

**MINUTES**  
**Legislative Education Study Committee**  
**Virtual Meeting**  
**November 4-6, 2020**

November 4, 2020

The following voting and advisory members were present: Voting: Chair Christine Trujillo, Vice Chair Mimi Stewart, Senators Craig W. Brandt and William P. Soules, and Representatives Alonzo Baldonado, Derrick J. Lente, G. Andrés Romero, and Sheryl Williams Stapleton; Advisory: Senators Roberto "Bobby" J. Gonzales, Gay G. Kernan, Linda M. Lopez, Michael Padilla, and Shannon D. Pinto, and Representatives Kelly K. Fajardo, Joanne J. Ferrary, Natalie Figueroa, Joy Garratt, Susan K. Herrera, Willie D. Madrid, Gabriel Ramos, Patricia Roybal Caballero, Tomás E. Salazar, Debra M. Sariñana, and Elizabeth "Liz" Thomson.

**General Fund Revenue Update.** Dawn Iglesias, chief economist, Legislative Finance Committee, provided a recurring general fund revenue outlook, stating revenue outlooks always contain some level of uncertainty; she said the Covid-19 pandemic's impact on the economy and unknown federal stimulus impacts and often changing underlying economic assumptions is especially unique. Ms. Iglesias noted recent revenue data has been stronger than expected, particularly given the high unemployment rate in New Mexico. Revenues appear to have been significantly propped up by federal fiscal stimulus earlier this year. The current outlook suggests FY21 recurring revenues could range between \$6.4 billion and \$7.3 billion. Current FY22 recurring revenues are projected to range between \$6.8 billion and \$7.6 billion.

Ms. Iglesias then discussed how Covid-19 has impacted the global, national, and New Mexico economy, throwing the United States into its deepest recession since 1929. The United States lost over 20 million jobs in April, but recovered about 10.6 million of these from April to August. New Mexico lost over 100 thousand jobs in April. By August, the state had recovered about one third of the jobs lost. In New Mexico, unemployment was at 11.3 percent in August, above the national average of 8.4 percent. New Mexico's job losses have been concentrated most heavily in the sectors of mining and logging (30.3 percent, or 8 thousand jobs) and leisure and hospitality (29 percent, or 29 thousand jobs). Ms. Iglesias noted many job seekers have stopped seeking employment and more people are moving onto extended unemployment benefits after exhausting their initial unemployment insurance benefits. As of early September, 130 thousand New Mexicans were receiving some form of unemployment benefits. These are items to watch as job recovery is monitored.

Despite the business closures and restrictions and high unemployment numbers, gross receipts tax collections and income tax collections were stronger than expected in the fourth quarter of FY20. General fund reserve balances were estimated to be 29.4 percent of recurring appropriations at the end of FY20 and the data so far suggests it might not be necessary for the state to dip into reserves for recurring appropriations. Ms. Iglesias commented on how federal fiscal policy and the monetary response to the crisis was unprecedented with \$3.9 trillion in federal income supports, near-zero interest rates, and injections of liquidity into credit markets. Other federal programs such as the U.S. Small Business Administration Paycheck Protection Program also helped New Mexico – this program at least partially supported about one-quarter of the New Mexico workforce and helped to keep businesses open. New Mexico businesses also received 9,650 loans from the Economic Injury Disaster Loan Program, totaling \$566 million. There remains a great deal of uncertainty with speculation about whether the pandemic will result in only a temporary drop in economic activity or whether it will be a prolonged event, however it appears federal stimulus propped up employment, income, and consumer spending.

Oil prices in New Mexico have recovered faster than expected, but New Mexico's current price remains below \$40/bbl. Oil production will continue to be monitored and is still projected to decline 13 percent to 30 percent, depending on how much new drilling and well completions can offset the natural decline of existing wells. Natural gas production has also declined sharply in the fourth quarter of FY20; FY21 production is projected to decline 7 percent to 10 percent from FY20. Considering macroeconomic indicators, a more muted economic recovery for New Mexico, but from a higher base, is suggested.

Senator Padilla asked how quickly can we expect data to change as the Legislature heads into the 2021 legislative session. Ms. Iglesias recognized the volatility and noted federal fiscal policy remains one of the biggest variables. Ms. Iglesias also noted LFC and the consensus group would be providing a point revenue estimate in December. Senator Padilla also expressed the need to help new legislators understand this information as part of new member orientation. Rachel Gudgel, director, LESC, affirmed there would be orientation from LESC, Legislative Council Service, and LFC to equip legislators with all information they may need.

Representative Salazar asked to confirm how recurring appropriations were utilized to balance FY21. Ms. Iglesias confirmed that FY21 recurring appropriations were reduced to \$7.2 billion in the June session from \$7.6 billion. Representative Salazar expressed appreciation for caution in the revenue estimate and asked if there is a process utilized to make decisions about using reserves. Ms. Iglesias said any use of reserves would not happen until after an audit is completed and at the very end of the fiscal year. Until the end of the fiscal year, projections are used and Ms. Iglesias provided specific variables utilized for projections. Representative Salazar asked how New Mexico compared with other states in the current economic situation. Ms. Iglesias noted there are similar trends occurring in other states where they are also seeing projected revenue levels higher than originally anticipated given the high unemployment rate and current business impacts. Federal stimulus funding appears to have similarly helped other states. In response to Representative Salazar, Ms. Iglesias said current reserves translate to about three months of the operating budget.

Senator Gonzales asked how the consensus group stress tests the budget scenario and when it occurs. Ms. Iglesias noted the stress test of the budget occurs in December and is completed by the consensus group in the state applying various economic assumptions from sources such as HIS and Moody's Analytics.

**Public Education Department's Preliminary Overview of FY22 Public School Support and Public Education Budget Priorities.** Ryan Stewart, Ed.L.D., secretary, Public Education Department (PED), presented a preview of department priorities and guiding principles for public school budgets for FY22. Mr. Stewart noted his presentation was preliminary and PED will continue to work with the executive to craft a budget request. He said the department would look to maintain recent investments, ensure appropriations are utilized to improve compliance with the *Martinez-Yazzie* lawsuit, address infrastructure needs, and providing regional support and accountability. He said PED would recommend investing dollars from the public education reform fund for infrastructure needs, including technology, educator recruitment, professional development, improvements to the statewide student information systems and data reporting tools, and increased learning time.

