

MINUTES  
Legislative Education Study Committee  
New Mexico State Capitol  
House Chamber and Virtual Meeting  
Santa Fe, New Mexico  
September 23-25, 2020

Wednesday, September 23

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, G. Andrés Romero, and Sheryl Williams Stapleton; Advisory: Senators Roberto “Bobby” J. Gonzales, Linda M. Lopez, Michael Padilla, and Shannon Pinto, and Representatives Kelly K. Fajardo, Joanne J. Ferrary, Natalie Figueroa, Joy Garratt, Susan K. Herrera, D. Wonda Johnson, Raymundo Lara, Willie D. Madrid, Patricia Roybal Caballero, Tomás E. Salazar, Debra M. Sariñana, and Elizabeth “Liz” Thomson.

The following voting and advisory members were absent: Voting: Senator Candace Gould and Representative Derrick J. Lente; Advisory: Senators Daniel A. Ivey-Soto, Gay G. Kernan, and Gabriel Ramos, and Representatives David M. Gallegos and Tim D. Lewis.

Senator Stewart made a motion to approve the agenda with one edit to move item 8, Early Childhood Education Funding and Performance, to the November meeting. Representative Romero seconded the motion, and the committee approved the motion with no opposition.

On a motion by Senator Stewart and a second by Representative Romero, the committee approved the minutes from the August LESC meeting.

**FY21 School Budgets Post Solvency.** Adan Delgado, deputy secretary of finance and operations, Public Education Department (PED), provided an overview of the budget development and review process for FY21. He said recent school finance litigation has led to increased expectations of school budget transparency and has led to a shift in how formula funding is viewed. He said the traditional approach to formula funding has given school districts and charter schools a lot of latitude over how to spend these funds. PED is now collecting more information on how these funds are used, particularly those funds generated by specific populations of students, such as at-risk funding. In FY21, PED introduced new program codes within the universal chart of accounts to help track these expenditures. He also said school districts were required to submit school-level calendars.

Mr. Delgado noted language in the General Appropriation Act of 2020 required PED to perform an analysis of school district and charter school classroom spending. He said school districts and charter schools with a below average percentage of total spending in the classroom were instructed to increase classroom spending to at least FY20 levels; however, he noted this requirement could lead to tension during the pandemic, as schools may need to spend additional money on cleaning and maintenance costs to ensure safe facilities for students and employees.

Dennis Roch, superintendent of Logan Municipal Schools and president of the New Mexico School Superintendent’s Association, said one of the largest school reentry challenges for school districts is budget flexibility. He noted changes to PED guidance on reentry were having a financial impact on school districts; for example, many school districts purchased face shields, which were allowed by earlier PED guidance but prohibited by more recent department guidance. He said every reentry decision is tied to a school district’s budget. Mr. Roch noted many school districts are

concerned about the potential budget impacts of enrollment fluctuations in FY21. Because most school funding is based on prior year enrollment, sudden reductions in the number of students could have large budget impacts in FY22. He asked the Legislature to consider extending statutory deadlines for the Attendance for Success Act because the public health order disrupted data collection for required reports.

Scott Elder, interim superintendent, Albuquerque Public Schools (APS), presented an overview of APS's FY21 budget. He said budget reductions from the 2020 special session and from changes to K-5 Plus and extended learning time programs totaled \$40.8 million for APS. He noted APS estimated a loss of 4,000 students, many of which are expected to be kindergarten or prekindergarten students. He said many families were holding their children back for a year because of the Covid-19 pandemic. He also noted APS is the only school district that is required to budget 80 percent of its operational fund for classroom expenses, but he noted that many expenditures are not considered "classroom" expenses that are vital to the proper functioning of public schools, including custodial and maintenance expenses and the costs of school principals.

Karen Trujillo, Ph.D., superintendent, Las Cruces Public Schools (LCPS), said LCPS had a total reduction of \$16 million, including \$5.3 million in reductions related to a decrease in extended learning time programs. She said when accounting for reduced expenses, the LCPS faced a budget deficit of \$3.6 million. Ms. Trujillo noted the school district saved money due to a 6 percent cap on FY21 healthcare insurance premium increases, but this cap could result in larger out-year premium increases. Ms. Trujillo said LCPS did not participate in the K-5 Plus program or in a district-wide extended learning time program due to lack of interest from parents. She said it is important for school districts to maintain local control of funding to ensure they have the flexibility to pursue creative solutions to the challenges faced by school districts.

