

MINUTES
Legislative Education Study Committee
New Mexico State Capitol
House Chamber and Virtual Meeting
Santa Fe, New Mexico
August 24-26, 2020

August 24, 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, Rebecca Dow, Derrick J. Lente, 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, David M. Gallegos, Joy Garratt, Susan K. Herrera, Raymundo Lara, Willie D. Madrid, Gabriel Ramos, Patricia Roybal Caballero, Tomás E. Salazar, and Elizabeth “Liz” Thomson.

The following voting and advisory members were not present: Voting: Senator Candace Gould and Representative G. Andrés Romero; Advisory: Senator Daniel A. Ivey-Soto and Representatives Natalie Figueroa, D. Wonda Johnson, Tim D. Lewis, and Debra M. Sariñana.

On a motion from Senator Stewart and a second by Representative Dow, the committee approved the agenda for the August LESC meeting. On a motion from Senator Stewart and a second by Representative Dow, the committee approved the minutes from the July LESC meeting.

Basics of the Public School Funding Formula and School Spending. Joseph Simon, principal analyst, LESC, provided an overview of the public school funding formula. He said the funding formula provides state funding to school districts and charter schools in an equitable manner by ensuring similarly situated students are allocated similar amounts of funding, while additional funding is allocated for students that require additional or more expensive services. He noted funding allocated through the public school funding formula is noncategorical, meaning school districts and charter schools may budget this funding as they see fit, provided they meet statutory program requirements. He said traditionally, school districts have had discretion in how to budget these funds, but the 1st Judicial District Court found that the Public Education Department (PED) had not exercised sufficient budget oversight to ensure school districts were using these funds on programs to improve student outcomes.

Stan Rounds, executive director, New Mexico School Superintendents Association, reviewed the rationale behind the adoption of the funding formula. He said the Legislature refocused public school funding based on student need, while allowing school districts the flexibility to determine how to best serve their students. When the formula was enacted, it was rated the top equity formula in the United States and continues to rank in the top 10. He noted the funding formula had been amended more than 80 times since 1974, and that those amendments have moved away from the idea of local control. The state’s challenge is to balance local control with school district accountability. He said PED has the statutory authority to ensure school districts are providing the services needed for students through the budget and program approval process, but the department is not currently engaging in the type of program review it has engaged in the past. He said the state should revisit the practice of reducing program units or providing other financial penalties for school districts that are derelict in their duty to provide adequate services. He noted PED is statutorily required to develop regulations and procedures for public school accounting and budgeting, which can be used to improve state oversight of school district spending.

Representative Thomson noted small school districts have higher central administrative expenses and questioned the wisdom of having a large number of small school districts with high per-student administrative costs. Mr. Simon noted the opportunity for small school districts to take

advantage of shared services through regional education cooperatives to minimize administrative costs and Mr. Rounds stated this is beginning to happen in small school districts, but noted school districts represent the largest employer in many small communities.

Representative Ferrary noted the implications of the court's findings on local control and asked if PED has exercised oversight to ensure school districts offer needed programs for students. Mr. Simon noted the court found PED had not met its oversight responsibility and PED would need to maintain a balance between ensuring school districts provide needed services to at-risk students while allowing schools the flexibility to meet the unique needs in their community.

In response to Senator Pinto, Mr. Simon said school districts may change budgeting practices with improved transparency requirements, but it is likely to vary by school district and charter school. Mr. Rounds noted many school districts are struggling to find service providers, which could limit their ability to spend at-risk dollars. He also said challenges in the current school year from remote learning could mean data from the current year is not representative.

Senator Kernan asked if the state is spending more on restricted special programs appropriated to PED, sometimes called "below-the-line" programs, Mr. Simon stated that when the Legislature moved the K-5 Plus program into the public school funding formula, funding for special programs declined. He said other special program appropriations have also been reduced in recent years.

Representative Herrera asked when the last comprehensive review of the public school funding formula was completed and Mr. Simon noted two recent reviews: a 2011 joint evaluation of the funding formula by LESC and the Legislative Finance Committee and a 2008 review of the funding formula from the American Institutes for Research (AIR). LESC Director Rachel Gudge noted the 2008 study from AIR recommended streamlining the public school funding formula. She noted many of the recommendations of the 2011 study have been enacted, including reforms to the training and experience index, small school size funding, and other areas. Representative Herrera asked for a summary of findings that have not been addressed from the two studies.

Impact Aid and New Mexico's Funding Formula: FY20 and FY21 Credit. Mr. Simon reviewed recent events surrounding the funding formula credit for federal Impact Aid. He said that in April, the U.S. Department of Education (USDE) determined the state was not eligible to take credit for Impact Aid in FY20. He said that while USDE had traditionally only considered revenue in a school district's or state-chartered charter school's operational fund when calculating the "disparity test" to determine if the state met federal requirements to take credit for Impact Aid, the April decision required other revenue sources to be included. Notably, USDE found revenue from the Public School Capital Improvements Act, also known as "SB9," needed to be included. This finding presents a challenge to the state because SB9 is partially funded by a local option property tax, and federal rules only allow a state to take credit for Impact Aid in proportion to the amount they take credit for local property taxes. This could have the result of decreasing Impact Aid credits in school districts with relatively high property tax values.

Representative Lente noted many of the children in the school districts he represents are affected by the Impact Aid decision and that many of those same children were addressed by the court in the consolidated *Martinez* and *Yazzie* lawsuit. He noted PED appealed USDE's decision and said many stakeholders do not understand the decision to appeal. He said there needs to be a point at which the state stops pushing back on what the courts have found to be inequitable. He also noted the significant expense associated with complying with the Zuni capital outlay lawsuit, which demonstrates the high cost of failure.