Representative Figueroa asked the secretary if he could identify which areas of infrastructure needs the department considered the most important. Mr. Stewart replied increased learning time and technology are both high priority, but each of these programs could be expensive. Creating an educator recruitment campaign could be less expensive and a high impact strategy. Representative Stapleton asked if additional instructional time would occur in FY21, given that many teachers had already signed contracts for this year. Mr. Stewart said that extended learning

could be built into the FY22 school year without impacting current year contracts and school districts could have flexibility to determine how and when days are added.

Representative Stapleton asked if PED was tracking school district and charter school spending of the funds appropriated for teacher mentorships in FY21. Mr. Stewart said every school district and charter school was required to submit information on the use of those funds as part of the educational plan approval process. At Representative Stapleton's request, Mr. Stewart agreed to provide this information to LESC staff. Senator Lopez asked if PED was assisting with professional development for teachers to learn how to teach online and Mr. Stewart responded PED was partnering with CNM to provide an online training course for educators across the state.

Senator Stewart noted the importance of PED sharing budget requests early so the committee can advocate for educational programs and expressed concern about diverting funding from K-5 Plus and Extended Learning Time Programs. She suggested looking to other sources of funding, such as education technology notes for some of these important needs. She noted the importance of using education reform fund dollars for their intended purpose. Mr. Stewart agreed it was important to maintain these investments and PED will continue to work with school districts to promote extended learning opportunities.

Representative Garratt asked about the retention of students who are not submitting work as part of a school district's remote learning program. Mr. Stewart noted many students face barriers to participating in remote learning, which schools need to work to remove. He said schools should not fail or retain students if they are not participating due to lack of access, but that if barriers have been removed and failure to submit work is the result of student choice, then local retention policies would come into play. Rachel Gudgel, director, LESC, noted statute governs retention decisions. Mr. Stewart said PED would comply with that when issuing guidance. In response to Representative Stapleton, Mr. Stewart said PED would shortly release additional information on supports for seniors to ensure they graduate on time. Senator Kernan asked LESC staff to send out information on retention policies.

Representative Thomson and Mr. Stewart updated the committee on the convening of a special education working group, which will examine what it will take to transform New Mexico's special education system, develop accountability and oversight systems, and create family advocacy systems.

**School Nurses and School-Based Health Clinics During Covid-19.** Nancy Rodriguez, director, New Mexico Association of School Based Health Clinics, reported many school-based health clinics (SBHCs) closed in March 2020 with the public health order, but continued to provide services. A total of 1,924 telehealth visits were conducted by the 56 SBHCs funded by the Department of Health (DOH) during the spring school closures, and 10 SBHCs conducted Covid-19 testing. SBHCs also collaborated with school districts on developing their school reentry plans for the fall. In fall 2020, half of the SBHCs were open on at least a part-time basis and providing telehealth during hours of operation. The other SBHCs are functioning fully via telehealth and referring students to local primary care clinics. Ms. Rodriguez also presented a series of recommendations, including increasing funding for SBHCs to expand their hours of service; augmenting funding to stabilize DOH staffing of SBHC programs; maintain parity for telehealth funding; support the use of Public Education Department-funded and school district-funded computers to improve student access to telehealth; and provide funding to hire a minimum of one nurse at each school district.

Cathy McDonald, school nurse, Farmington Municipal Schools, provided an update on Covid-19 in Farmington schools where 50 percent of the student population is currently attending school remotely, including prekindergarten and special education students through the school district's Jump Start program. She indicated seven staff members and 10 students have tested positive for

Covid-19, and presently 120 individuals were in quarantine as of October 13. In addition, 67 staff members had chosen to teach virtually, and the school district has not experienced any resignations due to concerns over Covid-19. Ms. McDonald noted challenges encountered by the school district during virtual learning, including collecting student immunization records, identifying students with chronic health needs, and contacting students at high-risk for mental health issues. She also noted the following challenges involved in the shift to hybrid learning: ensuring staff and students comply with guidelines to follow Covid-19 safe practices each day; screening students and staff and contact tracing; making sense of conflicting guidelines issued by PED, DOH, and the Center for Disease Control; and supporting students' mental health needs.

Lisa Crawford, school nurse, Gadsden Independent School District, and president, New Mexico School Nurses Association, said the primary challenge during Covid-19 that she has faced has been the need to constantly educate students, staff, and families regarding proper health safety protocols. She also noted a significant increase in positive Covid-19 cases in Gadsden. In her capacity as president of the New Mexico School Nurses Association, Ms. Crawford reported 18 school districts lacked a full-time nurse, and noted rural school districts have nurse-to-student ratios ranging from one nurse to as many as 1,900 students. Additionally, in rural areas, wait times for emergency medical services can be at least 45 minutes.

Representative Thomson asked how DOH staff has helped SBHCs. Ms. Rodriguez said DOH's role has expanded over time, and currently DOH staff manages contracts for student health services at SBHCs, provides clinical and behavioral management, and coordinates all interaction with Medicaid. Representative Thomson asked what the suggested caseload or student ratio for school nurses was and if any school in the state is close to the recommended level. Ms. Rodriguez responded that the nationally recommended ratio is one school nurse for every 750 students, but it can vary depending on the degree of health needs. Most schools in New Mexico meet this recommended level, but many rural schools in school districts like Pojoaque Valley and Dexter do not.

Senator Soules asked what it would cost to fund a nurse at each school. Ms. Crawford said many schools currently pay a nurse a salary of roughly \$30 thousand, but \$40 thousand to \$50 thousand would be more competitive with salaries in the broader health care field.

**House Memorial 57: School Ethical Conduct Task Force Recommendations.** Richard Valerio, executive director, New Mexico Public School Insurance Authority (NMPSIA), said NMPSIA was a part of the House Memorial 57 task force as the risk insurance provider to most school districts and all charter schools. Julie Garcia, regional director for POMS and Associates, stated educator ethical misconduct is not a new issue for NMPSIA, the state, or the country. Ms. Garcia said as many as one in 10 students will be the victim of some form of sexual abuse or misconduct by a school employee by the time they graduate and less than 11 percent of educators will report misconduct by another employee. In New Mexico and most states, there are mandatory reporting requirements. Even with this requirement, only 25 percent will report on child abuse that happens outside the school setting. Ms. Garcia emphasized the task force was not in response to any particular case. She continued that in the last 10 years, NMPSIA incurred about \$80 million for sexual molestation claims and overall they receive an average of about 9.5 claims per year. Ms. Garcia explained several recommendations included in the task force's report cost no money, but would go a long way.