Sue Cleveland, Ed.D., superintendent, Rio Rancho Public Schools (RRPS) highlighted the need for flexibility for school districts. She noted RRPS continues to run a deficit in its transportation and instructional materials allocations, which were two areas highlighted in the *Martinez-Yazzie* lawsuit. RRPS faced an additional \$1.9 million in costs related to information technology. She also noted concerns about public school liability following a recent letter from the New Mexico Public School Insurance Authority (NMPSIA) that asked school districts to follow state guidelines for reopening; NMPSIA may not cover claims related to any violations of state guidelines. In the past, coverage has been denied only by intentional violations of rules.

Brenda Vigil, superintendent, Tularosa Municipal Schools said Tularosa had planned on a 4 percent pay increase for employees, but budget reductions from the special session lowered that amount to 1 percent, with no increase for administrators. She noted the difficulty of implementing new program codes required by PED. Kodi Sumpter, superintendent, Des Moines Public Schools discussed challenges unique to the state's smallest school districts, including additional burdens on teachers who cover multiple grade levels. She said small school districts have limited staffing, noting Des Moines does not have a counselor and only has a school nurse and social worker one day per week. She also discussed the importance of emergency supplemental funding for small school districts. She said the school district did not participate in extended learning time programs because 63 percent of families were against adding additional days, with some families saying they would home school rather than participate in a longer school year.

Senator Stewart asked Mr. Delgado if the new program code-based budgets align with school district and charter school allocations through the funding formula, and Mr. Delgado said current requirements around the funding formula still gives deference to local decisions and PED is focused on bringing transparency to the budgeting process, which applies pressure to school

districts to spend within funding formula allocations. He said ultimately it is up to the school district to determine how to spend their formula dollars.

Representative Garratt asked if each school district was responsible for procurement of personal protective equipment and Ms. Trujillo said it was a combination, with PED providing some equipment and school districts needing to supplement these deliveries. She also noted areas PED was not covering, including the installation of plastic barriers or thermometers to provide temperature screenings. Representative Garratt asked if the Instructional Material Law needed to be amended to recognize changes in school district needs for instructional materials and Mr. Delgado said PED's instructional materials bureau was considering changes. Mr. Roch noted from the superintendents' perspective it was more of a question of sufficiency of the funding provided.

In response to Representative Ferrary, Ms. Trujillo said LCPS was in the process of identifying students with special needs that need additional in-person support. She said LCPS would look to serve the students most at risk in person on a five to one basis.

Representative Herrera said she supported a bill to hold school districts harmless to changes in enrollment from the Covid-19 pandemic. She also noted the difficulty in implementing changes to the budget system while school districts are struggling with the implications of the pandemic. She asked school districts to notify the Legislature of things that cannot be done during this unpredictable time. Senator Stewart noted the superintendents had good suggestions for the Legislature to consider for issues related to enrollment and prior year funding as well as delays to required reporting on attendance. She also noted the need for increased funding for instructional materials. Senator Lopez asked the presenters to give LESC feedback for items to consider for the FY22 budget, and the presenters agreed to provide feedback.

**Improving Education the New Mexico Way: An Evidence-Based Approach.** Jeannie Oakes, Ph.D., senior fellow, Learning Policy Institute (LPI) and Carmen Gonzales, Ph.D., LPI consultant shared findings and recommendations from their recent study, "Improving Education the New Mexico Way." The report highlighted four main findings: New Mexico's unique characteristics complicate improvement and require more resources and capacity; other effective systems that see significant improvements focus on five key elements; supportive accountability can foster capacity and high-quality implementation and improvement; and the difficult work will require a long-term strategy and shared ownership.

Ms. Oakes said education in New Mexico is complicated because of the state's diversity, making achieving a state-wide system of effective schools very complex. Ms. Oakes recognized the state's historical and current approach to education has been rooted in local control; effective local control requires extremely high-levels of capacity and resources, but unfortunately many New Mexico school districts have limited capacity because of high rates of turnover and lack of strong infrastructure. Ms. Oakes said the recommendations in the report are grounded in the idea that solutions need to happen "the New Mexico way," emphasizing diversity and focusing on the impacts of poverty. However, policymakers should also focus on strategies used by top-rated states like Connecticut, Massachusetts, and New Jersey.

The first element of meaningful learning in high performing states can be achieved through teaching high-level cognitive skills in the core disciplines, ensuring curriculum and instruction are culturally and linguistically responsive, implementing social and emotional learning, and developing strong high school pathways. She concluded this point by sharing the state needs to create specific goals for student learning that can build on the strengths of the state's diversity and confront the barriers that poverty brings.