Representative Lente asked what changes were made to the FY21 disparity test submission and Mr. Simon said PED changed the methodology used to classify special costs. In response to Representative Salazar, Mr. Simon said PED had submitted the disparity test for FY21 showing the state would be eligible to take credit in FY21, but USDE had scheduled a hearing to allow some

school districts to present opinions regarding PED's submission. USDE has yet to certify New Mexico for FY21.

Representative Dow asked if all school districts that are eligible to receive Impact Aid apply for the funds, noting the credit may discourage some school districts from applying. Mr. Simon replied that it is unclear how many school districts and state-chartered charter schools are eligible but decline to apply, noting that Las Cruces Public Schools stopped applying for Impact Aid a few years ago, while Farmington Municipal Schools decided to apply in FY20, but had not received Impact Aid for several years.

Teacher Professional Development Efforts for Distance Education and School Reentry. Erica Barreiro, future of work strategist, Central New Mexico Community College (CNM), shared details on a partnership with PED to develop and administer four-hour workshops on virtual instruction for public prekindergarten through 12th grade teachers. Workshop topics include equitable online practices, meeting the social and emotional needs of students, differentiated instruction, increasing student engagement, and communication in a virtual learning environment. Although the workshops could have supported 18 thousand teachers during the month of August, Ms. Barreiro shared only 2.3 thousand teachers participated in the live workshops because the timeline was expedited. She further explained CNM posted recorded versions of the training on Canvas, PED's learning management system, for continued access to the content. Ms. Barreiro concluded CNM is extending their partnership with PED to provide a series of "parents as virtual partners" workshops for parents.

Ellen Bernstein, Ed.L.D., president, Albuquerque Teachers Federation, shared multiple professional learning opportunities the American Federation of Teachers offers to teachers on the local, state national level. Ms. Bernstein shared over 20 professional learning course offerings available based on evidence-based educational practices that include trauma-informed practices, classroom management, community and family engagement, assessment, math, reading and special education. Ms. Bernstein also explained the "share my lesson" tool, which allows teachers nationwide to share over 400 high-quality resources. The focus this year is on distance learning and capstone projects for secondary students, social and emotional learning, and trauma resources. Ms. Bernstein concluded teachers are reporting significant issues with remote learning and are worried about student engagement and addressing needs of kids, but teachers are also learning a great deal and are very excited to be starting the fall semester.

Vicki Chavez, director, Region 10 Regional Education Cooperative (REC), explained RECs are geographically positioned to be the vehicle of delivery for statewide initiatives and supports. Ms. Chavez said the state's RECs have been requested to provide training for digital teaching platforms, virtual lesson planning, meeting the needs of students with disabilities in a remote environment, providing digital speech therapy, developing continuous learning plans, and engaging and supporting families. RECs are also working with groups of teachers through professional learning communities. Ms. Chavez said several REC's have supported reentry guidance by hosting regional roundtables with superintendents and schools to discuss reentry protocols.

Veronica Garcia, Ed.L.D., superintendent, Santa Fe Public Schools (SFPS), explained SFPS passed educational technology notes during the last three elections, which gave all SFPS student's access to a device prior to the public health emergency. However, Ms. Garcia said connectivity is still a challenge, with some students lacking reliable internet infrastructure. Santa Fe brought together 75 teachers over the summer to conduct professional development and developed four weeks of lessons to allow teachers time to focus on the new way of teaching and learning. Certified staff, educational assistants, and support staff attended 4,109 sessions. Course offerings focused on curriculum, instruction, digital learning, student wellness, safety training, and school reentry

expectations. Ms. Garcia said all offerings will continue to be available online and professional development will continue into the fall with staff and parents.

Stan Rounds, Executive Director, New Mexico Superintendents Association, said the greatest challenge is bringing parents into trainings to communicate expectations. He noted every superintendent is committed to developing the needed capacity, changing pedagogy, and improving practice.

Representative Lara asked about the strategies being used to reengage students virtually. Ms. Garcia explained SFPS's trainings focused on making virtual learning fun and engaging and there has been some work on scheduling to help students and teachers. Ms. Bernstein said the most important tool they have used is virtual home visits to connect with parents and students to ensure students have a learning schedule and expectations around distance learning. Ms. Chavez said the REC's have also done professional development with teachers and parents.

Representative Herrera confirmed with Ms. Chavez the annual appropriation of \$103 thousand for each REC and stated REC's need a more realistic budget if they are going to be integral in delivering critical services. Representative Herrera shared she does not think there is enough staff capacity in schools at this time and she is talking with foundations about hiring college graduates under 25 years old to perform home visits for schools, among other tasks. Representative Madrid said during the public health emergency, educational assistants have had their workload increase by at least four times while still receiving the same pay.

Representative Garratt said PED should create a clearinghouse of resources for teachers across the state. She asked Mr. Rounds if schools are facing potential funding losses due to declining enrollments driven by students leaving public schools for other options like homeschooling. Mr. Rounds said superintendents have been concerned about losing a significant number of their students, estimating a 20 percent loss of student membership, but he predicted student membership will increase in the spring. Ms. Bernstein stated enrollment in Albuquerque is down 1,200 prekindergarten and 1,000 kindergarten students.

Senator Brandt noted disappointment that PED was not present to speak about their professional development efforts for distance learning and school reentry, especially when stakeholders have been asking them for support on this effort from for the past six months. He acknowledged some of the challenges the education system is currently experiencing and said the goal should be to get kids back to school safely.