Kevin Force, general assistant counsel, PED, said House Memorial 57, which passed during the 2019 legislative session, asked PED to convene a task force to identify issues of concern regarding investigation and documentation of ethical misconduct in public schools, to develop a strategic plan to address those concerns, and to study potential legislative changes pertaining to ethical misconduct among school staff. The task force included broad representation from educator stakeholders such as the National Education Association (NEA), the Attorney General's office,

Child, Youth and Families Department (CYFD), National School Boards Association, the New Mexico Coalition of Sexual Assault Programs, and many more. The task force met three times in 2019 and was generally able to achieve a consensus on issues. Mr. Force said the task force recommended changes to law and rule addressing background checks, reporting, and procedures to recognize signs of abuse.

Mr. Force said current background check requirements fail to address challenges created where potential employees may engage in unethical behavior in one jurisdiction and move to a new place where they are unknown. The task force recommended enacting legislation similar to other states, such as Pennsylvania, Connecticut, Nevada, New Jersey, and Maryland, which have passed “stop educator sex abuse, misconduct, and exploitation” (SESAME) laws that focus on communication among current, former, and prospective employers. Typically, these states require applicants to provide a list of schools where they had unsupervised contact with children and provide documentation that may have risen from investigations like these. The task force also believed training programs should reflect the expertise of NMPSIA and apply to anyone involved in activities, including volunteers and all personnel that have unsupervised contact with children.

Mr. Force also shared the recommendation to increase the investigatory capacity of PED, school districts, and regional educational cooperatives. Mr. Force said the task force recommended establishing a central database and website for reporting ethical misconduct. The task force believes interagency communication is key and necessary because of the structure of multiple investigations happening simultaneously and parallel to one another. The task force recommended requiring reports to PED when the alleged misconduct is a student or the perpetrator is a public school employee or volunteer. Mr. Force shared other recommendations, including adding definitions within the ethical responsibilities of the profession, establishing a hotline where suspicious misconduct can be reported, and including information on ethical misconduct for school districts and charter schools to access on PED’s website.

Representative Garratt asked if a situation where a supervisor or administrator commits sexual harassment against a subordinate is addressed in these recommendations. Mr. Force said a formal report of this nature should be captured under SESAME laws to prospective employers. Representative Garratt said she is concerned because she has seen instances in schools where this happens and it is covered up. Mr. Force said even if a non-disclosure agreement was in place, a prospective employee would still be required to disclose this. Under the SESAME laws, there are penalties if individuals fail to disclose.

Representative Thomson asked about the methodology to make sure individuals with a history of ethical misconduct could not go work at another school district. Mr. Force said SESAME laws should include some database where ethical misconduct can be tracked. If it is being properly tracked and reported, then a school district or charter school should not hire that person. Representative Thomson asked if the individual did not lose their teaching license and a school district decided to hire them, how that would impact liability. Mr. Force said if you hire someone who abused children in the past, and they abuse children after you hire them, it probably is appropriate that the school district be sued.

Chair Trujillo asked what happens during remote learning if a teacher is looking into someone’s home and they notice something inappropriate in the background. Ms. Garcia said teachers who observed a parent being abusive on the camera are being instructed to report incidents to CYFD. Chair Trujillo asked if this type of training is happening currently under NMPSIA. Ms. Garcia said NMPSIA has conducted a couple of webinars highlighting the risks with remote learning, including spotting potential child abuse.

**Albuquerque Public Schools and New Mexico Public School Insurance Authority FY22 Health and Risk Insurance Requests.** Valerie Atencio, senior director of employee benefits, Albuquerque Public Schools (APS), began by explaining the potential insurance cost impacts of the Covid-19 pandemic remain unclear, but changes during the June 2020 special legislative session prohibited school districts from paying an increase of more than 6 percent for health insurance premium increases in FY21. APS anticipates the increased cost of Covid-19 will be about \$1.6 million, representing a 2.4 percent increase in direct medical costs. In 2019, APS medical claims represented 7.7 percent of total claims, driven by increases in inpatient facility, emergency room, and pharmacy claims. APS made changes to its plans to add Cigna as a fourth medical provider, increase medical, dental, and vision premiums by 6 percent, simplified medical plan designs with exclusive providers and preferred providers, adjusted plans for 4.8 percent lower medical claims. APS anticipates an impact of 6 percent increases to premiums, drawing \$1.3 from the school district's cash reserves. Under this plan, all employees will receive a net increase to take-home pay.

Todd Torgerson, chief of human resources and legal support services, APS, noted APS risk management insures 12 thousand permanent employees and over \$2.9 billion in property values. APS sees stability and consistency in the number and amounts of claims it receives annually and has developed a reputation for effective risk management and return to work policies. APS requested an appropriation of \$8.3 million to the public school support insurance allocation to cover the school district's portion of insurance premium increases.

Mr. Valerio explained NMPSIA requested another state funds appropriation of \$458 million for FY22, a 10.5 percent increase from the agency's FY21 operating budget. The agency estimates school districts and charter schools will need approximately \$19.3 million in new funding appropriated to the state equalization guarantee distribution to cover the employer share of premium increases, independent of APS's \$8.3 million request. Eighty-five percent of NMPSIA members live in rural areas of the state with higher medical costs and lower Medicare and Medicaid reimbursement rates. Since 2019, NMPSIA has observed an increase in member claims for diabetes, asthma, hypertension, and mental health treatment. However, the agency has cut costs by providing telemedicine visits and engaging in several cost-saving agreements with ExpressScripts. From March through September 2020, NMPSIA has seen a cost of \$2.5 million associated with Covid-19 testing and treatment and projects the costs to reach \$4.9 million by the end of the calendar year. NMPSIA increased FY21 premiums for high option plans by 6 percent, and low option plans by 2.1 percent to keep the low option plans affordable. However, the agency projects an increase of 9.3 percent to premiums will be necessary in FY22. Regarding risk management, NMPSIA is seeing fewer worker compensation claims and general liability claims, but the severity of each claim is increasing. Particularly, payments for sexual molestation and inappropriate touching claims have been increasing exponentially.

Representative Sariñana explained significant challenges in recruitment and retention of teachers will be created if the increase in premiums outpaces the rate of salary increases.