The second element is a strong educator workforce, which is essential to the success of New Mexico's public education system. Knowledgeable and skillful educators are the most important in-school influence on student learning and the most important element in closing the achievement gap. Ms. Gonzales explained that having a teacher who is well-prepared, experienced, and National Board-certified has a greater impact on student learning outcomes than the combined effects of race and parent education. The most recent data shows a large portion of the teacher workforce is both underprepared and inexperienced. Schools in the state serving the most economically disadvantaged students on average have nearly twice the percentage of new teachers at 36 percent, compared with schools that are less disadvantaged at 19 percent. Legislative investments in teacher residencies, mentoring, and other strategies have been effective, but more still has to be done in areas such as improving mentoring and preparation.

The third element is support for students that are built into regular schooling, especially in schools with high levels of poverty. One evidence-based strategy is to enable all high-poverty schools to become community schools and include extended learning time, which can improve academic achievement, attendance, and graduation rates, and reduce racial and economic achievement gaps. Ms. Gonzales explained a cost-benefit analysis found savings of up to \$15 for every \$1 invested. She said the Legislature provided \$2 million in 2019 and \$3.3 million in 2020 for community schools, but noted the funding level is not enough for expansions and professional development. In the short term, the state should braid state and federal funds to support community schools and target professional development toward managing successful community schools. In the long term, the state should consider creating regional supports to provide technical assistance in implementing community schools.

The fourth element has been prioritized in New Mexico, as the Legislature has publicly supported high-quality early childhood education and made it available to more children. Ms. Gonzales shared the gains made now must be protected and she encouraged the state to stay the course.

The fifth and final element is a long-term vision, which may be more difficult to implement than the other elements. New Mexico has devoted a considerable amount of public funding to education through a funding formula that distributes funding much more equitably than other states. However, overall spending has been low historically and is still not enough to meet the needs of students who face barriers from poverty and marginalization. After the special session, New Mexico's spending is about \$12 thousand per pupil compared with the national average of \$13.2 thousand per pupil. Effective interventions and supports are costly, and recent research has shown more money spent on education for students from low-income families improves achievement and graduation rates. Ms. Oakes said research points to three goals for leveraging money. First, funding needs to be used in ways that point the system toward the right goals for learning. Second, the state needs to ensure there is an adequate supply of well-prepared teachers. Third, the state needs to provide sufficient funding to support the needs of children whose learning needs are greater because of poverty, language, or disability.

Accountability systems can play a role in improving outcomes by focusing on both the performance of the system and on the conditions and opportunities underlying that performance. Effective systems not only establish performance goals and evaluate schools' progress in meeting them, but also monitor whether states and school districts provide the resources and support that schools need to meet these goals. LPI's recommendations include strengthening current accountability efforts by focusing on the knowledge and skills of school boards, educators, and communities. Stakeholders should be involved in a community-based budgeting process to specify how local spending will meet learning goals for at-risk students and fulfill the

requirements of the Indian Education Act, Hispanic Education Act, and Bilingual Multicultural Education Act. This strategy requires technical assistance, and Ms. Oakes suggested regional education cooperatives could provide technical assistance, conduct school reviews, review local plans, and teach people how to use the budget as a tool to achieve their goals.

Ms. Oakes explained this type of reform should be championed from those outside the system to protect the reforms from political transitions. To achieve this, Ms. Oakes suggested creating a bipartisan and diverse commission or task force of leaders from multiple sectors, which can find ways to strengthen the five essential elements of high-performing systems and could also help build an accountability system that provides the right balance of state direction and local control and capacity. Ms. Oakes concluded by presenting the long-term payoff, the state could find proposals that are substantive, coherent, and politically viable, which is difficult to achieve with piecemeal statutory changes.

**Statewide Education and Telehealth Networks.** Jen Leasure, President, The Quilt, said the Quilt is a nonprofit organization that manages operation of 38 research and education networks in the country, connecting more than 900 higher education institutions and tens of thousands of public institutions like libraries and public schools. Research and education networks link locations to a single high-capacity, high-performance network, creating economies of scale and allowing centralized expertise to provide technical and operational support. The University of New Mexico operates a network that is a member of the Quilt known as the Albuquerque GigaPoP, which has already leveraged its infrastructure to provide connectivity to rural New Mexico locations. The Quilt member networks have varied governance structures; approximately one third of the Quilt's members are nonprofit organizations, one third are organized and governed under institutions of higher education, and the final third are operated by state government entities. While some research and education networks receive state appropriations, most are funded primarily through a cost recovery model, where individual locations will pay a service fee to the organization to access the network. Research and education networks are also able to create strong working partnerships between public schools, higher education institutions, community organizations, and local workforce.