Senator Pinto asked the presenters about issues affecting Native American students. Ms. Garcia shared Santa Fe has provided training for SFPS school personnel on indigenous people, customs, and being culturally sensitive in their curriculum. She shared all students have a device, but students are still experiencing challenges with connectivity. Ms. Garcia added SFPS serves between 300 and 400 Native American students and all students who receive bilingual and special education services will continue to receive them virtually.

Extended Learning Time Programs and K-5 Plus Programs in FY20 and FY21. Katarina Sandoval, deputy secretary of academic engagement and student success, PED, said extended learning time programs help close the opportunity gap by providing additional instructional days to students, afterschool programming, and professional development for teachers. Many school districts liked the flexibility of the program and PED expects extended learning time program membership to grow from 83 thousand students in FY20 to 135 thousand students in FY21. Ms. Sandoval said PED projects over 70 percent of extended learning time programs offered in FY21 will focus on remedial support. Many schools also used extended learning time funds to provide experiential learning opportunities, including field trips, and to incorporate instruction in science, technology, engineering, and math. Ms. Sandoval said school districts often request additional funds and have difficulty accommodating students at multiple schools with different schedules.

Gwen Perea Warniment Ph.D., deputy secretary of teaching, learning, and assessment, PED, discussed K-5 Plus programs. Ms. Warniment said PED funded 15.5 thousand students at 2017 schools to participate in K-5 Plus during the summer 2019 program. PED projects participation decreases in FY21 due to postponed summer programming and the impact of Covid-19. She highlighted challenges with the program, including competition with other local summer programs, recruiting teachers, PED's decision to base funding on participation on a single day, and meeting the requirements that the teacher remain with the cohort.

Mr. Rounds encouraged committee members to view extended learning time programs and K-5 Plus as long-term investments. Mr. Rounds explained FY21 will not be a good year to judge program performance because of the impacts of the public health emergency. He encouraged the committee to provide program flexibility over the next two years so school districts can have time to successfully implement both K-5 Plus and extended learning time programs. Mr. Rounds additionally cautioned against decreasing funding over the next few years.

Lessons Learned from Operating Child Care Centers During Covid-19. Elizabeth Groginsky, secretary, Early Child Care Education and Care Department (ECECD), provided an overview of ECECD including department priorities, budget, and staff structure. Ms. Groginsky also provided an outline of ECECD's response to the Covid-19 public health emergency. She said ECECD hosted daily virtual meetings to support child care centers, provided professional development, and provided financial resources for families and providers. Ms. Groginsky said safety protocols were created for child care providers, including mask and sanitation requirements.

Lupe Nevarez, chief executive officer, and Selma Nevarez, program director, The Children's Garden, shared their perspective as child care providers that stayed open during the Covid-19 public health emergency. Ms. Nevarez highlighted several challenges, including enrollment declines from 90 children to 35 children, parent safety concerns, and the financial burden of personal protective equipment purchases and additional cleaning. She stated The Children's Garden worked to implement required ECECD safety protocols, avoided layoffs, and implemented a new jumpstart curriculum program, despite the challenges caused by the pandemic. Ms. Nevarez said their current expenses are 30 percent higher than current revenue and encouraged the Legislature to provide adequate funding during the public health emergency.

In response to a question from Representative Lente regarding ECECD's collaboration with tribal leadership, Ms. Groginsky said Assistant Secretary Jovanna Archuleta is working with the Indian Affairs Department to survey tribal communities. ECECD priorities include cultural language, relevant assessments, professional development, and increasing access to degree programs. Representative Lente urged Ms. Groginsky to facilitate meaningful partnerships with tribal leadership to develop a blueprint of culturally appropriate practices and assessments for students.

Senator Padilla asked for information regarding ECECD's plan to provide career support to early childhood care professionals and asked about potential gaps in child care service. Ms. Groginsky noted professional development is a priority of ECECD and stated ECECD is currently reviewing data showing where child care providers are present and where gaps in service exist.

In response to a question from Representative Ferrary regarding bringing students back to child care centers, Ms. Nevarez said parents are hesitant to bring their children back despite safety protocols. The loss of self-paying clients may require increased emergency funding to keep child care centers open across the state.

Serving Students with Disabilities in New Mexico: Challenges and Potential Solutions. RONALDA WARITO TOME, parent, explained the digital divide prevented the use of assistive technologies called for in individual education programs (IEPs) for many students with disabilities. JOEL DAVIS, parent and member of the New Mexico Developmental Disabilities Planning Council, spoke about the challenges of navigating the state's special education system —

a process that Mr. Davis said lacked oversight and accountability. He lamented poor communication with his daughter's school district and school, resulting in an inappropriate execution of his daughter's IEP.

Diane Torres-Velasquez, associate professor of education at University of New Mexico and member of the state's Latino Education Task Force, said a fundamental shift in mindset is needed to view students in light of their assets, rather than deficits, and to consider how children with disabilities function in their environments. Conflicts between parents and schools will continue if IEP's are not implemented correctly. Ms. Torres-Velasquez also urged members to conduct an audit to learn where every special education student is physically and developmentally so the state can discern who needs Internet access, computers, or changes to their IEPs.

Laurel Nesbitt, staff attorney, Disability Rights New Mexico, explained there is a fundamental systemic failure to understand students' disabilities, resulting in a lack of support and an inability to plan for the future. She cited the lack of training for school staff, especially in many small, rural, remote school districts, on how specific disabilities affect student learning. Ms. Nesbitt offered a range of solutions, including employing more behavioral professionals, building more robust professional development, providing more support for teachers in understanding and appropriately addressing students, eliminating the use of restraint and seclusion as means of behavior management, and providing more meaningful transition services to support students' postsecondary aspirations.