#### November 5, 2020

The following voting and advisory members were present: Voting: Chair Christine Trujillo, Vice Chair Mimi Stewart, Senators Craig W. Brandt and William P. Soules, and Representatives Alonzo Baldonado, G. Andrés Romero, and Sheryl Williams Stapleton; Advisory: Senators Roberto "Bobby" J. Gonzales, Gay G. Kernan, Linda M. Lopez, Michael Padilla, and Shannon D. Pinto, and Representatives Kelly K. Fajardo, Joanne J. Ferrary, Natalie Figueroa, Joy Garratt, Raymundo Lara, Willie D. Madrid, Gabriel Ramos, Patricia Roybal Caballero, Tomás E. Salazar, Debra M. Sariñana, and Elizabeth "Liz" Thomson.

**Gadsden Blended Senior Year: A New Model for Dual Credit Delivery.** Tracey Bryan, CEO and president, The Bridge of Southern New Mexico, described The Bridge of Southern New Mexico's accomplishments and discussed current efforts of the organization, including how they are continuing to work toward a prekindergarten to post-high school education system as a way to better support students to become college and career ready. Ms. Bryan commented on the importance of dual credit courses, highlighting best practices identified by the Southern Regional Education Board (SREB), a nonpartisan nonprofit that works on education improvement across the country. Ms. Bryan then provided an overview of the development of Gadsden blended senior year pilot program, which provided a new model to offer dual credit. In this pilot program, Doña Ana Community College (DACC) partnered with Santa Teresa High School in the Gadsden Independent School District (GISD).

Mr. Travis Dempsey, superintendent, GISD, described the importance of a system that approaches education from prekindergarten to post-high school. Mr. Dempsey also addressed the concern of "random" dual credit courses, in which students may take courses that are not connected to one another or a path that results in certification, and how this pilot program is designed to provide more aligned dual credit courses that result in certifications that students can use.

Nicholas Wohlgemuth, principal, Santa Teresa High School, GISD, described the pilot program in more detail. In this pilot, 10<sup>th</sup> grade students first express interest and create a plan to participate, including GPA and course completions to date. In 11<sup>th</sup> grade, students enroll in a college success course and take the Accuplacer exam. The college success course requires students to make four plans: a career plan, an education plan, a financial plan, and a transportation plan. Students spend an entire year in this course and get exposure to blended advising from both the high school and college. Students then begin dual credit the summer before their senior year by taking an entry-level government course that summer. Enrollment in additional dual credit courses happens during the student's senior year. Mr. Wohlgemuth provided a visual of the program, including the role of the high school and the role of the community college in providing these courses and described the multiple pathways for a variety of students – both those who may be excelling academically and those who may require more support – to participate in the program. If a student is struggling in high school, the high school will often limit the number of dual credit courses a student may take at DACC.

Monica Torres, Ph.D., president, DACC, emphasized student opportunities for success are key elements of the program. For example, the college success class taken in 11<sup>th</sup> grade and a similar first dual credit course are key to student success. Ms. Torres expressed awareness about previous legislative concern of "dual credit to nowhere," in which dual credit courses may not be connected to outcomes of an actual certification or pathway to postsecondary education for students. Ms. Torres said programs like this pilot program are beneficial for all students, including those wanting to pursue four-year degrees. Ms. Torres noted there was immense collaboration between the high school and community college during the pilot and said effective dual credit programming requires expertise and resources at both the high school and college. In the pilot program, workgroups between the high school and community college were used to better connect the secondary and postsecondary institutions.

Ms. Bryan noted this program was also independently evaluated by the Southwest Outreach Academic Research (SOAR) Evaluation & Policy Center at New Mexico State. In this program evaluation, all participants were interviewed and researchers also developed a model to determine the true program cost for both the postsecondary institution and the high school. Ms. Bryan explained that, historically, it has been difficult to determine a clear cost for dual credit.

Representative Garratt asked if every 11<sup>th</sup>-grade student at the high school takes the college success course. Mr. Wohlgemuth said only students taking dual credit courses take the college

success course, but parents and students expressed interest and GISD is considering expansion to additional students.

Representative Salazar inquired about statutory requirements to accommodate special education students in dual credit programs. Mr. Wohlgemuth said the program at Santa Teresa High School is open to all students, including those with disabilities. This program is discussed in individualized education plan meetings and school administrators at Santa Teresa High School work to include all interested students in the program. Amanda Vescovo, associate director of academic advising, DACC, said any student with the need for special accommodations is referred to the accessibility office at DACC. Gema Suggs, vice principal, Santa Teresa High School, provided an example of a student enrolled in the program who needed special accommodations and commented on the student's success in the program. Representative Salazar inquired about rigor in dual credit courses and whether high school students are receiving college-level instruction. Dr. Torres noted there have been developments in dual credit delivery and all educators in these courses now have a framework for credentialing so they are teaching at the postsecondary level.

Representative Ferrary asked if the development of coursework in the high school is closely coordinated with career pathways. Mr. Wohlgemuth said the high school is continuing to improve its career pathway offerings with those offered by postsecondary institutions. Mr. Wohlgemuth noted any career certificate increases the earning power of students upon high school graduation. Ms. Suggs provided a specific example of a high school student in the pilot program that earned a certificate that will allow the student to pursue employment as an auto mechanic while pursuing their ultimate goal of becoming an engineer at a four-year institution. Representative Ferrary asked how the high school is preparing students to attend courses at college campuses from a personal safety perspective. Ms. Suggs said parents also have many questions about this and that it is often addressed in the courses as a result. Representative Ferrary asked about the high graduation rate in GISD and whether this program contributes to that. Mr. Wohlgemuth said the pilot is one of many programs they offer to improve student outcomes. He also noted GISD capitalizes on its strong community ties to build options for students. Mr. Dempsey said GISD is the sum of small communities and that this is the type of the program that helps to expose both students and parents to higher education, improving outcomes for students.

**Public Education Department Data System Upgrades and Implementation of Laws 2020, Chapter 71 (Senate Bill 96).** Adan Delgado, deputy secretary of finance and operation, Public Education Department (PED), explained the findings in the *Martinez-Yazzie* lawsuit and that recent increases in funding for public education heightened stakeholders' expectations about school financial data transparency. Laws 2020, Chapter 71 (Senate Bill 96) requires PED to create a statewide school district and charter school financial data system that allows comparisons among school districts. The financial data system will be designed to provide data in a timely, relevant, and digestible fashion. Additionally, automating validation processes will create a less labor-intensive system, saving schools time and money. Finally, PED plans to provide a public-facing data dashboard, similar to the Colorado Department of Education's financial transparency dashboard. In addition to building the financial data system, PED is also exploring a real-time data project to improve accuracy and timeliness of STARS data, as well as a statewide student information system that may improve the state's capacity to access and analyze student data and save time and money for school districts and charter schools statewide.