Ray Timothy, Ph.D., chief executive officer, Utah Education and Telehealth Network (UETN), explained that UETN was codified in Section 53B-17-105 of Utah Code within the state's laws for the University of Utah. Mr. Timothy played a video showing the main services offered by the network, including consolidated network operations and cybersecurity, compiled resources from Utah teachers, centralized technical support and training, and a digital library for all public school students that saves the state an estimated \$4.5 million per year on instructional materials. UETN's \$53 million annual budget is funded primarily through appropriations from the state's legislature, but also leverages federal E-Rate funds and other available grant funding. Staff at UETN conduct statewide needs assessments and engineer and maintain the network; the state does not own the fiber but leases the infrastructure from private internet service providers (ISPs).

Louis Fox, president and chief executive officer, CENIC, explained the CENIC network began as a collaboration between institutions of higher education in California, growing to encompass public schools and libraries in more recent years. CENIC's mission is to provide equitable broadband access to all connected member locations. Funding for CENIC comes from membership and service fees from individual "segments" of the network, including public schools, community colleges, California State University, University of California, and other offices connected to the network. Additionally, CENIC engages with private ISPs to execute new infrastructure projects funded by state and federal grant programs. CENIC has built partnerships with ISPs, community broadband consortia, the California Broadband Council, and several tribal nations. Mr. Fox shared

how CENIC contributes to several sectors beyond research and education, including healthcare, government, public safety, and even weather monitoring and firefighting.

Senator Padilla asked about bulk pricing agreements. Mr. Fox noted CENIC issued requests for proposals (RFPs) and was able to negotiate a common rate with a number of carriers, which has been helpful for rural areas of California. In areas of the state where there is currently no infrastructure, CENIC employs fixed wireless solutions, which is less costly but also provides less bandwidth than fiber. Senator Padilla asked about governance of the network. Mr. Fox noted all locations connected to CENIC are members of the organization, so governance is centralized at CENIC. However, not all school districts in California have opted to become CENIC members. Mr. Timothy said all schools are connected to UETN under centralized governance as well, but school districts are still responsible for their own technology master plans.

Representative Herrera asked why GigaPoP connected to Gallup and the Navajo Nation using microwave technology. Mr. Timothy noted UETN uses microwave technology in the Four Corners area because they have not been able to lay fiber in these areas. While fiber would be preferred, creating fiber infrastructure for all of these rural sites is extremely costly. Representative Herrera asked about the inception of UETN and the authorizing statute. Mr. Timothy explained the network was created prior to its use in many government sectors. The educational community in Utah started the conversation, identified common goals and needs, and began working with the Legislature to secure funding. After the public education network saw success, other partners were eager to join, including higher education and public health. Ms. Leasure noted North Carolina created subsidies to encourage institutions and school districts to join its statewide network. Representative Herrera noted small school districts do not always have the capacity to make decisions about technology; a structure to help those school districts would provide technical support and save state funds.

Representative Figueroa asked about overlap between public and private fiber projects. Mr. Timothy noted ISPs take advantage of UETN fiber projects to lay their own private fiber for businesses and homes, creating an incentive for ISPs to work with UETN. Mr. Fox noted CENIC performs a needs assessment in communities prior to beginning a project to understand whether the scope of the project can be increased minimally to capture additional homes and businesses.

#### Thursday, September 24

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

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**Neuroscience of Learning, Culturally Responsive Education, and State Initiatives.** Mary Helen Immordino-Yang, Ph.D., professor of education and neuroscience and director of the Center for Affective Neuroscience, Development, Learning, and Education at the University of Southern California, spoke about the “cognitive integration” of social-emotional learning and culturally

responsive education. Ms. Immordino-Yang said brain development follows a complex integrated network developed not only by education systems but by emotional experiences and social environments. Thus, academic and social-emotional learning are intertwined. Humans are cultural learners whose brains cannot develop sufficiently without positive, supportive social-emotional relationships and experiences, and schools need to respond to this biological reality by providing students opportunities to reflect on their learning and engage in constructing meaning. Culturally responsive education allows this co-construction of meaning that leads to optimal learning and brain development.

