require some postsecondary training. CareerWise Colorado is trying to use youth apprenticeship as a strategy to offer students options for a career pathway and to support the demand for skilled workers by modeling Swiss youth apprenticeships. In Switzerland, students know they will make many choices and see their career as a series of professional decisions that will move and change over time, resulting in a level of comfort and confidence in their ability to be independent.

Ms. Morgan stated Colorado has a strong practice around sector partnerships. Companies of a particular sector organized with some help from the state workforce council to address the

needs of that sector. Additionally, the governor assembled a workforce cabinet which includes the departments of economic development, labor, workforce, higher education, and public education. The Business and Experiential Learning Commission presented a new experience for state agencies to collaborate on workforce goals. In most states, agencies operate in silos and each agency has outcomes and legislation that guides them. The shared experience of the group created opportunities for creating career pathways and filling vacant positions.

Cherry Creek School District in Colorado passed a \$40 million bond to build a new training center in the district. Denver Public Schools passed a mill levy to get annual funding for CTE. Colorado currently has 116 apprenticeships with 40 employers in four career pathways. The apprentices are at high school three days a week and on the job two days a week. Students are completing dual credit coursework while at school and if the high school is competency-based, students can accelerate the completion of certain courses.

Colorado has policies in place that helped create an apprenticeship program. The state funds public education and higher education from the same funding source, has dual credit coursework and early college high school programs, passed legislation allowing business-school partnerships to run a school that extends into 13th or 14th grade where students earn an associate's degree, and requires all four-year public institutions to accept certain courses toward general education credit. This is important because all apprentices in their training plans have some number of these courses.

Businesses statewide identified occupational pathways to drive alignment between their needs and education. The alignment allows an apprentice to transfer their skills to another employer after building an industry skill within three years. They have a high school diploma, one or more professional credentials or certifications, and 30 or more debt-free college credits, half of which are guaranteed to transfer. Companies want the apprenticeship program to be a self-sustaining system that supports companies with workers and provides students with pathways.

In response to Representative Salazar's question about funding, Ms. Morgan said CareerWise received \$9.8 million. They plan to operate on philanthropic dollars for 10 years with business fees making up that difference over time. The businesses pay CareerWise \$500 per apprentice per year. This will not cover the full costs over time, but they are establishing the expectation that the program is of value and sustainable to business. CareerWise raised another \$10 million since the initial funding. There has also been other public money involved through state agencies that sub-granted funding.

In response to the Chair's question about occupational training, Ms. Morgan said each company creates their own specific training plan. For instance, in advanced manufacturing, where companies want apprentices to be productive in specific ways, they lay out a set of tasks in a linear order. Colorado learned from the Swiss how to help companies develop training plans. The Swiss maintain a quarterly learning management system with their business partners and revisit those training plans to plan ahead for the next quarter.

Regarding the Chair's question about how community colleges are reimbursed for dual credit, Ms. Morgan said the kindergarten through 12th grade system pays for the portion of the courses that are guaranteed to transfer. The companies pay for other technical courses and wages to apprentices.

In response to Representative Sariñana regarding criteria and mentorships, Ms. Morgan said the only qualifying criteria for students is if they can afford to spend the amount of time at work and still graduate from high school. There is no grade point or testing criteria. Every company is required to identify an in-company mentor for students. The most common arrangement for a mentor is from human resources. They train supervisors and mentors to work with students and train the students to access these people in both roles.

Career Technical Education (CTE) in New Mexico: Gadsden Independent School District (GISD) and Farmington Municipal Schools. Carolina Pulido, a senior at Chaparral High School, GISD, said CTE programs at GISD help students learn skills, provide scholarship opportunities,

and prepare them for a career after high school. She highlighted GISD's media production, culinary arts, and criminal justice programs, noting students in these programs often attend out-of-state competitions, do presentations outside of school, participate in community service, and participate in activities which teach students to be independent and learn real world skills. She also noted GISD's CTE program helped her to become a confident, eager young woman.

Juan Vargas, a senior at Chaparral High School, GISD, said GISD's CTE program helped him identify that he wants to be a cinematographer. Through the creative media and mass media production pathway, he has gained skills for this career. He also stated his experiences at GISD helped him get jobs in the field that align with his career goals, like helping shoot a local commercial. Mr. Vargas explained that he was close to failing most of his classes prior to participating in CTE and after joining CTE clubs, his grades have now improved.

Korth Ellsworth, Secondary Curriculum Director, Farmington Municipal Schools (FMS), stated 81 percent of high school dropouts report seeing the connection between school and the workforce would have kept them in school. The Association for Career Technology Education, the leading organization for CTE programs, reports high school students are eight to 10 times less likely to drop out if they enroll in a CTE program. In Farmington, 91.5 percent of CTE students graduate compared with the district's overall graduation rate of just under 70 percent. More than 75 percent of CTE concentrators – students who complete three or more CTE courses in a program of study – pursue postsecondary education just after high school.