Mary Montoya, chief information officer, PED, noted the Department of Information Technology has certified the project, and PED has begun the initiation phase of the project, which includes stakeholder engagement. David Craig, director, PED school budget and finance bureau, explained the department has begun revising its uniform chart of accounts to comport with new federal reporting requirements and now has an opportunity to build-in federal transparency and



reporting requirements that may not be optional in the future. Ultimately, the new financial data system will be accompanied by an expanded chart of accounts.

Representative Thomson asked how PED ensures funding generated for special education students is spent to support those students. Mr. Craig noted it is difficult to track funding to particular students, but explained at the school district or charter school level, PED's special education bureau works to ensure the dollars allocated for special education chart of accounts codes are at least as much as the prior year. Spending levels must meet certain thresholds to meet federal "maintenance of effort" requirements. Ms. Gudgel noted school districts should know how much funding they spent on special education students because of local maintenance of effort requirements, but PED has historically made those calculations for school districts, and in the past few years PED has miscalculated local maintenance of effort numbers. Representative Thomson explained she was concerned about this, and was considering legislation to track special education funding down to individual students.

Representative Salazar asked how the federal Every Student Succeeds Act (ESSA) changed expectations about what data should be reported about schools, like academic outcomes, social and emotional learning, and per-student spending. Mr. Delgado pointed the representative to the New Mexico Vistas school dashboard, which was designed to meet the requirements of ESSA and the state School Support and Accountability Act. Representative Salazar believes an element of data transparency is ease of use; if individuals cannot figure out how to use the data system, it is not a transparent system. Mr. Delgado agreed, and noted current systems are likely not built in a way that parents can easily access financial data. Ms. Montoya noted the early stakeholder engagement process is designed to address concerns end users' concerns about transparency.

Senator Stewart asked for a more detailed budget and description of other PED data projects. Mr. Delgado explained an appropriation for cybersecurity created a contract with RiskSense to test school district and charter school network security and provide training and technical assistance in individual schools. PED's real-time data system is under contract and has been creating robust automated validation processes that will help data be more usable and timely. The department's educator preparation program database has made significant progress, but Mr. Delgado did not share details.

**Update on New Mexico Re-Entry Efforts.** Ryan Tolman, program evaluator, Legislative Finance Committee (LFC), said remote instruction has improved since schools have begun reopening for the fall 2020 semester, but not enough to eliminate what has become known as the "Covid slide," the amount of learning students will lose as a result of months of low-quality remote instruction. Covid-19 will likely compound New Mexico's existing learning gaps, with the largest learning losses impacting low-income and minority students. These learning gaps will be difficult to evaluate, because home-based assessments may have introduced testing irregularities like parent assistance. Mr. Tolman explained the state should be prepared to invest in Extended Learning Time Programs and K-5 Plus, as well as high-quality teaching, early warning systems, acceleration academies, and high-dosage tutoring. Mr. Tolman also noted the pandemic has begun to take a toll on student social and emotional wellbeing, with an anomalous increase in student suicides in recent months.

Cally Carswell, program evaluator, LFC, explained New Mexico's reentry criteria and local school district decisions will keep most students in remote instruction through at least the fall semester. Even though many school districts were eligible to reopen, school districts and charter schools serving approximately one third of the state's students chose to do so. Nationally, New Mexico is only one of seven states subject to a governor's order keeping public schools closed. The late rollout and shifting school reentry criteria delayed school reopening in some areas of the state. Ms. Carswell noted there is evidence that school reentry can be done safely if proper precautions are taken, highlighting successful reentry efforts in populous New York City and California. Two

major keys to successful school reentry are low rates of community transmission and the adoption of mitigation measures in schools, including masks, improved ventilation, and cohorting. Ms. Carswell recommended the state adopt a goal and create a complete and transparent roadmap for school reentry, prioritize at-risk students for reentry, identify and monitor student academic needs after months of remote learning, and consider options for addressing learning loss like universal extension of the school year.

Tim Bedeaux, senior policy analyst I, LESC, presented two resources created by LESC staff to track reentry efforts statewide. First, LESC staff have created a map overlaying county-level and school district-level data about Covid-19 transmission. Based on a combination of data from PED and the Department of Health, the map shows many schools that were eligible to reopen chose to remain closed, while other schools that may have been forced to close due to increases in virus transmission were allowed to stay partially open with small-group or hybrid learning environments. Second, LESC staff has compiled summaries of PED's multiple reentry documents into a single document, with links to the in-depth guidance from the department.

Senator Kernan asked whether New Mexico's gating criteria reflected gating criteria in other states. Ms. Carswell explained there is no single agreed upon definition about appropriate gating criteria, but New Mexico stands out from a number of other states by establishing independent thresholds for elementary schools and middle and high schools. Senator Kernan is concerned that New Mexico is going to fall further behind other states that are already reopening. For example, Texas is already completely reopened, and students from Hobbs will be competing with Texas students for jobs in that area in the future. Senator Kernan also noted Lee County has had two suicides, and the state is not doing enough to ensure students are socially and emotionally healthy.

Senator Gonzales asked whether staff had drafted any proposed statutory changes to address school reentry issues. Ms. Gudgel explained the ideas will start to emerge over the next few months as staff and agencies begin to work on budgets. Senator Gonzales noted it would be good to get this information sooner, rather than later. Ms. Gudgel agreed, and shared PED should be submitting funding requests for their initiatives on September 1, as is required of every other state agency. PED has historically not complied with this statutory requirement, limiting staff's capacity to conduct meaningful analysis of the public school support request.

Representative Figueroa noted there is not enough data about whether students are attending schools and receiving high quality instruction. She urged the state to collect more data about how many students, parents, and teachers are ready to return to school, and how many have actually done so. Ms. Carswell responded the state is not meaningfully tracking this information, though individual school districts have done surveys to identify their specific staffing needs. Representative Figueroa explained this data is crucial for developing a timeline and a budget, and highlighted the LESC reentry tracking map as a powerful, up-to-date resource, that would benefit from a number of other data points about reentry.