Mayra Valtierrez, director of language and culture at PED, echoing Ms. Immordino-Yang's findings, said students connect better to content that is relevant to their lives. She discussed the ways PED is attempting to foster a culturally and linguistically relevant (CLR) education through validating and affirming students' home languages and cultures, as well as providing students with ways to code switch between different cultural contexts.

Gwen Perea Warniment, deputy secretary of teaching, learning, and assessment at PED, discussed the importance of ensuring instruction, curriculum, teaching materials, and family engagement are both integrated and culturally responsive. In FY21, PED budgeted \$9 million for CLR education statewide through high-quality instructional materials, CLR social-emotional supports, development of social studies standards, professional development, and indigenous language curriculum development. Some examples of efforts at the school and school district levels are CLR frameworks, equity councils, focus on supporting at-risk students, and professional development. PED is also embedding CLR elements in its Elevate NM teacher evaluation system and the creation of innovative assessments that are project-based and reflective of local practices.

Kara Bobroff, founding principal, Native American Community Academy (NACA) and founder and board member, NACA Inspired Schools Network, discussed the genesis and purpose of equity councils, stating they were seen as a key lever to provide PED a way to engage schools in meeting the needs of students equitably. The essential issues that guided the development of equity councils included ensuring equity in budgets, services and programs, moving beyond compliance, and establishing school and school district-level structures and systems to ensure partnerships in achieving greater equity for students.

Suzanne Nguyen, executive director of federal, bilingual, and Native American programs at Rio Rancho Public Schools (RRPS), LuJuana Coleman, executive director of secondary curriculum and instruction, RRPS, and Superintendent Sue Cleveland from RRPS provided an on-the-ground perspective on equity councils, describing their equity council as a mechanism for a breadth of voices to be heard, discussing student outcomes, understanding school district-level student data, and making recommendations to the school board regarding student supports. The panelists urged that equity councils should be integrated within the whole school district system, rather than as an add-on initiative to have an impact on improving equity in education for students and families.

Shawna Becenti, director of Navajo Preparatory School, provided testimony, as a former student and teacher and current school administrator, on the importance of CLR education so students are not expected to engage with instructional material foreign to their cultural identities. She asserted school cultures must be responsive to students' home cultures and that CLR efforts must be intentional and systematic to be effective.

Representative Dow asked how Covid-19 school closures would impact students' social-emotional learning. Ms. Immordino-Yang said this element of student learning will be diminished as students learn through interacting with their teachers and peers and that important visual cues are

disrupted even with high-quality remote learning. According to Ms. Immordino-Yang, remote learning will increase educators' challenges as it is not possible for students to fully engage through the available learning media, making it more critical that schools support students and parents in constructing meaning together.

In response to Representative Dow, Ms. Immordino-Yang confirmed children's development would suffer from the lack of emotional connection in facial expressions by not being able to see the faces of mask-wearing caregivers.

**Supporting Native American Students in FY20 and FY21.** Alison Briceno, managing director of PED's identity, transformation, and equity division, gave an overview of the personnel structure of the Indian Education Division (IED), addressing the status of the current vacancies and noting that candidates have been identified for the assistant secretary of Indian education and tribal consultant positions. PED also hopes to have a curriculum and instruction specialist and school design specialist hired next month. They discussed PED's vision that all school staffs should have understanding and awareness of Native American cultures and histories to help students and improve relationships among staff, students, and families. PED's goals are to increase the number of Native American language programs and indigenous teachers, develop community-based schools, and improve student outcomes.

Rebecca Reyes, deputy director of PED's IED, discussed some bright spots, noting increased participation in language classes and graduation rates. She also indicated PED's goals for Indian education was to direct resources where they are most needed and to provide an education that is responsive to students' languages and cultures through research-based interventions to improve student outcomes.

Pandora Mike, chairperson of the state's Indian Education Advisory Council, noted that in spite of recent improvements in student outcomes, achievement gaps still remained for Native American students relative to their peers. She noted two significant problems – the state's persistent inability to hire a permanent assistant secretary of Indian education and to issue grant award letters in a timely manner, preventing grantees from spending their Indian Education Act funds at the beginning of the school year. She also indicated the council submitted an advisement package to PED on July 27, 2020, that emphasized the following five areas: tribal collaboration and consultation; cultural competency training; cultural and linguistic education opportunities; adequate staffing for PED's Indian Education Division; and opportunities for tribal education organizations.