Natalie Romero, chair of the state's Individuals with Disabilities Education Act (IDEA) Advisory Panel and special education director at the Moriarty-Edgewood School District, reported the panel's work in building alternative assessments for students with disabilities, studying the disproportional identification of special education students, providing services to students in correctional facilities, and supporting the special education bureau with the reading, achievement, mathematics, and school culture program. Ms. Romero said waivers have not been issued during Covid-related school closures for special education services; schools must continue to provide students with a free appropriate public education, including reviewing the appropriateness of student IEPs and providing students compensatory services when needed.

Representative Thomson commented that, in some cases, IEP teams at schools do not include an appropriate general education teacher who knows the student. She also asserted the state's IDEA Advisory Panel has been a rubber stamp for PED and does not include enough representation from parents; too many teachers are not qualified to deal with students with disabilities effectively; and PED cut its budget for professional development provided through the regional education cooperatives.

August 25, 2020

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New Mexico Vistas: PED's New Accountability Dashboard. Tim Bedeaux, senior policy analyst I, LESC, gave the committee a historical overview of public school accountability in New Mexico.

New Mexico's A-B-C-D-F Schools Rating Act was passed in 2011, creating a framework for school accountability in New Mexico that assigned a letter grade to schools based on student proficiency, student academic growth, and opportunity to learn, and in high school, graduation and college and career readiness. However, many stakeholders were resistant to school grades because of their negative correlation with poverty. The Senate passed Senate Memorial 145 in 2017, requesting LESC to convene a work group to study the school grading system and make recommendations for a new accountability system. Recommendations of the workgroup led to the enactment of the School Support and Accountability Act during the 2019 legislative session.

Timothy Hand, Ph.D., deputy secretary of policy, strategy, and accountability, PED, walked the committee through New Mexico Vistas, the dashboard PED established to implement the requirements of the School Support and Accountability Act. The dashboard allows users to browse individual schools, and includes an overview of the school's mission and vision as well as a demographic breakdown of the student population. The dashboard highlights performance metrics, including academic proficiency, academic growth, English learner progress, graduation rates, and college and career readiness, and allows users to compare metrics to the statewide average and between student demographic subgroups. The dashboard also tracks educational inputs, including attendance, family and student satisfaction, educator quality, and school finance. Mr. Hand acknowledged some of these metrics still have limitations, but noted PED views the dashboard as an iterative process, and would like to work closely with parents, analysts, and other stakeholders to improve the quality and quantity of information shared.

Senator Stewart asked for details about the next phase of the New Mexico Vistas dashboard. Mr. Hand explained schools and school districts will be allowed to share more narrative information about programs and curricula offered at each school. Additionally, Mr. Hand envisions stakeholders being able to use data to "drill down" as deep as the classroom level and provide specialized support. Senator Stewart asked how the data would be used to target interventions like professional development, especially for areas where the state struggles like mathematics. She wants to hear more about targeted interventions when PED is able to share.

Senator Padilla asked if the dashboard would be able to flag issues for teachers and administrators and provide a notification when a school begins to struggle. Mr. Hand noted most of the data in the dashboard is a one-year snapshot and that type of notification would require a real-time data system.

Representative Baldonado asked if the dashboard was created by PED or a third-party vendor. Mr. Hand replied the department entered into a \$400 thousand contract with Hoonuit to develop the dashboard, though future upgrades may require additional spending.

Senator Pinto noted the dashboard does not appear to have Native American language and culture integrated in a meaningful way. Mr. Hand noted PED received an appropriation for culturally-responsive instructional materials during the last legislative session and said he would be happy to share how those funds were being used in local communities at a future LESC meeting.

Ensuring Equity Through Spending: School-Level Spending Reported Pursuant to The Federal Every Student Succeeds Act. Joseph Simon, principal analyst, LESC, provided committee members with information on per-student spending at the school level in Albuquerque Public Schools and Santa Fe Public Schools. He noted this information was required by the federal Every Student Succeeds Act (ESSA). Michael Griffith, senior researcher and policy analyst, Learning Policy Institute, provided a national-level background for the school level spending requirement. He said previous attempt by the federal government to collect this information led to inconsistent and inaccurate data, so the reporting requirement was included in ESSA to standardize collection and improve comparability. He noted that differences in school level expenditures were usually the result of differences in staffing and national research has shown senior teachers, who are typically better paid, tend to congregate in certain schools within a school district. Mr. Griffith

noted the federal law does not include any penalties related to school-level spending data, but some states were considering measures to force school districts to reallocate funds; when school districts are subject to these types of penalties, often their response is to change their accounting systems rather than change the way the school district operates. He said these measures had largely been put on hold due to the Covid-19 pandemic.

Scott Elder, interim superintendent, Albuquerque Public Schools (APS), said APS has been learning lessons and having new conversations as a result of the per-student spending reporting requirement. He noted per-student spending amounts include staff salaries and other expenses at each school site, while central administrative expenses were allocated to school sites on a per-student basis. He said New Mexico's public school funding formula is an equitable starting point for allocating funds to schools; other states may be behind New Mexico in providing equitable funding by school site. He said APS was leveraging federal dollars at some school sites but not at others to ensure at-risk students are provided with additional services. Veronica Garcia, Ed.L.D., superintendent, Santa Fe Public Schools (SFPS), noted the purpose of per-student spending reporting is to foster conversations about equity within school districts and SFPS has used an internal funding formula, where school advisory councils are involved in making budget decisions for the school district. She said the school district's funding formula, like the state funding formula, is based on student need. She said when the Legislature makes changes to the state funding formula, the school district updates its funding formula. However, the per-student reporting requirement does not recognize additional costs, such as schools operating special programs, which can be more expensive.