**Early Childhood Education and Care Funding Performance Update.** Jon Courtney, Ph.D., deputy director, Legislative Finance Committee (LFC), Kelly Klundt, principal analyst, LFC, and Dawn Iglesias, chief economist, LFC, presented on New Mexico's early childhood education and care system. Ms. Klundt provided an overview of early childhood education programs, recurring funding history, and New Mexico's early childhood population. Ms. Klundt noted the birth to 5-year-old population has declined by 20 percent over the last decade, which should be considered when funding services to avoid over saturation. Three of every four births in New Mexico were supported by Medicaid, which provides an opportunity to extend services by leveraging Medicaid funds. Mr. Courtney reviewed the value of early childhood investments for education outcomes of at-risk students. He noted that while LFC finds that while students in New Mexico schools generally learn a year's worth of information each year, at-risk students start school behind their peers making it challenging to catch up. Ms. Klundt stated that early childcare funding has

increased over 103 percent since FY15; these increases have allowed more students to be supported by the early childcare system. Mr. Courtney reviewed the impact of early childcare programs, finding that while each program benefits and magnitude of positive impact vary by program.

Senator Stewart asked if the Tax Stabilization Act will lessen the amount going into the reserves to put more money into the childcare fund. From a general fund stabilization standpoint, Ms. Iglesias said a better option would be to adjust the 8 percent operating reserve cap rather than adjusting the school tax distribution. Senator Stewart followed up by saying that there needs to be more funding in the early childhood and care trust fund. Ms. Iglesias recommended keeping in place the mechanism that currently exists to provide funding sources and encouraged LESC to consider funds be moved out of another allocation to create a new revenue stream and offered to work with Senator Stewart to develop new funding ideas

Senator Soules noted that \$30 million in early childhood funding is not enough to cover costs, and further explained he hears New Mexico has increased funding for early childhood education, but the majority of the money has gone to K-5 Plus, while home visiting programs that have the highest return on investment have received the least amount of funds. Ms. Klundt noted that if New Mexico was to scale the Medicaid pilot for home visiting, there is enough general fund money for home visiting to leverage sufficient Medicaid funds to scale home visiting statewide. Mr. Courtney further noted that in the 2019 evaluation, the recent investments in quality should lead to better childcare program outcomes. Senator Soules explained if childcare centers are not preparing students for school, they should not be considered investments in early childhood education. Senator Soules asked about the number of 4- or 5-year olds who are staking services and asked about programs for children under 3 years old, which generally serve less than 10 percent of that age group. Ms. Klundt noted more than 1,000 students are receiving stacked services and the increased expense of serving students up to 3 years old.

**Alternative Methods for Including At-Risk Students Into the At-Risk Index.** Joseph Simon, principal analyst, LESC, provided an overview of the history and data sources used to calculate the at-risk index. He said the at-risk index was designed to identify the conditions present within an individual school district that indicated their schools would require additional resources to sufficiently educate their students. School districts would then decide at the local level how to allocate these funds. He noted this decision has implications for how charter schools are funded for at-risk services because the current calculation relies on Title I eligibility information, which is only available for school districts. As a result, charter schools currently receive the at-risk index of the school district in which they are geographically located, even if they serve many more or many fewer at-risk students. He also said a more complicated “index” hinders budget transparency and tracking funding from the public school funding formula to school district and charter school expenditures. Mr. Simon reviewed other sources of data, noting federal changes to the National School Lunch program limited the utility of free and reduced-fee lunch data, which the state currently uses to designate “economically disadvantaged” students for federal accountability purposes.

Raphael Martinez, executive director, Albuquerque Sign Language Academy, presented a proposal for an “opportunity and equity index.” He said the proposal aligns with the findings in the *Martinez-Yazzie* lawsuit by allocating additional funds for economically disadvantaged students, English learners, Native American students, Hispanic students, African American students, students with disabilities, and mobile students. The proposal would rank every school in the state, based on the percentage of the school’s population that falls within the criteria and provide additional funding for those with a higher share of their population from the given demographic groups. Charlotte Alderete-Trujillo, executive director, South Valley Preparatory School, said the proposal would better target resources to student groups that are achieving lower test scores. Schools with a higher share of students that meet the criteria included in the proposal

tend to have lower proficiency rates on standardized assessments, a key indicator for the court in the *Martinez-Yazzie* lawsuit.

Secretary Stewart of the Public Education Department said PED was committed to ensuring at-risk funding is used to meet the needs of students that need the resources the most. He said PED agreed there were limitations to the way economically disadvantaged students are identified and getting to more precision in identifying those students would be an advantage.

Senator Soules asked which demographic characteristic was most correlated with student performance and M. Kim Johnson, analyst, Cypress Tree New Mexico, said in the past few years, the highest correlation has been the percentage of students that are Native American, Hispanic, or African American. The second highest correlation is with economically disadvantaged students. Senator Soules asked if the proposal would hold school districts harmless to any change and Mr. Martinez said the goal was to redistribute the resources to the place where the resources will be most effective in increasing student achievement. In response to Representative Romero, Mr. Martinez said that money is allocated on the basis of demographic information. He said the relationship to student performance is correlative, not causative.

Representative Romero asked if PED was collaborating on the proposed opportunity and equity index and Secretary Stewart said that while the department has not been working on this specific proposal, PED agreed philosophically with the goal to direct resources to at-risk students to the schools with the most at-risk students.

In response to Representative Ferrary, Mr. Martinez said although the opportunity and equity index includes an element for student with disabilities, the proposal was not to change the weighting factors for special education that already exist in the calculation of the public school funding formula.

**New Mexico Association of Colleges for Teacher Education: Legislative Priorities in Support of the Preparation of Increased Numbers of Quality Teachers in the Educator Pipeline.** Deb Dirksen, college of education dean, Western New Mexico University (WNMU), stated the deans and directors of New Mexico's colleges of education and members of the New Mexico Association of College for Teacher Education developed a suite of legislative and organizational priorities that address the teacher pipeline. Ms. Dirksen said the group's vision is to improve educational outcomes for New Mexico's linguistically and culturally diverse communities and said the group determined strategic goals based on this premise. The plan would create articulation agreements between two-year and four-year colleges, so students complete foundational courses and move right into a teacher preparation program at the junior level when they transfer. Funding should be provided for all teacher residency models and other supports for new teachers and alternative licensed teachers, potentially through standardized mentorship programs for administrators and teachers through a statewide mentor or clinical experience portal. This type of portal would identify high-quality level 3 mentor teachers to work with alternative licensed teachers and traditional teachers who need extra support the school district cannot provide. With a majority of New Mexico students serving less than 1,000 students, high-need school districts do not have the staffing to provide the level of support they need.