Mr. Ellsworth highlighted some of FMS's CTE programs of study, including automobile repair, business and marketing, culinary arts, digital media arts, early childhood careers, and health occupations. Federal Perkins grant funds support all of these programs. FMS also has cybersecurity, information technology, power and energy, and welding programs. Business and marketing is a new Perkins program with 275 students in its first year. It leads to Microsoft Office and Adobe Photoshop, Illustrator, and InDesign certifications. All students obtain dual credit through Eastern New Mexico University.

Mr. Ellsworth said they have tremendous business partnerships that allow students to go directly into the workforce, but the district wants to expand these partnerships. FMS would like to involve CTE teachers with community externships and would like to have weekly classroom visits from business partners. FMS would also like to offer a career development plan, which will begin in eighth grade with a career exploration program.

Representative Garcia Richard asked the students how they saw their future compared with their peers who do not have an experience focused on CTE. Mr. Vargas said he was talking with another student who was not in CTE and was not involved in student organizations who said even if he gets good grades, he is not sure what he is going to do after high school. Ms. Pulido said CTE can help students know what path they will follow after high school.

Representative Salazar asked which CTE programs are growing fastest. Mr. Ellsworth said the fastest growing program at FMS is their digital media arts program because of a passionate teacher, though all CTE programs are growing. He said Perkins funding is used for programs that align with high paying or high demand jobs within the community, but noted there is a need to support some areas that are currently not supported by CTE funding. He also said CTE programs are for all students, and should not be considered programs for kids that are not going to college.

Representative Salazar asked about the relationship with the community college, and Mr. Ellsworth said FMS has a tremendous relationship with San Juan College; however, some college professors do not think high school students should be in their college classes. The primary certifications in their current programs come from automobile repair, culinary arts, and welding. Representative Salazar asked if this helped students to find jobs. Mr. Vargas said he planned to attend New Mexico State University and is seeking jobs with local production companies. Ms. Pulido said she will attend University of New Mexico and will pursue a career in media production.

Representative Little said he talked to the GISD superintendent about apprenticeships and CTE pathways, and was sent to Chaparral High School to tour the welding shop and the media arts program. Representative Little noted these programs are relevant, providing a reason for students to stay in school. Mr. Ellsworth noted around 50 percent of GISD students participate in CTE.

Senator Brandt asked what input the districts are getting from the business community and what they need. Mr. Ellsworth said FMS does not have the partnerships they need in several programs of study. One of the programs they would love to explore is future educators. The difficulty is the Perkins program directs dollars to high yield professions, so Perkins funding may not be able to be used for training teachers.

Senator Brandt noted concerns related to schools offering opportunities that employers in New Mexico support, and noted the importance of building the kind of economy the state wants which requires developing the workforce for that economy. Ms. Victoria Lopez, Assistant Principal, campus CTE Coordinator, and former district CTE Coordinator, GISD, said GISD conducts a student career interest inventory and they compare the information gathered with their regional economic workforce to see if it is high demand and high wage.

There being no further business, the Chair recessed the meeting at 4:51 p.m.

November 16, 2017

Senator Mimi Stewart, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order, at 9:14 a.m., on Thursday, November 16, 2017, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following LESC voting and advisory members were present: Voting: Chairwoman Mimi Stewart, Senators Craig W. Brandt, Candace Gould, William P. Soules, and Representatives Alonzo Baldonado, Tomás E. Salazar, James E. Smith, and Sheryl M. Williams Stapleton; Advisory: Senators Howie C. Morales, Michael Padilla, and John Pinto, and Representatives Joanne J. Ferarry, D. Wonda Johnson, Rick Little, G. Andrés Romero, Patricia Roybal Caballero, Patricio Ruiloba, Debra M. Sariñana, Elizabeth "Liz" Thomson, Christine Trujillo, and Linda M. Trujillo.

The following LESC voting and advisory members were not present: Voting: Vice Chair Stephanie Garcia Richard and Representative Dennis J. Roch; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Gay G. Kernan, Linda M. Lopez, and Representatives David M. Gallegos, Jimmie C. Hall, Tim D. Lewis, Angelica Rubio, Jim R. Trujillo, Monica Youngblood.

National External Diploma Program (NEDP). Mitch Rosin, Program Consultant, Comprehensive Adult Student Assessment Systems/NEDP, introduced the NEDP. Mr. Rosin spent 10 years on the National GED Advisory Panel in Washington D.C. and he has worked with the five major assessment programs in the country.

Mr. Rosin explained NEDP is a high school diploma pathway for adults that is the result of research conducted in 1972 by the Ford Foundation that found adults learn differently than children. NEDP was launched in 1975 and was approved by the U.S. Department of Education (USDE) in 1979. NEDP was originally housed by the same agency that housed the GED tests, but was moved to CASAS in 2006. Eight states are currently implementing NEDP and the New Mexico Higher Education Department (HED) approached Mr. Rosin about NEDP a year ago.