Representative Herrera noted the difficulty school districts have with closing down small schools and asked if the state should make recommendations on closing small, inefficient school sites. Ms. Garcia responded that there should be some state criteria but this was an issue for the school board and this is a politically charged issue in many communities. She noted recent legislation to phase out small school size adjustment in large school district may help school districts close down small, inefficient schools.

In response to Representative Herrera, Ms. Garcia said Santa Fe had about 35 teacher vacancies with about 900 teaching positions. She said the vacancy rate has been fairly consistent, but recent salary increases have helped lower vacancies. She noted some schools are harder to staff and the school district has assigned central office staff to cover high need schools when a vacancy is not filled.

Representative Thomson asked how expenses are calculated for staff that serve multiple schools. Theresa Scott, executive budget director, APS, said those expenses are considered central administrative expenses. She said expense for special education ancillary service providers serving more than one school are allocated to each site based on the number of special education students at each site. Representative Thomson asked why capital outlay expenses are excluded from the per-student spending report, stating this can lead to different treatment of schools for capital improvements. Mr. Simon noted federal rules require capital expenses to be excluded from per-student expenditure reports.

Senator Stewart commented that a key issue for the Legislature was to ensure that at-risk funding approved by the Legislature was being used in schools to serve those students that are generating the funding. Ms. Scott noted APS allocated at-risk dollars based on what each school generates, which leads to high-poverty schools generating additional funding. Ms. Garcia said SFPS did the same, but noted that shifts in other types of program units can lead to cuts in other areas. Ms. Scott noted there is overlap between different funding sources, such as special education and at-risk funding. She said school districts must choose only one program to assign these expenses.

Administrative Rulemaking. Mr. Bedeaux presented a memo from LESC staff listing several proposed and adopted administrative rules from PED. Amendments to 6.80.4 NMAC, Charter

School Application and Appeal Requirements, include new assurances that a charter school establish an “equity council” and engage in ongoing tribal consultation, and eliminates administrative processes that are not required by law. Senator Lopez asked for clarity on what the purpose and function of equity councils were. Rachel Gudgel, director, LESC, noted PED had circulated a letter about equity councils and would follow up with the Senator.

New rule 6.30.18 NMAC, Partial Credit for Adjudicated or Mobile Students, implements Section 22-12A-14 NMSA 1978 to allow students identified as adjudicated or mobile or those who experience classroom disruption to earn partial course credit. Senator Kernan asked about two elements of the law that were omitted from the proposed rule, namely that students receive “priority placement in classes that meet state graduation requirements” and “equal access to participation in sports and other extracurricular activities, career and technical programs, or other special programs for which the student qualifies.” Mr. Bedeaux noted PED did not include those requirements in the rule, raising concerns that PED may publish guidance to schools that does not include those requirements, which could lead to noncompliance at some schools.

Finally, new rule 6.64.19 NMAC, Competencies for Elementary Mathematics Specialists, creates licensure requirements for teachers to receive an endorsement as an “elementary mathematics specialist,” though the rule received criticism for lacking rigor and alignment to standards adopted by the Association for Mathematics Teacher Educators. Representative Herrera expressed concerns that the pathways were not rigorous, and Mr. Bedeaux said PED’s rule may contain more stringent requirements when it is adopted, but also noted if the Legislature is unhappy with the rule, the Legislature could pass a bill placing more stringent requirements in statute.

PED Strategic Planning for FY21 and Future Fiscal Years. Ryan Stewart, Ed.L.D., secretary, PED, informed the committee of PED’s strategic planning process for FY21 and future fiscal years. Mr. Stewart noted the four strategic pillars that guide PED’s work include supporting educators and professional staff, ensuring equitable access to tools and education for all students to succeed, making sure that education in the state is highly relevant for all students via pathways and profiles; and providing a whole child education for all students that is culturally and linguistically responsive. After defining these key pillars, PED developed guiding questions to develop their strategic plan and split into subcommittees focused on each pillar. PED’s strategic planning process included large group meetings and subcommittee meetings with stakeholder involvement to provide feedback to strengthen and improve strategies. PED is also in the process of defining short-, mid-, and long-term goals related to each pillar. Mr. Stewart noted that long-term goals are expected to be developed in the coming weeks. PED’s next steps include compiling reports related to each pillar, aligning legislative and budgetary priorities, ongoing engagement with stakeholders, and ensuring strong implementation and progress monitoring.

Representative Garratt asked if there had been discussion about reimagining curriculum to focus on student goals. Mr. Stewart noted that there had been discussion about this in the pathways and profiles subgroup, particularly in ensuring an education that is relevant and prepares students to apply their knowledge and build skills. John Sena, policy director, PED, noted other subcommittees are mostly focused on support services and resources for students. Representative Roybal Caballero explained curriculum should be adjusted to integrate PED’s strategic plan, noting the importance of a culturally and linguistically responsive education, as well as structured accountability to measure progress. Senator Lopez echoed Representative Caballero’s comments and asked PED about proposed PED rules about equity councils. Mr. Stewart responded that equity councils are one piece of providing a linguistically and culturally responsive education and clarified the intent, membership, and guidance from PED’s rule.