Karen Sanchez-Griego, superintendent of the Cuba Independent School District, discussed initiatives implemented in the school district with its annual Indian Education Act grant and indigenous education initiative. The school district reports having used its Indian Education Act grant to provide supports to students and families to increase student outcomes and community engagement through funding a family center coordinator and Native American student support program director. The school district's indigenous education initiative grant is begin used to create a school district-wide culturally responsive curriculum and to provide students with summer enrichment opportunities. The primary challenge has been continuing the programs through remote learning with the challenges of internet connectivity in the school district's many rural communities.

Isabelle St. Onge, director of Vista Grande High School, Taos Municipal Schools, discussed the school's collaboration with Taos Pueblo to create a replicable indigenous-based school redesign through the indigenous education initiative grant. The school and pueblo have developed a community-wide council and convened student focus groups to identify priorities and shape the

school redesign process. One outcome thus far has been the creation of an adobe-building certificate allowing graduates entry-level employment in construction and historic preservation. The school district has used its Indian Education Act grant to hire indigenous language instructors and a college and career readiness coordinator as part of the school's efforts to ensure students are not forced to choose between their culture and their schooling.

Kevin Shendo, director of the Pueblo of Jemez' Department of Education, spoke about the tribe's efforts to redefine education to build capacity, take ownership over education, and place language and culture at the heart of these endeavors. The department has used its Indian Education Act grant to increase students' access to indigenous language programs and college, career, and life readiness and to hire a student outreach coordinator. Mr. Shendo recommended diversifying funding streams for Indian education, allowing unspent funds to be reinvested, and ensuring that PED's IED is fully staffed and that the assistant secretary of Indian education position be apolitical.

Representative Garratt asked whether anyone at the school districts are tracking language acquisition. Superintendent Sanchez-Griego affirmed that Cuba is collecting such data for its kindergarten through 12th grade students for both Dine and Spanish language acquisition.

**Update on Perkins V and Career and Technical Education.** Elaine Perea, Ph.D., director, college and career readiness bureau (CCRB), PED, provided an update on career and technical education (CTE), including funding streams and the purpose of CTE. Ms. Perea noted CTE is often used to support middle skills jobs, which are well paying and in demand with workers typically needing a credential beyond high school but less than college. Ms. Perea highlighted changes in the structure of federal Perkins V funds and reauthorization that led New Mexico to establish regional consortia to conduct comprehensive local needs assessments in 10 regions across the state to better align education with workforce needs.

Tracey Bryan, president and CEO, The Bridge of Southern New Mexico, provided further detail on the process and purpose of regional meetings. Seven hundred seventy-nine participants, including 448 community partners and 331 educators, attended meetings across the state. Regional groups collectively shared and analyzed data on labor market needs and educational programs while also setting a vision for their respective regions. A comprehensive report was published. CTE targets across the state included: healthcare (eight regions), skilled trades (eight regions), professional, scientific, and technical services (four regions), intelligent manufacturing (three regions), agriculture, good, and natural resources to include energy (three regions), information technology (four regions), education (two regions), and hospitality and tourism (one region).

Ms. Perea noted key changes to Perkins and highlighted inequities in CTE funding prior to the transition to Perkins V. Ms. Perea also discussed how CCRB is aligning federal CTE funding with state initiatives including the Next Gen CTE pilot program. Currently, New Mexico has its highest amount of CTE funding in 10 years.

Eugene Schmidt, Ph.D., superintendent, Farmington Municipal Schools, discussed the importance of integrating math with the CTE experience. Dr. Schmidt noted the Four Corners area of the state is in the process of re-envisioning its workforce for the future and described how CTE is being used in schools to better connect academic learning with long-term career exploration. Connecting math to careers brings purpose to math learning. Students learn how math is relevant while also developing rigorous academic skills. Dr. Schmidt noted this has the potential to improve students' attitudes toward math and enhance motivation to acquire critical math skills needed for both academic and employment success.

Robin Kuykendall, associate vice president of enrollment management and student affairs chair, Clovis Community College, provided an overview of the community college perspective on CTE, including how the regional process impacted CTE efforts for Clovis Community College and surrounding schools. Clovis is able to administer pooled funds to expand access to CTE across school districts in the region. Ms. Kuykendall noted the importance of industry partnering with both secondary and postsecondary institutions and provided an example of a welding partnership that began with Clovis High School and is expanding to other secondary institutions.

Gwen Perea Warniment, Ph.D., deputy secretary of teaching, learning, and assessment, PED, noted considerations for the legislature. Ms. Perea Warniment noted that particularly with job loss as a result of the pandemic, CTE may play a role in helping with job recovery. The importance of the regional approach for economic recovery was also discussed. Additional state CTE ideas were highlighted, including ideas for work based learning experiences and efforts in states including Arizona and Idaho.