Mr. Rosin said General Educational Development (GED), Test Assessing Secondary Completion (TASC), and High School Equivalency Test (HiSET) are high school equivalency tests that assess academic knowledge. Students who pass these tests receive a high school equivalency credential. NEDP is a competency-based performance system without a high stakes test. Students build a portfolio demonstrating competency against academic, life, work, and soft skills showing 100 percent mastery. The high school equivalency benchmark is at the 60 or 65 percent

pass rate. The subject areas of NEDP include foundational skills, academics, workforce readiness skills, self-efficacy skills, lifelong learning, and digital literacy skills. Clients, how NEDP refers to their adult students, need to test at the ninth grade reading and math level to pass the on-site intake assessment. Clients evaluate their own readiness off-site in terms of technology skills and workplace interests, and complete a self-assessment checklist.

Mr. Rosin said there are two basic components to the NEDP. One is the high school academic component and the other is college-and-career competency. Ideally, the candidate for an NEDP program is currently working. In the portfolio development phase, clients work independently. NEDP is an online program. Clients are required to come in for on-site checks for validation of competency mastery. They get feedback from their advisors until they reach 100 percent mastery.

Mr. Rosin said NEDP is aligned with Title II of the federal Workforce Innovation and Opportunity Act (WIOA). Transition to postsecondary education or the workforce is required in the program. NEDP is aligned with the college-and-career readiness standards, a subset of the Common Core State Standards that were adopted by USDE in 2013 for adult education programs. The NEDP is also aligned to the depth of knowledge levels.

Senator Soules asked how NEDP is different from charter schools bringing adult students back to get high school diplomas, and Mr. Rosin said NEDP is different because it is not instructional; an NEDP client never comes into a school. NEDP allows WIOA Title II agencies to get points for entrance in competency completion, not seat time. Senator Soules asked if a student dropped out of high school a few credits short, can they do a shortcut version. Mr. Rosin replied NEDP is competency-driven which mandates every student complete the entire program. Some clients can do this within 12 weeks, but it usually takes six to eight months. Senator Soules asked what it costs. Mr. Rosin said the cost is roughly \$8,000 the first year. That cost can be shared across agencies. It costs the client about \$120. Senator Soules asked who trains the staff to evaluate the portfolios and advise students. Mr. Rosin said they do on-site training for the first round; subsequent trainings are online or on-site if necessary. There is not ongoing certification, but there are weekly webinars. For new states, regional on-site trainings are conducted.

Senator Stewart asked how New Mexico could become a part of NEDP. Mr. Rosin said the workforce, state agencies, community partners, and the colleges and universities are all interested. He noted he was unsure who ultimately could approve participation in the program. Rachel S. Gudgel, Director, LESC, said she thinks it is the Public Education Department (PED) that has the authority to which tests or competency-based systems can be used in New Mexico. Statute uses the word "test" which may present some conflict.

Representative Salazar asked for more information on the meaning of 100 percent mastery, and Mr. Rosin said the requirement for 100 percent mastery is embedded throughout the college-and-career-readiness standards framework. All subskills are on a rubric for the assessor and advisor to use in working with the student. The client has to demonstrate 100 percent knowledge and competency demonstration.

Representative Sariñana asked if someone goes through this program and wants to go to college, is there enough higher-level math to pass the ACT and SAT, and Mr. Rosin said yes, NEDP hits those higher levels.

Representative Little asked if the GED and HiSET are done through legislation. Senator Stewart said three years ago Senator Kernan had a bill to remove reference to the GED from state statutes because it is a proprietary title. Ms. Gudgel said the current term, "high school equivalency credential," would encompass whatever PED authorizes as a high school equivalency test.

Senator Brandt made a motion to send a letter to PED to look at the possibility of this program being used to demonstrate high school competency. Representative Linda Trujillo seconded the motion, which passed.

Senator Stewart said NEDP fits in with Wednesday's CTE conversation. The high school diploma came up as a possible barrier for CTE diplomas. This would line up with the direction the LESC wants to go. Mr. Rosin said he agreed NEDP is fully aligned with a CTE-driven direction. Mr. Rosin noted he has a meeting scheduled in December with PED, HED, and the state workforce agency.

Potential Committee Sponsored Legislation. Joseph Simon, Senior Fiscal Analyst, and Tim Bedeaux, Fiscal Analyst, LESC, presented potential bills for the committee's consideration for the 2018 legislative session, though none were adopted.

Mr. Simon addressed potential legislation being considered by the Legislative Education Study Committee-Legislative Finance Committee joint subcommittee on education:

- A bill to increase the at-risk index and align the training and experience (T&E) index with the three-tiered licensure system, both of which were a part of last year's Senate Bill 30.
- A bill to address size adjustment program units, which continue to be allocated to schools designed to deliver special education programs in contravention of current law.
- A bill to limit the upper age limit of students in public schools and ensure future funding for adult basic education programs administered by the Higher Education Department.

Mr. Bedeaux presented a bill similar to last year's House Bill 47 to increase the statutory school bus replacement cycle from 12 to 15 years.

Chair Stewart then presented a bill that would adjust and simplify the state and local match requirements for public school capital outlay. The bill would adjust the match based on the ability to pay, and includes land valuation over a five-year average, to reflect fluctuations in oil and gas revenues. The bill would increase the state match in some school districts while reducing it in others.