Senator Brandt appreciated the strategic plan, but asked how PED is responding to immediate needs of schools during Covid-19 shutdowns. Mr. Stewart noted PED is balancing both long-term

goals and the immediate environment, stating that it has been challenging to balance the crisis with strategic planning. PED is working with Engage New Mexico to provide academic and social-emotional supports to students. PED has also supported students struggling with connectivity and access to online learning environments, using federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to address the digital divide. PED partnered with Central New Mexico Community College (CNM) to offer professional development to several thousand educators across the state and is continuing to explore funding for other programs; federal CARES Act funding, however, is the primary funding source PED is able to use to support these programs. Representative Sariñana, speaking from current experience as a teacher, said the environment remains challenging and expressed appreciation for PED's support, noting it is getting easier to teach. Mr. Stewart, in response to a question from Representative Dow, clarified that PED is following public health guidance on case rates to decide when schools can reopen, including a maximum of 5 percent positive test rate.

2020 Census Update. Pam Coleman, director, State Personnel Office and chair, Statewide Complete Count Commission, gave the committee an overview of New Mexico's progress on this year's census count. Ms. Coleman said the count is completed in two ways, either by individuals responding to a census count mailing or by census workers going door to door for those who cannot receive mail at their address. In New Mexico, 18.5 percent of the population can only be counted at their residence and receive mail at a P.O. box, but Covid-19 eliminated the ability to conduct door-to-door counting, placing a greater reliance on mail-in forms. Ms. Coleman noted there have been reports from census professionals in the field and residents that they have yet to receive their forms or be visited to be counted. Ms. Coleman noted New Mexico is currently in the process of completing non-response follow-up, and is adjusting strategies to meet the deadline for the census count, which has been moved up from October 31 to September 30. Ms. Coleman applauded the efforts of county managers, local organizations, and trusted messengers to connect residents with census workers at locations, including food distribution centers. The state has also advertised on social media platforms, word of mouth, local news outlets, community partners, and websites. Ms. Coleman noted the census brings New Mexico \$7.8 billion in federal funding annually and is used to support initiatives like Title I, special education, Head Start, and school breakfast programs. If all New Mexico residents are not counted, federal funding could be at risk. Ms. Coleman closed her comments noting efforts particularly on tribal and rural lands and the shortage of census workers continue to be a concern.

Representative Garratt asked Ms. Coleman what is being done to count children, particularly those under the age of 5. Ms. Coleman noted children are more undercounted than other demographic groups and that for each child not counted per county, the county experiences a roughly \$1 million loss in funding. Ms. Coleman explained partnerships with PED, school districts, school leaders, and the Department of Health and Human Services can help reach these families.

Representative Herrera asked specifically about Rio Arriba county, and Ms. Coleman noted that at the time of the presentation, the return rate was 26.7 percent in Rio Arriba county. The statewide self-response rate was at 55 percent and the non-response follow-up was at 10.5 percent, putting New Mexico's total response at 65.5 percent at the time of the presentation.

Higher Education Institutions Return to School Plans for the 2020-2021 School Year. Ricky Serna, deputy cabinet secretary, and Stephanie Rodriguez, interim agency authority, Higher Education Department (HED), began by presenting the guidance they had distributed to higher education institutions for reopening campuses this fall. Mr. Serna provided a demo of the publicly available website that documents this information. Both Ms. Rodriguez and Mr. Serna noted the guidance is routinely updated by HED and HED has provided assistance to all institutions in developing their reopening plans. HED's three priorities in its guidance document include: 1) recognizing the diversity of environments in New Mexico; 2) creating consistency among postsecondary institutions in the state; and 3) creating a document that helps to strengthen the

response planning among institutions. Ms. Rodriguez and Mr. Serna noted they believe they have been able to achieve this and noted the website shows the plan for each campus across the state.

HED guidance has been designed to make these plans transparent and ensure that each institution has taken steps to ensure student and faculty safety. All plans were due by July 15 and the majority of institutions were given feedback by July 31. Ms. Rodriguez noted all institutions had very comprehensive plans. HED aims to be responsive to institutional needs and will update guidance and any pertinent changes daily if possible. HED also noted that if there are concerns with non-compliance, there are systems in place to elevate these to HED directly rather than state police so HED can investigate the claim and work with the institution to address any concerns. Ms. Rodriguez closed by letting the committee know HED issued a \$4 million request for proposal (RfP) for institutions to transition to online learning; the RfP is available on HED's website.

Garnett Stokes, Ph.D., president, UNM shared information on UNM's reopening plans and reopening status, curriculum, and the impact of Covid-19 on UNM. Ms. Stokes noted UNM plays a crucial role in promoting jobs and the economy across the state. UNM has modified its campus procedures, grading policies, attendance policies, and health protocols to adequately support UNM students. The health and safety of campus members remains a top priority.

Dan Arvizu, Ph.D., chancellor, New Mexico State University (NMSU), noted that there were many similarities in the plan for reopening at NMSU as those presented by Ms. Stokes for UNM. Mr. Arvizu noted the two main goals of NMSU during the Covid-19 pandemic were the health and safety of all students, faculty, staff, and community and continued academic progress of students at NMSU. Mr. Arvizu noted NMSU has worked closely with the communities its campuses are located in to support them during the Covid-19 crisis, highlighting the provision of protective equipment by the College of Engineering and efforts by the band to develop a mask that can be worn while playing instruments. Mr. Arvizu said communicating is essential and administration holds regular town halls and sends communication to all NMSU community members. Mr. Arvizu also noted NMSU continues to pursue its strategic plan and maintains its primary goals despite the challenges of Covid-19. Mr. Arvizu said federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding has been critical to the financial stability of NMSU. He closed noting he believes NMSU can operate safely and is ready to pivot and go back to an online and fully remote environment if needed. The focus is on opening safely.