Catron Allred, director of teacher education for Central New Mexico Community College (CNM), said alternative licensure programs are now preparing a majority of new teachers and programs need to be changed to provide teacher candidates more support. Ms. Allred stated the problem is school districts are not providing in-depth classroom support that all new teachers need, especially teachers who are taking teacher education classes at the same time they begin teaching. She said the current mentorship programs that most school districts have were designed for traditionally-prepared teachers, who completed one year of student teaching in someone else's classroom and most mentors are also responsible for their own classroom. Ms. Allred

proposed to provide more support for alternative licensure that lead to an increases in-classroom support. She shared models that have been piloted with some success; the University of New Mexico (UNM) has a teacher residency model, CNM has a special education co-teaching training model, and WNMU used retired level 3 mentor teachers support alternative license teachers in their classroom. She said there are challenges to implementation without financial and staffing support, such as alternative licensure teachers needing to be paid and school districts that do not have extra personnel to provide mentor support.

Ms. Dirksen shared another goal of the group is to improve data sharing and improve the metrics in the educational accountability report. Hansel Burley, college of education and human sciences dean, UNM, shared high-performing nations, like Singapore and Finland, use data-tracking systems on school personnel as a backbone to the system. Mr. Burley shared data can reveal many insights about the teaching profession like why teachers are coming into the field, and more importantly why are they leaving.

Smith Frederick, with the Office of Student Success at UNM, shared the statutorily-required educator accountability report system could be improved beyond a one-way exchange of data to include information from area school districts, PED, and other statewide information to better understand the teacher pipeline; the dean's and directors group wants to convene a subgroup to propose specific changes that could assist in this effort. Mr. Frederick also said to make the report more meaningful, it would be beneficial to integrate New Mexico State University's (NMSU) educator vacancy report to get a full picture of the teacher pipeline. Mr. Frederick shared schools of education want to know where their program completers teach, how long they stay in their positions, and how are they performing. He continued saying the data could be used for program improvement, program approval, and for programs accreditation process. Mr. Frederick suggested the report could align regional vacancies to projections on teachers' preparation so programs could adjust to meet the demand. He concluded, noting accurate data will help meet the state's teacher pipeline needs and will show programs what is hindering them to reach these goals.

The last priority Ms. Dirksen shared is creating higher education formula funding for teacher education programs, to provide funding for wraparound services to increase the number of teachers into the pipeline. She said new opportunities and needs have arisen from findings from the *Martinez* and *Yazzie* consolidated lawsuit. New Mexico's teachers do not reflect the students they serve. She said this has highlighted needs to require integrating teaching English to speakers of other languages, English as second language methods, and preparation to work with students with disabilities throughout preparation for all teachers. Ms. Dirksen shared they need support for recruitment, testing support, advising, and tutoring.

Dawn Wink, director of teacher education at Santa Fe Community College, thanked the LESC for creating and supporting the Grow Your Own Teacher and the Teacher Preparation Affordability scholarships and said the funds are crucial to support recruitment and retention of diverse candidates in response to the *Martinez* and *Yazzie* consolidated lawsuit. She continued that in FY20, 37 candidates were supported through Grow Your Own Teacher scholarship funds. Eighteen students continued to be funded for a second year and 30 total students are supported so far in FY21. For the Teacher Preparation Affordability Act funding, 839 students were supported in FY20 with 361 teachers continuing to be funded for the second year. She stated that for FY21, 739 total teachers have been given these awards. Ms. Wink said one of the issues with the Grow Your Own Teacher scholarship is the professional release time that is built into the scholarship, with the assumption that school districts will release recipients to attend higher education courses. She shared another challenge is the restrictiveness of the term educational assistant.

Representative Garratt shared with presenters that she created the Grow Your Own Teacher Act and she is currently working on the expansion of the educational assistant definition. She stated the reason behind the two- year requirement was to make the program financially sustainable

and asked why there was a suggestion to change that requirement. Ms. Wink shared many students at Santa Fe Community College pursuing credentials in early childhood have not been educational assistants for two years, preventing them from receiving funding.

#### November 6, 2020

The following voting and advisory members were present: Voting: Chair Christine Trujillo, Vice Chair Mimi Stewart, Senators Craig W. Brandt and William P. Soules, and Representatives Alonzo Baldonado, G. Andrés Romero, Sheryl Williams Stapleton; Advisory: Senators Roberto "Bobby" J. Gonzales, Linda M. Lopez, Michael Padilla, and Shannon D. Pinto, and Representatives Kelly K. Fajardo, Joanne J. Ferrary, Natalie Figueroa, Joy Garratt, Susan K. Herrera, Raymundo Lara, Willie D. Madrid, Gabriel Ramos, Patricia Roybal Caballero, Tomás E. Salazar, Debra M. Sariñana, and Elizabeth "Liz" Thomson.

**The Educator Pipeline: An Update on Teacher Vacancies, Preparation, Recruitment and Retention.** Rachel Boren, director, New Mexico State University (NMSU) Southwest Academic Outreach Research (SOAR) evaluation and policy center, presented the most recent educator vacancy report created to provide a picture of staffing needs in New Mexico public schools. The state has approximately 900 educator vacancies, with teachers making up the highest portion of the vacancies with 571 vacancies. This represents a decrease in vacancies for the past two years. Educational assistant vacancies also decreased to 173 educational vacancies, down from about 250 vacancies in the previous year. Consistent with previous years, most of the vacancies were in elementary schools, which had 163 vacancies, and special education, which had 153 vacancies. Also, consistent with previous years, math, science, English language arts, and music teachers are most needed.

Ms. Boren shared educator preparation program admissions increased to 1,287 compared with the previous year's 1,094 admitted candidates. Program completers also increased by 191 from 746 completers in 2019's report to 927 in the new report. More than half of both admissions and completers last year were from alternative licensure programs. Teacher-candidates are primarily graduating in social studies, English language arts, math, and science. Ms. Boren concluded a decrease in teacher vacancies for the second year in a row is encouraging, but next year is uncertain due to the Covid-19 public health emergency.