Senator Brandt noted he is working on a bill to expedite reciprocal teaching licenses for military personnel, dependents, and veterans that are licensed in other states.

End-of-Course Exam Changes. Matt Montaña, Deputy Secretary for Teaching and Learning, Public Education Department (PED), noted that despite changes to end-of-course (EOC) exam blueprints, New Mexico content standards and benchmarks for social studies and related courses have not changed. He noted PED created EOCs for sixth through 12th grade, including social studies, during the 2013-2014 school year, by recruiting teachers from around the state to help develop the EOCs, providing guidelines to ensure students in the state had equitable access to the same concepts, regardless of economic or ethnic background, special needs, or English learner status.

During the 2016-2017 school year, PED established NMEPIC, an online repository of items for EOCs intended to help train teachers to write EOC assessment items. Currently, there are 78 EOC assessments for sixth through 12th grade, as well as exams for fourth and fifth grade art and physical education. Mr. Montaña said EOCs are created by New Mexico teachers, working with a subcontractor, Lynn Vasquez. As part of an annual process to determine test items, the review process includes field-testing of teacher-developed test items to help determine blueprints and cut scores. Community feedback on social studies standards indicated teachers needed more guidance on what could be tested, resulting in the release of the revised EOC blueprints and the establishment of new cut scores for alternative demonstrations of competency.

Teachers were recruited to help in the EOC revision process through direct contact at state conferences, the announcement of EOC revision meetings via email list-serves, and direct recruitment via superintendents and principals. During the 2016-2017 school year, 174 teachers were trained on EOC item-writing, 220 teachers attended meetings, and 42 blueprint-leads in charge of teams of five to seven teachers worked on developing blueprints; proposed blueprints were made available for public comment in January 2017. To participate in the blueprint

process, teachers had to have a rating of “effective” or better, be certified in their content area, and be at least a level 2 teacher.

When deciding which standards were to be included in EOCs, two issues were considered: Is the particular standard one on which more instructional time is spent; and, is the knowledge represented by the standard an important one on which to base further study? Further, if the standard is covered in another EOC, it might be omitted to avoid duplication. For example, questions on the atomic bomb have been on every EOC since the 2013-2014 school year in several courses, including U.S. History, World History, and New Mexico History, while Rosa Parks has never been on an EOC.

Lois Rudnick, Professor Emerita of American Studies, University of Massachusetts, spoke about the social studies EOCs. Dr. Rudnick objected to the strikeout of concepts and individuals from the EOC blueprints, noting that the proposed omissions seem to include persons whose stories are less likely to be included in conventional review of social studies and history, such as minorities and women, as well as important concepts from civics, such as certain details of the respective duties of the three branches of government. She said the omissions are crucial to the education of students to be engaged citizens. Dr. Rudnick noted no one was informed of the reasons behind the redaction of certain blueprint items. She further indicated that the teachers who were named as being involved in the blueprint revisions were predominantly from the southern part of the state, and may reflect a southern ideological bias.

Representative Romero noted he raised this issue before the LESC during the Next Generation Science Standards (NGSS) testimony in October because he expected the secretary-designate to be present. He was concerned that he, a social studies teacher and legislator, was unaware of these changes or the process by which they were decided. He noted that some of the redactions seemed pointed, and it is important to recall varied disciplines address the same concepts differently. He asked if all redacted items were included in other tests, to which Mr. Montaña replied the areas covered by the social studies standards are so large, that not every unique concept can be covered in a single year. He also noted that exclusion from the blueprint is not exclusion from the standards or instruction.

Representative Romero noted EOCs are used for teacher evaluation and as part of a student’s graduation portfolio, and therefore teachers have a vested interest in focusing on tested concepts. In this way, the changes to the blueprints appear to be a de facto standards change. He also suggested that the possibility of redacted items being included in future blueprints just makes it more difficult to keep up with tested concepts from year to year.

Representative Bill McCamley noted that approaching teachers directly, without involving superintendents, may contribute to the overrepresentation of the southern portion of the state in the blueprint review. He suggested no people of color appeared to be involved, noting that he had been contacted by the National Association for the Advancement of Colored People about the issue, and wondered if that was considered when discussing the removal of people of color from the blueprints. Mr. Montaña, noting that while he was not directly involved in the blueprint revisions, said both he and Ms. Vasquez are people of color. Representative McCamley said the secretary-designate has indicated that “what gets measured gets taught,” seemingly admitting that the EOCs have a direct effect on teaching. He asked that PED at least specifically engage people of color before finalizing any changes to the blueprints.

Representative Romero noted his frustration with the continued absence of the secretary-designate at committee hearings, also suggesting PED staff often fail to follow up with promised information.

Representative Ruiloba asked if PED had provided any notice to unions that the department was undertaking this process, to which Mr. Montaña replied that they had not.