Tracey Hartzler, J.D., president, Central New Mexico Community College (CNM), shared how CNM has adjusted in this environment. Ms. Hartzler noted CNM has been open for business since spring, with some students on campus safely during this entire period. Ms. Hartzler said CNM continues to be guided by its vision and values and called out steady enrollment during this time period. CNM converted 97 percent of its in-person classes to online classes and supported students with modified attendance policies, expanded financial aid, and federal CARES Act funding. CNM issues more than \$150 thousand in emergency grants and loans. CNM's plans for the fall include prioritizing on-campus learning for certificates and degrees in high-demand fields and continuing to support students by getting them as close to rejoining the economy as feasible. Ms. Hartzler noted CNM is a commuter campus and does not house students, therefore their offerings look different than campuses that might consider housing. CNM remains focused on adapting workforce demands and Ms. Hartzler noted success with some programs such as their deep dive coding offering.

Senator Gonzales noted efforts to support institutions financially and expressed a desire to do as much as possible to understand how to best support higher education. Ms. Stokes, in a question from Senator Gonzales about Covid-19 research, noted UNM researchers in health science are doing current research and clinical trials to address Covid-19. Mr. Arvizu also noted NMSU epidemiologists are completing researching and partnering with organizations like TriCore to improve the Covid-19 situation across the nation.

August 26, 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, Rebecca Dow, and Sheryl Williams Stapleton; Advisory: Senators Linda M. Lopez, Michael Padilla, and Shannon D. Pinto, and Representatives Kelly K. Fajardo, Joanne J. Ferrary, Natalie Figueroa, Joy Garratt, D. Wonda Johnson, Raymundo Lara, Willie D. Madrid, Gabriel Ramos, Patricia Roybal Caballero, Tomás E. Salazar, Debra M. Sariñana, and Elizabeth “Liz” Thomson.

The following voting and advisory members were not present: Voting: Senator Candace Gould and Representatives Derrick J. Lente and G. Andrés Romero; Advisory: Senators Roberto “Bobby” J. Gonzales, Daniel A. Ivey-Soto, and Gay G. Kernan, and Representatives David M. Gallegos, Susan K. Herrera, and Tim D. Lewis.

Internet Service Provider Responses to Covid-19 and the Digital Divide. Steve Proper, senior director of government affairs, Comcast, explained the company’s Covid response started by signing the Federal Communication Commission’s “Keep America Connected” pledge. During the pandemic, Comcast did not disconnect families for failure to pay and waived fees and forgave debt for families that were in poor standing with Comcast to help them get reconnected. Julianne Phares, director of external affairs, Comcast, explained the company’s “Internet Essentials” program, a preexisting program for low-income families that provides those families a heavily discounted internet rate of \$9.95 per month. Ms. Phares noted during Covid, Internet Essentials was offered free of charge for new families for their first two months. Ms. Phares also noted community partners, including New Mexico school districts, have offered to cover the \$9.95 per month for many families.

Robert Digneo, director of external affairs, AT&T, explained AT&T had multiple approaches to respond to the pandemic. In addition to waiving fees and charges like Comcast, AT&T set up a \$10 million distance learning fund to provide programs like Khan Academy and other online instruction modules for students and made donations totaling \$90 thousand to New Mexico charitable organizations. Rebekah Vallejos, client solutions executive, AT&T, stated the company helped school districts purchase wireless hotspots, offered other price reductions, helped install cybersecurity software, and provided other general technical support.

Luis Reyes, chief executive officer, Kit Carson Internet, began by stating Kit Carson established a goal to connect every single student within the company’s service area. Kit Carson worked closely with school districts, charter schools, and institutions of higher education to identify which students in Taos and neighboring school districts were not connected to high-speed internet. The company invested \$323 thousand in connecting sites to Kit Carson’s network and provided discounted pricing for families throughout the pandemic to help them connect. Kit Carson has also worked with the Taos Education Collaborative, a partnership between several local community stakeholders, to ensure students have access to devices, hotspots, and high-speed internet. Long term, Mr. Reyes believes the state needs to create a statewide broadband plan.

Matejka Santillanes, executive director, New Mexico Exchange Carrier Group (NMECG), and Jay Santillanes, lobbyist, NMECG, explained the separate Covid-19 responses from several NMECG-member telecommunications providers, which cover 63 percent of New Mexico’s geography. Baca Valley Telecommunications, Dell Telephone Cooperative, Penasco Valley Telephone Cooperative, Yucca Telecom, Tularosa Basin Telephone Company, Valley Telecom Group, Windstream Telecommunications Company, and Frontier Telecommunications all worked with

rural school districts to ensure students had access to either public hotspots or home internet connections.

Daniel Meszler, senior director of government relations, Western New Mexico Communications, explained the company signed the Keep America Connected pledge, donated 108 Chromebooks to local schools, and set up a dozen public hot spots. Additionally, the company is working with local schools to identify students without a home internet connection and partnering with schools to create a plan to help connect those students. Brian Cathey, business development manager, Plateau Telecommunications, noted the company provided two months of free internet service and waived installation fees for students identified by any school district as lacking an internet connection and is currently offering discounted home internet services for new and existing customers.

John Badal, chief executive officer, Sacred Wind Communications, noted the company's service area is extremely rural, serving approximately two households per square mile, with a 49 percent poverty rate. Despite this, Sacred Wind has made significant investments in infrastructure and has some of the fastest broadband speeds in the state. The company's motto, to "serve the unserved," was exemplified during the Covid-19 pandemic, with employees working overtime to create 300 percent more connections than were made in 2019. Sacred Wind also reduced customer prices and increased connection speeds with no additional charges.