Senator Kernan commented on excitement about the regional approach and asked for clarity on how CTE funds are dispersed, particularly if pooling of Next Gen CTE funding and Perkins V occurs. Ms. Perea responded funding for Perkins V is calculated using a specific funding formula based on U.S. Census numbers that weights for population and poverty. The same model is being used for Next Gen CTE funding. One goal is to allocate funding to programs that may need more resources. Senator Kernan asked if this is related to certain trades. Ms. Perea noted it is not. Senator Kernan noted the importance of getting funding across the state via this formula so all students may benefit.

Senator Gonzales asked Ms. Perea if there are any CTE efforts focused on outdoor recreation. To date, Ms. Perea said no region has submitted an application for such funding but there is nothing that would prohibit this. Ms. Perea Warniment noted her role as an advisor on the outdoor advisory council and that there are beginning efforts in his space. Senator Gonzales highlighted efforts in Taos by students to learn bicycle skills and how it is an effort to promote outdoor recreation with both a business and wellness effort.

Representative Sheryl Williams Stapleton commented on the thoroughness of the presentation and noted a continued need to expand CTE across the state. Representative Stapleton asked if Perkins funding can be used to pay for career technical student organization memberships. Ms. Perea noted that there is not a strict prohibition on paying for membership, highlighting federal requirements, but noted state funds are easier to use to pay for memberships. Representative Stapleton asked if there are schools that are not taking funds because they feel it is not enough to expand the growth of a program. Ms. Perea said school districts that are not participating at this point are mostly struggling with internal administration and management. Ms. Perea also noted the streamlined application for these funds. Dr. Schmidt said school districts would likely make the decision not to participate in CTE programs if the Legislature were to cut Next Gen funding.

**Early Childhood Education: Programs for 4-Year-Olds.** Elizabeth Groginsky, secretary, Early Childhood Education and Care Department (ECECD), provided an overview of early childhood education programs and how they are designed to prepared students for kindergarten. She noted that since prekindergarten's establishment in 2005, the program has continued to grow in terms of funding, access, and quality. New Mexico has a mixed delivery system for prekindergarten, including public schools and community based organizations. Ms. Groginsky said the focus of prekindergarten is school readiness while also stating that school readiness begins prenatally. Ms. Groginsky noted ECECD's goal is to ensure 50 percent of 3-year-olds and 85 percent of 4-year-olds in New Mexico have access to prekindergarten. Currently, ECECD estimates 25 percent of 3-year-olds and 65 percent of 4-year-olds are enrolled in a prekindergarten program. Ms. Groginsky

discussed the importance of a high-quality early education workforce, noting New Mexico has a well-educated mixed delivery system, where the majority of prekindergarten teachers have a higher education or are enrolled in a post-secondary program. In addition to the academic background of the early childhood workforce, Ms. Groginsky said job-embedded coaching, access to technology, and on-going professional development are provided to the early childhood education workforce. Ms. Groginsky identified opportunities for growth in New Mexico's prekindergarten system, including pay parity for the early childhood workforce, increasing the number of bilingual educators, alignment of program standards, and increasing collaboration with Head Start and tribal education leaders.

Senator Padilla asked about the percentage of private providers who were denied access to a prekindergarten program contract and what feedback ECECD gives private providers who are denied approval. In response, Ms. Groginsky noted the evaluation team provided a program rubric through a request for proposal (RFP) and once the RFP process is closed, providers could reach out for individualized feedback. Senator Padilla urged Ms. Groginsky to continue to give timely and appropriate feedback so the programs can improve.

#### Friday, September 25

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

The following voting and advisory members were absent: Voting: Senator Candace Gould and Representative Derrick J. Lente; Advisory: Senators Daniel A. Ivey-Soto, Gay G. Kernan, and Gabriel Ramos, and Representatives Joanne J. Ferrary, David M. Gallegos, D. Wonda Johnson, Tim. D Lewis, and Tomás Salazar.

**Serving Students with Disabilities in New Mexico: Challenges and Potential Solutions.** Joel Davis, parent and member of the New Mexico Developmental Disabilities Planning Council, recapped some of his experiences as a parent trying to ensure his child receives appropriate services and encountering roadblocks that prevented or delayed delivery of these services. He noted little transparency in the process and a lack of training provided to general education teachers in working with students with disabilities. He also indicated special education in the state has not taken advantage of Medicaid matching funds to ensure the provision of required services to students. Mr. Davis asserted there have been improvements with his daughter's experience in Rio Rancho Public Schools since last month's LESC interim meeting (she is now receiving in-person instruction four days a week and virtual instruction one day), when he first brought these issues to light for the committee. He concluded with an affirmation continued collaboration with PED to make improvements to special education in the state.