Representative Thomson asked why PED used a subcontractor instead of staff and how much that person was paid. Mr. Montaña said he was unaware of that figure, and the representative requested the contract information. She reiterated concerns with the apparent focus on the

southern part of the state when recruiting teachers, and noted that review processes of this sort should be diverse, by race, gender, and geography, among other criteria.

Representative Christine Trujillo asked Mr. Montaña to clarify his remarks about “equitable access to standards.” He noted that teaching methods, syllabi, and exams might vary among school districts, and EOC blueprints help ensure that students in different circumstances are being exposed to the same material. The representative countered that different communities may do better to see reflections of themselves reflected in their lessons, and expressed support for EOC decisions to be returned to teachers, and suggested legislation to do so.

In response to Mr. Montaña’s statements on equity, Representative Stapleton asked how many social studies teachers taught in New Mexico, given only nine were chosen to work on the blueprints, including only one from Albuquerque, where the majority of the state’s students reside. Mr. Montaña noted that there were different groups of teachers involved in every aspect of the process.

When asked by Senator Soules who had the final say on what was included in the blueprints, Mr. Montaña indicated it was the committee overseeing the particular blueprint. He noted that the EOC Advisory Committee included administrators, testing directors, and superintendents. The advisory committee focused more on work with technical assistance and the NMEPIC system, while it was teachers who looked at the actual EOC blueprint development.

Representative Roybal Caballero was very concerned over what seemed to be a move to remove the stories of minorities and women from history instruction after a long battle over civil rights to include them. She insisted history must be contextualized. She asked Mr. Montaña if he knew there was a movement in New Mexico to create a pathway of ethnic studies from elementary school to college. When he said he was unaware, she asked him to track this movement. She asked Mr. Montaña how the colleges of education had been involved in the process, to which Mr. Montaña replied PED did not consult with teacher preparation programs on the EOC blueprints.

Chair Stewart noted EOCs are required by statute for all core subjects, but until recently, teachers had been in control of them. Now, PED seems to have coopted them as a factor of the teacher evaluations, with suggestions of student equity added at a later time. She spoke of considering legislation to put control of EOCs back with the classroom teacher.

The following 16 individuals addressed the committee about changes to the EOC blueprints: Richard Ellenberg, Chair, Democratic Party New Mexico; Betty Patterson, NEA New Mexico; Meredith Machen, League of Women Voters, New Mexico; Ellen Ben-Naime, Los Alamos Public Schools Board Member; Byron Trister, President of the Santa Fe NAACP; Bernice Garcia Baca, NEA New Mexico; Ellen Bernstein, President of Albuquerque Federation of Teachers; Janette Fisher, private citizen; Lynn Bickley, Co-Leader of the Interfaith Coalition for Public Education; Donald McGarry, private citizen; Tara Lujan, private citizen; Betty Korber, private citizen; Esther Kovari, Monte del Sol Charter School; Misra Hought, private citizen; Bo Kepple, private citizen; and John Morrison, Santa Fe Public Schools. All commenters were opposed to the changes in the EOC blueprints. Comments included assertions of political motivation by PED; requests that control of EOCs be returned to classroom teachers; desire for greater transparency; concerns about overemphasis on high-stakes testing; and the need for specific inclusion, rather than exclusion, of marginalized groups.

Senate Joint Memorial 1: Innovative Assessment Pilot. Ian Esquibel, Contractor, Learning Alliance New Mexico, provided a report with a history of school accountability and how it ties into teaching, learning, and evaluation, highlighting other states’ work and promising practices in New Mexico. Authentic assessments can be daunting, but some schools in the state are beginning to integrate them. Albuquerque Charter Academy, ACE Leadership High School, the New Mexico School for the Arts, and the New Mexico STEM Ecosystem are using authentic assessments. Other groups are involved in developing new assessments, like the bilingual seal endorsed by Dual Language Education New Mexico to assess if a student is bilingual. Families United for Education has begun trying to assess the acquisition of social justice skills. The

Native American Community Academy focuses on whole-student development using a wellness wheel that students use to self-assess.

Tori Stephens-Shauger, Executive Director and Principal, ACE Leadership High School, believes New Mexico has the expertise for valid, reliable, and authentic performance assessments. She gathered schools from around Albuquerque to talk about authentic performance assessments, build teacher and school capacity, and research nationwide best practices. Assessments must be authentic, relevant, and real; be public (observable outside the building); reflect the school's context; and be based on mastery or competency. Assessments should also be designed to share information about student learning to improve teaching, and should be externally reviewed for validity and reliability.

Natalie Olague, Third Grade Teacher, Valle Vista Elementary School, Albuquerque Public Schools, spoke about constant formative assessments. In reading, one of the most powerful authentic assessments is listening to children read out loud. As students read, the educator can make decisions about what type of teaching is needed. In math, she has observed how students reach answers and how they explain their answers. She gave an example of a performance-based assessment: an end-of-unit project where students identified positive character traits in famous historical figures. Students presented as if they were that person.

Tony Monfiletto, Director, New Mexico Center for School Leadership (NMCSL), referred to Senate Joint Memorial 1 (2017), Innovative Assessment Pilot, sponsored by Senator Padilla, which could prepare New Mexico to apply for the innovative assessment pilot project allowed by the Every Student Succeeds Act. In March, NMCSL will have an assessment conference to explore what innovative assessments could look like in New Mexico.