Senator Soules asked what a Comcast Internet Essentials customer is getting for \$9.95 per month. Mr. Proper explained the program gives typical broadband speeds of 25 megabits per second (MBPS) at a reduced price. Senator Soules is still concerned the speeds provided at the discounted rate may not be enough for multiple students and adults to connect simultaneously. Senator Soules also asked whether AT&T's mobile hotspots would work in areas without satellite service. Ms. Vallejos offered to follow up with Senator Soules if he had concerns about any specific area, but the senator explained he was simply raising concerns that many of the Covid responses did not go far enough to get adequate connectivity in every home.

Representative Dow wondered if there was a way PED could compile information about how to contact companies to help individuals to get connected in each school district. She also wondered whether the internet service providers had seen increased revenues during Covid-19. Mr. Badal stated Sacred Wind is actually seeing lower revenues, primarily because the company is not assessing late fees or disconnecting customers who are unable to pay.

New Mexico Teacher Evaluation Task Force Recommendations. Cindy Sims, Ph.D., superintendent, Estancia Municipal School District and member of PED's Teacher Evaluation Task Force, said the new teacher evaluation system was created through a collaborative process that included 46 stakeholders from across the state. Ms. Sims explained stakeholders agreed the purpose of the system should focus on student learning, growth, and well-being and educator learning and growth. Stakeholders wanted to support meaningful, actionable feedback and professional self-reflection by breaking up into four different subgroups focused on observation and feedback, the professional development plan, student surveys and evidence of student learning, and mentorship. Ms. Sims said task force members looked at what is currently required by statute, focused on using objective measures instead of subjective measures and using data-driven evidence.

Katya Danielle Gothie, director, Educator Growth and Development Bureau, PED, noted the goal of the new system is to support educators, which will help with retention in the long run. The new system is made up of three components: educator professional development plans, observations, and surveys. A focus of the new system is the professional development plan, which in the past has been looked at as a compliance measure since it was not connected to the evaluation system in a coherent way. Professional development plans will now be informed by a teacher's self-assessment, feedback from administrators, beginning of the year formative assessments, and

identifying gaps through student data. Formal and informal observations by administrators will be designed to provide educators with actionable feedback. PED is looking for surveys that will help understand the culture within schools and will administer them in the fall and spring. Although mentorship is currently happening across the state, PED would like to work on a state-wide mentorship program to have continuity in training and supplement the evaluation system. Ms. Gothie said PED will also use their new learning management system, Canvas, to upload mini-courses as micro credentials to support areas that teachers may need help in.

Gwen Perea Warniment, Ph.D., deputy secretary of teaching, learning, and assessment, PED, concluded by sharing that the new system will be tested this year to give time to administrators and educators to understand all of the components of the new system. She shared the system will not produce a summative score, but will emphasize data, actionable feedback, and professional development opportunities to help educators grow. She said the system is designed to be cyclical and allows educators to see the trajectory of their careers.

Linda Darling Hammond, Ed.L.D., president and chief executive officer, Learning Policy Institute, shared her perspectives on teacher evaluation based on her research and book, "Getting Teacher Evaluation Right." For teacher evaluation to increase teacher effectiveness, it has to sit in a coherent system guided by clear professional standards, adequate preparation, timely feedback, integrated professional development, and support from leadership. Ms. Darling Hammond explained the recent work New Mexico has undertaken fits the criteria for an effective teacher evaluation system. Another best practice of effective teacher evaluation systems is to create committees of administrators and teachers to oversee the system so it constantly improves. Ms. Darling Hammond shared it is important to have multiple measures to assess student learning such as multiple observations, artifacts of teaching, and assessment tools specific to the content a teacher is teaching. Most states, including New Mexico, have revised their systems to no longer use value-added test scores as a key measure. Ms. Darling Hammond shared findings from her research of value-added test scores, noting she found evaluation rankings would change drastically from year to year. She said New Mexico has the opportunity to link teacher evaluations to professional development plans, the three-tiered licensure system, and in-school practice. She added the Legislature recently allocated funding and expectations for mentoring, which work well with other elements of the system.

Representative Thomson asked if PED has started looking at other school personnel roles to establish a system to evaluate them annually. She shared she is a physical therapist and has experienced many challenges with principals evaluating medical personnel. Ms. Perea Warniment said one of the task force subgroups was focused on specializations of school personnel such as speech and language pathologists, special education teachers, librarians, and others. She added PED is developing guidance and training for administrators to observe these positions that complement the teacher evaluation rubric.

Representative Garratt said she is pleased with the system after going through five different versions as a teacher. She asked PED if anti-bias training will be included in administrators training because in the past, evaluators included their personal prejudices in their grading. Ms. Gothie thanked Representative Garratt for the idea and said she will include this element in the development of the principal evaluation system. Representative Garratt inquired about how teachers will juggle the demands of teaching remotely with requirements of the new evaluation system. Ms. Perea Warniment said the system should provide feedback and support to teachers and expects administrators will use this tool to provide support during this time.

Representative Madrid asked if classified staff will be included in the system, considering the added workload that has recently been put on them. Ms. Perea Warniment shared since classified staff are in a different system with differing pay and expectation, they are trying to be mindful

of additional requirements put on them. She acknowledged PED is working on this and wants to find ways to support them.

Representative Stewart thanked PED for the collaborative work on the new evaluation system focused on evidence-based best practice and shared she is thankful for the year-long “test drive” to help educators and administrators learn the system. Representative Ferrary said she is proud of the new system because it seems to reflect what the committee has been studying through the National Conference of State Legislatures *No Time to Lose* report and Linda Darling-Hammond’s work.