Diane Torres-Velasquez, associate professor of education and member of the state's Latino Education Task Force, elaborated on the model of special education that she introduced at last month's LESC interim meeting, focusing on the World Health Organization's international classification of functions, disability, and health that approaches the child holistically to consider health, body functions, and structure, and how a child's activity in the world is affected. Ms. Torres-Velasquez made a series of recommendations regarding ways to improve special education in the state, including providing professional development for teachers and school administrators on how to respond to evaluation results with appropriate curricular and

pedagogical decisions; restructuring how special education fits into the overall PED administration; placing children at the center and ensuring they are provided appropriate opportunities to participate with their community; placing a greater emphasis on ensuring transition services are effective; conducting an immediate audit on the status of student services and reporting findings; and, adjusting individualized education plans (IEP) to honor the needs of students with disabilities.

Ryan Stewart, secretary, PED, reviewed special education data, indicating approximately 17 percent or 57,417 students in New Mexico's public schools are identified with learning disabilities and said persistent gaps exist in proficiency (especially reading) and graduation rates for these students versus other non-special education students. He noted the need for urgent action to better support students with disabilities and bring transformational change, indicating in particular the need for more support from general education teachers, more timely evaluations, more special education teachers, better communication with parents, and the need to move away from seclusion and restraint as behavior interventions.

Deborah Dominguez-Clark, director of special education, PED, spoke about current initiatives, such as increasing parental support by hiring a parent liaison, the alternative dispute resolution process, establishment of a parent training information center, and increased training to recognize and respond to the needs of autistic children. She also discussed PED's provision of coaches for students, behavioral training for staff at school districts, monthly special education directors meetings, an annual conference for special education teachers, and plans for increased collaboration with agencies for special education teacher licensure.

Representative Dow thanked PED staff for acknowledging there was room for improvement and making a commitment to transformational change. She asked how special education students could be exited from the program by age 23 if the school district is obligated to provide services. Director Dominguez-Clark indicated that such decisions are made by the IEP teams at each school, and asked that PED be made aware of any such decisions.

Representative Dow asked how long it took to get students services outside of the school setting during remote learning. Mr. Stewart stated parents must request a meeting with the school district to amend a student's IEP and that the school district must provide parents with prior written notice beforehand. Representative Dow also asked if any changes existed to the timeline to respond. Mr. Stewart responded that the US Department of Education had not issued any waivers or extensions of timelines. Representative Dow requested from PED a list of school districts that were delivering IEPs at early children department sites in the state.

Representative Thomson commented that PED is merely "nibbling at the edges" and displays a lack of meaningful change, noting that the relationship between parents and the department remains adversarial and an independent parent advocate (i.e., ombudsman), not a parent liaison, is needed to improve the situation.

Representative Garratt asked how much consideration in the career technical education (CTE) area is given to students with disabilities. PED staff responded that the number of students with disabilities with access to CTE pathways is increasing, as are their graduation rates, but that the department will need to follow up with the CTE division.

Representative Garratt asked what concrete steps PED has taken to provide all teachers and administrators additional training in working with students with disabilities. PED staff responded that the department is attempting to make this element a bigger part of teacher preparation programs and educator quality programs through embedding special education in teacher

preparation curricula at colleges and universities and allowing individuals to earn a dual license in both general and special education. Representative Garratt asked if PED has done an audit on how many long-term substitutes are working in special education classrooms. PED responded that it has not but will look into the matter. Representative Garratt asked why classroom windows in internal hallways were covered in one school that she observed. Mr. Stewart said that there is no formal policy on this, but he will look into it to understand how prevalent this practice is among schools.

Representative Herrera asked how much federal and state funding public education receives annually for special education. Ms. Dominguez-Clark responded that the state receives approximately \$96 million in federal Individuals with Disabilities Education Act money, most of which is distributed directly to school districts, but was not sure how much in state funding is generated annually.

Senator Lopez asked if the statewide conversation regarding special education had taken place and, if so, whether every region in the state was represented. Mr. Stewart said that it had and that PED, school leaders, advocacy groups, legal teams, and parents were involved and one major outcome was the need for better communication and parental support. He also mentioned PED still planned to use its \$750 thousand allocation for a statewide special education conference.