Representative Salazar asked whether the work group would be able to provide something more definitive. Mr. Monfiletto imagined SJM1 as a two-year process, and said they worked with Senator Padilla and Senator Stewart to make this presentation with the hope of continuing the work next interim. Mr. Esquibel said his report is designed to inform the work group that would be formed by SJM1. Representative Salazar said he looks forward to the group's recommendations.

Representative Little noted *No Time to Lose* moves the state in this direction, but thinks tests should be both objective and subjective. Ms. Stephens-Shauger said ACE Leadership High School wanted the individual ownership of learning on the student while maintaining objective accountability. An authentic or a performance assessment is an accumulation of experiences, and might include a traditional assessment experience as a factor.

FY19 Health and Risk Insurance Requests: New Mexico Public Schools Insurance Authority (NMPSIA) and Albuquerque Public Schools (APS). Sammy Quintana, Director, NMPSIA, said the agency's FY19 appropriation request includes a 17.2 percent increase for the risk program and 1.9 percent for benefits. He said NMPSIA recommended the Public Education Department (PED) seek an increase of \$17.7 million for public school support to cover the employer share of premium increases. Mr. Quintana noted the large risk insurance increase and said NMPSIA had seen property losses from hail storms, rain damage, and tornadoes. He said the rural nature of the assets NMPSIA insures can increase costs, in some cases due to a lack of emergency services in the area. NMPSIA has also seen a slight increase in the frequency and severity of workers' compensation claims. He said NMPSIA has also recently settled some expensive sexual molestation cases. NMPSIA is also providing technical assistance to school districts to limit liability from special education lawsuits. Mr. Quintana noted special education lawsuits were typically filed in federal court, where they are expensive to settle. Mr. Quintana noted \$16 million was swept from NMPSIA's risk fund as part of solvency efforts.

Ernestine Chavez, Deputy Director, NMPSIA, said the agency had undergone cost containment efforts over the past year, including some significant medical plan and prescription drug changes to decrease costs. NMPSIA increased deductibles, out-of-pocket maximums and certain co-pays to try to decrease costs but the plan was still seeing medical costs increase by 6.5 percent. She said NMPSIA also tried to keep at least one month worth of claims in their fund

balance, but was a bit short of that goal. Ms. Chavez stated that costs were higher in rural areas of the state.

Carrie Robin Brunder, Director of Government Affairs and Policy, APS, said APS built its FY19 benefits and risk insurance plans assuming the Legislature would not provide additional money for insurance. She said APS would welcome additional funding but that they planned for the worst case scenario. She said analysis of APS's plan indicated it would need a 4.8 percent increase to medical premiums to cover additional costs without drawing down reserves. She said APS increased the employer share of contributions for employees earning between \$30 thousand and \$35 thousand. Ms. Brunder said APS is continuing to offer value-based plans for employees and is trying to educate employees about health care options. APS is making plan design decisions to provide employees with the economic incentive to choose value-based options.

Senator Stewart asked if either entity had seen any issues due to the change in ownership of New Mexico Health Connections or if members had seen any changes in benefits. Ms. Chavez said NMPSIA had received change of ownership documents from the company, but does not see any issues with transitioning if the Office of Superintendent of Insurance approves the change in ownership. Ms. Brunder said APS has not received their notice. Senator Stewart noted the Legislative Finance Committee brief on health insurance plans mentions that APS requires the 30-hour work week to qualify for benefits but NMPSIA does not. Ms. Chavez responded that NMPSIA rules allow employees to participate if they work a minimum of 20 hours per week and that this reflects serving rural areas, since many of these schools may not have the student base to require full time staff. In addition, employers may extend the benefit to employees working at least 15 hours per week, but there are only about 65 employees that qualify. Ms. Chavez stated NMPSIA will conduct an analysis on the impact of their claim cost, but does not expect it to be significant out of the approximately 50 thousand plan members.

Senator Stewart asked NMPSIA to offer an update on the Española Public Schools settlements related to sexual misconduct. Mr. Quintana said there were two lawsuits filed and settled. The first one was \$3.2 million and the second \$4.75 million. He said a third lawsuit involving four plaintiffs has been filed in federal court. Mr. Quintana said NMPSIA has developed a task force to try to address sexual molestation claims. He said NMPSIA is working with the attorney general, the superintendents' association, and PED to figure out ways to prevent these individuals from entering the classroom. He noted the teachers in this case had moved from two different states. He said NMPSIA wants to work with PED to make sure the applications for certified teachers are more stringent, and that school districts are required to vet teachers more closely. He noted PED had a hearing for one of these individuals and found improper actions not meriting the loss of their license. Senator Stewart asked about the dispute involving reinsurance for this claim and Mr. Quintana said in FY12 NMPSIA sent out letters to superintendents asking for outstanding claims before the reinsurance premium was set. In Española's case, the superintendent was new, and she said she knew of no outstanding claims. He said that when a reinsurance claim was filed, the insurance company balked at paying because this was not disclosed. He said NMPSIA is currently in arbitration over roughly \$3.2 million in reinsurance payments. Senator Stewart asked who would be on the hook if the arbitrator decides the insurance company does not have to pay and Mr. Quintana said NMPSIA would have to pay.