Kersti Tyson, director of evaluation and learning, Los Alamos National Laboratories (LANL) Foundation, said last fall they surveyed 610 teachers and 367 students in 32 school districts, charter schools, and tribally-controlled and Bureau of Indian Education schools in the seven-county region served by the LANL Foundation. Seventy-seven percent of local community teachers attended New Mexico institutions of higher education, teachers who tend to stay and work in the communities that they grew up and for longer periods than other teachers. In addition, local community teachers tend to pursue bilingual or teaching English to speakers of other languages certifications at higher rates than non-local teachers. Additionally, most teachers are struggling due to lack of support and feeling undervalued. Ms. Tyson said school leadership and pay are two factors that influence teachers' job satisfaction and retention. Eighty-eight percent of teachers surveyed collaborate with their colleagues and are committed to ongoing learning and professional development. With the majority of new teachers now coming from alternative licensure pathways, there is a need to strengthen alternative teacher preparation programs. Finally, 28 percent of students expressed interest in becoming teachers but were dissuaded by a perceived lack of respect for teachers, low salaries, and lack of support for becoming a teacher from the adults in their lives, including their very own teacher.

Ms. Tyson said the findings led to recommendations for recruiting and retaining excellent teachers in Northern New Mexico. First, Northern New Mexico should prioritize recruitment of youth who reflect Northern New Mexico communities. Second, Northern New Mexico should

reimagine and focus teacher preparation programs on fostering partnerships with Northern New Mexico schools and school districts. Finally, Northern New Mexico should strengthen school systems through robust support and development of school leadership and teachers.

Representative Garratt asked if any of the presenters are surveying folks that joined alternative licensure programs to see what motivated them to change careers and join the profession. Ms. Tyson shared many join the teaching profession because they find it fulfilling. Representative Garratt asked about trends in principal leadership training. Ms. Tyson agreed that leadership is important and the programs that are making a difference are not only thinking about preparing principals for the business side of running the school, but also the instructional leadership side of the school.

Representative Herrera asked LANL Foundation staff how many new teachers are needed in their area each year. Ms. Tyson shared in 2019 when the state had 644 vacancies, northern New Mexico had 135 vacancies. Representative Herrera continued that long-term and short-term solutions need to be looked at to retain alternative licensure teachers and recruit people to come into teaching. She added recruitment needs to happen locally and suggested creating cohorts of rural students, work with them in over four years, and have them work as educational assistants while they are going to school. She suggests doing this by having private entities partner with the state to fund these types of initiatives. Ms. Parks agreed and suggested that it may be a bigger problem than the report shows because it is looking at current vacancies instead of looking at what ideal staffing would be. She said she hopes stakeholders can all come together and school districts, the state, and foundations can come up with a real strategy, including supporting and improving alternative licensure programs.

Senator Stewart highlighted the importance of this report and the valuable perspectives from teachers and students in public schools. These findings are not new, but they are important to reminding us leadership, support for teachers, and uplifting the profession matters. Efforts by this committee have been undertaken but, more needs to be done. Representative Figueroa agreed and suggested studying different pathways to see which are effective in terms of teacher retention and teacher satisfaction. Representative Trujillo shared they would like updates in the future on how educator pathways are doing so classrooms are full of capable and effective educators.

**The CROWN Act: Preventing Discrimination Based on Race-Based Hairstyles.** Representative Williams-Stapleton, District 19 Representative and House Majority Floor Leader, presented an overview of race-based hair discrimination and reviewed language of the proposed bill related to different protected hairstyles, such as braids, locks, bantu knots, and other cultural-based natural hairstyles. Representative Stapleton reviewed data that has indicated black women are 30 percent more likely to be made aware of a formal work place appearance policy compared with their non-black counterparts, and that black women's hair is 3.4 times more likely to be perceived as unprofessional.

Devont'e Watson, president of Watson & Associates International, situated the proposed CROWN Act within the broader history of civil rights in the United States, in particular the 1964 Civil Rights Act, and discussed different forms racial violence and unconscious bias for people of color who often are stigmatized and deemed "unprofessional." Mr. Watson mentioned, as examples, a high school wrestler in New Jersey who was forced to cut his hair and a teacher's verbal abuse of a student at Cibola High School in Albuquerque. Mr. Watson asserted that hair discrimination is racial discrimination.

Malia Luarkie, director of Indigenous Women Rising, described her personal experiences as a victim of hair-based discrimination growing up mixed race at Laguna Pueblo. These experiences

increased in her adulthood, when she was made to feel unprofessional and unfit and, she asserted, was prevented from greater opportunities.

Sheryl Means, professor at the University of New Mexico, spoke about the historical significance to African-American womanhood of hair, which traditionally was a sign of wealth and status and a way to situate oneself socially and politically. She described how hair became a powerful signifier of “blackness” of not only personal identity but of political and social agency as well, asserting that passage of the CROWN Act represents one step toward dismantling this racial history.

Aja Brooks, president of the New Mexico Black Lawyers Association, presented more data illustrating the importance of the issue at hand, discussing case law over the past 40 years in the United States in which African-American women were subjected to workplace prohibitions on what employers deemed “excessive hairstyles,” “unkempt,” or “messy.” Ms. Brooks affirmed that seven states – California, New York, New Jersey, Colorado, Washington, Virginia, and Maryland – and the U.S. House of Representatives have passed the CROWN Act (as well as the U.S. military).

**Creation of a Bilingual Multicultural Education Advisory Council in Statute.** Viridiana Cisneros, co-chair of the state’s Bilingual Multicultural Education Advisory Council, and Adrian Sandoval, member of the council, presented jointly on the topic of establishing the Bilingual Multicultural Education Advisory Council in statute. They informed the committee that the council has been in existence since 1970 when it was known as the State Bilingual Advisory Council. The council advocates for students and teachers and advises PED on concerns related to English learners and bilingual-multicultural education programs (BMEPs), including establishing guidelines for bilingual programs and developing assessments for Spanish language proficiency. In the past, the council has advocated for the state to address the shortage of licensed bilingual education teachers and English as a second language teachers and for the Legislature to increase the funding formula weight for BMEPs. They advocated for a bill this legislative session to create a Bilingual Multicultural Education Advisory Council in statute similar to the Indian Education Act Advisory Council and Hispanic Education Advisory Council.