Senator Stewart asked why background checks did not show these kinds of issues in other states or other school districts. She said the man also worked at Santa Fe Public Schools. Mr. Quintana said many rural school districts need to fill teaching vacancies. He said there might be some reluctance to dig too deep once someone has a teaching license. Mr. Quintana said for each change in school district there should be an in-depth background check. Representative Ruiloba said a school district hiring a teacher should contact the previous employer to do an interview of what that employee is like, and Mr. Quintana noted Clovis Municipal Schools has developed a detailed application for working in their district, including specific questions about behavior. He said this process helps to weed out some people. Senator Stewart said she would like to hear the results of working with PED on this issue.

Representative Salazar asked if NMPSIA provided insurance to universities, and Mr. Quintana said that any other educational entity may petition to join NMPSIA. Representative Salazar asked why universities are selecting NMPSIA, and Mr. Quintana said some have found NMPSIA's prices to be better. He said NMPSIA is exploring the possibility of creating a sub-pool for higher education institutions because the risks or exposures encountered by higher education are different than public schools. This would mean that those institutions are not paying toward exposures that are not as relevant to them.

Representative Little asked why NMPSIA was seeing an increase in the severity of workers' compensation claims, and Mr. Quintana said one of the factors is increased medical costs for injured workers. Representative Little asked if the severity of property liability claims had increased, and Mr. Quintana said there have been significant, large property losses, including a \$7 million hail storm.

There being no further business, the Chair recessed the meeting at recessed 4:17 p.m.

November 17, 2017

Senator Mimi Stewart, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order, at 9:05 a.m., on Friday, November 17, 2017, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following LESC voting and advisory members were present: Voting: Chairwoman Mimi Stewart, Vice Chair Stephanie Garcia Richard, Senator Candace Gould, and Representatives Alonzo Baldonado, James E. Smith, Tomás E. Salazar, and Sheryl M. Williams Stapleton; Advisory: Senators Howie C. Morales and Michael Padilla, and Representatives Joanne J. Ferarry, D. Wonda Johnson, Rick Little, and Linda M. Trujillo.

The following LESC voting and advisory members were not present: Voting: Senators Craig W. Brandt and William P. Soules, and Representative Dennis J. Roch; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Gay G. Kernan, Linda M. Lopez, and John Pinto, and Representatives David M. Gallegos, Jimmie C. Hall, Tim D. Lewis, G. Andrés Romero, Patricia Roybal Caballero, Angelica Rubio, Patricio Ruiloba, Debra M. Sariñana, Elizabeth "Liz" Thomson, Christine Trujillo, Jim R. Trujillo, and Monica Youngblood.

National History Day (NHD). Claudie Thompson, Teacher, Silver High School, Silver Consolidated Schools, played a brief video for the committee to explain NHD. He hopes LESC will understand the importance of funding the New Mexico Humanities Council, which sponsors NHD, which began in 1974, and now has more than 600 thousand students participating in related activities and competitions in categories like documentaries, exhibits, papers, performances, or websites. Without the funding, New Mexico would be the only state not competing at the national level. Students can compete as individuals or in small groups, and must have an extensive annotated bibliography for their project. There are regional, state, and national competitions; in New Mexico, the regionals take place in Albuquerque, Farmington, and Las Cruces. Students must place in the top three to go to the state competition held in Albuquerque. The top two places in the state competition go to nationals in Maryland.

Amy Page, Teacher, Moriarty High School, Moriarty-Edgewood School District, noted the 2012 *History Day Works* study summary, which sampled students from five different states. Students who participate in NHD outperform their peers in science, math, language arts, and social studies. In 2015, the national graduation rate was 83 percent, while New Mexico's was 69 percent; among NHD students, the graduation rate has been 95 percent over the past five years, with 92 percent of those students continuing to college or the military.

Next, a number of university and senior high school students spoke about their experiences participating in NHD competitions: Gabby O'Keefe, Silver High School senior; Courtney Wiggins, Moriarty High School senior; Edward Misquez, Northern Arizona University freshman; Samantha DeWees, University of New Mexico (UNM) freshman; Carley Heidenfeld, a UNM

sophomore; and Ashley Page, a Domenici Scholar at New Mexico State University, and now southern regional coordinator for NHD activities. The students all spoke of the benefits they gleaned from their time working and participating in NHD competitions, including improved research, writing, and public speaking skills. The students also spoke of having to do primary research, and becoming used to networking and interviewing others about their areas of expertise. Topics that the students researched for their projects included the constitutionality of certain actions at the National Security Agency, experience of African-American athletes in competition in the 1960s, and the Chiricahua Apache chiefs Nana and Victorio. NHD students reported passing advanced placement exams and receiving scholarships.

Senator Morales, who attended the national competition, said this program and its successes should be highlighted. He indicated NHD is funded through the Humanities Council under the Cultural Affairs Department, which has experienced budget cuts. During the 2017 legislative session, the Cultural Affairs Department received a \$75 thousand appropriation for NHD, which was vetoed; in the past, he noted, NHD had received up to \$ 150 thousand per year.

Chair Stewart asked for clarification about how the program works, and Ms. Castillo replied it depends on the classroom set-up. Some teachers include it in their classroom instruction, while others might conduct it as an extracurricular activity. Ellen Dornan, NHD Director and Digital Humanities Program Officer with the New Mexico Humanities Council (NMHC), said the Humanities Council is proud to sponsor the students and supports them as much as possible in a variety of ways, such as direct support of competitions and travel, teacher materials and stipends, regional coordinators. In some places their efforts are supplemented by direct community support. Lordsburg sent two groups of students to the national competition; while NMHC paid for the teachers' expenses, the community raised the money needed to send the students.

Senator Gould offered her assistance with possible support from the oil and gas industry. She also mentioned possible assistance from the Daniels Fund, the Maddox Foundation, and Walmart.

When asked about district support or NHD by Representative Linda Trujillo, Ms. Page, Mr. Thompson, and Ms. Castillo all noted that, generally, there are few funds available for the program, including national scholarships, although those districts that can, hold fundraisers.

Representative Little suggested NHD should be a part of the regular social studies curriculum, emphasized as much as career technical education or science, technology, engineering and mathematics (STEM) courses, and supported as much as athletics programs. Mr. Thompson noted the nature of the program can vary by district, but that some districts offer it as a class. Some states like Utah and Colorado make it a required part of the curriculum.

Vice Chair Garcia Richard said it is important to highlight the humanities, not just STEM, noting Bill Gates was funding a history project. Mr. Thompson agreed, noting participation in NHD strengthens participants' math and science skills. Skills acquired by students in social studies and NHD competitions are those that the Common Core State Standards emphasize, including soft skills such as effective communication and identification and navigation of resources.

Senator Stewart suggested the students and teachers work with Senator Morales to meet with the Governor before the legislative session. She said the committee might like this group to come back at a later date to contribute to the discussion on performance-based assessments.

2017 Teacher of the Year. Stephanie Gurule-Leyba, who was named New Mexico's teacher of the year for 2017, introduced herself to the committee as a teacher, of 22 years, at Capital High School at Santa Fe Public Schools (SFPS). The past 10 years she taught biomedical science. She is K-12 endorsed in science and special education, and is a certified transition specialist with a Master's degree in vocational rehabilitation counselling.

Ms. Gurule-Leyba noted career technical education (CTE) pathways open up more opportunities for all students, including those intending to pursue a more academic track at an institution of higher learning. At Capital High School, she indicated students in health-related CTE programs have dual credit opportunities at Santa Fe Community College (SFCC) and Eastern New Mexico University (ENMU). ENMU, she noted, had certification programs for dual credit students, and many are interested in paramedic and emergency medical technician certification. SFCC will begin offering a first responder certification program in the spring; it currently offers a nursing program that includes one summer of work.

Ms. Gurule-Leyba advocates for students beginning career exploration and STEAM (science, technology, engineering, art, and math) education early. She founded and directs a summer program, "Scrub Club," for fourth- through eighth-grade students in SFPS; students may participate for one to three summers. The program serves 230 students with three teachers and 23 teen mentors. Participants have a research-based independent project. First-time students begin with activities such as dissection; in year two, students began crime scene investigation studies; and in year three they focus on learning to transition to college and careers. Students who complete all three years may return as teen mentors.

Chair Stewart redirected the committee's attention to the Public Education Department's adoption of the Next Generation Science Standards (NGSS) with abbreviated implementation beginning July 2018, and moved LESC write a letter to the Legislative Finance Committee requesting funding for teacher professional development to teach NGSS. Representative Smith seconded the motion with no objection.

Representative Linda Trujillo asked about the potential diploma endorsements offered through Scrub Club. Ms. Gurule-Leyba indicated three possible endorsements, depending on how well the student does. First level is an endorsement for completion of three of the five courses in Scrub Club with a C or better; second possible endorsement is "medial honors," earned by completing four of the five courses with a C or better; and the third is "medical distinguished with honors."

The representative asked about club funding. Ms. Gurule-Leyba indicated three weeks of the club costs \$60 thousand. SFPS receives help from the community, for example, from Christus St. Vincent hospital which assists with mentorships and scholarships.

Representative Little noted Ms. Gurule-Leyba was already implementing ideas from the *No Time to Lose* report and suggested this sort of arrangement could be worked into all CTE programs.

Finally, Representative Brian Egolf thanked Ms. Gurule-Leyba for her work and commended the committee for inviting her to speak to LESC. Ms. Gurule-Leyba concluded by inviting LESC to attend the annual Scrub Club Expo.

There being no further business, the Chair adjourned the meeting at 12:09 p.m.