

**MINUTES**  
**Legislative Education Study Committee**  
**State Capitol, Room 322**  
**Santa Fe, New Mexico**  
**November 14-16, 2018**

November 14, 2018

The following voting and advisory members were present: Voting: Chairwoman Mimi Stewart, Vice Chair G. Andrés Romero, Senators Craig W. Brandt, Candace Gould, and William P. Soules, and Representatives Dennis J. Roch, Christine Trujillo, and Monica Youngblood; Advisory: Senators Daniel A. Ivey-Soto and Linda M. Lopez, and Representatives Joanne J. Ferarry, Stephanie Garcia Richard, Patricia Roybal Caballero, Patricio Ruiloba, Gregg Schmedes, Elizabeth "Liz" Thomson, and Linda M. Trujillo.

The following voting and advisory members were not present: Voting: Representatives Alonzo Baldonado and Sheryl M. Williams Stapleton; Advisory: Senators Carlos Cisneros, Gay G. Kernan, Howie C. Morales, Michael Padilla, and John Pinto, and Representatives Kelly K. Fajardo, David M. Gallegos, Jimmie C. Hall, D. Wonda Johnson, Tim D. Lewis, Rick Little, Angelica Rubio, Tomás E. Salazar, Debra M. Sariñana, and Jim R. Trujillo.

On a motion by Representative Roch with a second from Representative Christine Trujillo, the committee approved the November agenda with no opposition.

On a motion by Representative Roch with a second from Senator Soules, the committee approved the September LESC minutes with no opposition.

**School Accountability Systems and Measurement of School Climate.** Dr. Jennifer DePaoli, Senior Researcher, Learning Policy Institute, began by mentioning New Mexico was considering ways to improve the measurement of school climate within the school grading system. Science has revealed the brain is malleable and develops throughout life as a function of experiences. This means children's experiences, relationships, and environments are very important for their development. School climate – a school's norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational learning structures – is critical to ensuring students learn and succeed. Studies found that when children are supported, the outcomes follow; a positive school climate builds the foundation for higher achievement, better behavior, stronger relationships, and more positive long-term outcomes for students. The pillars of a positive school climate are structures for effective caring, identity-safe classrooms that support belonging, and trust between students, staff, and families. Positive school climates also expand meaningful social and emotional learning.

Some states, including New Mexico, measure school climate for federal and state accountability purposes. While the federal No Child Left Behind Act was largely focused on standardized test scores, the federal Every Student Succeeds Act (ESSA) allows states more flexibility to leverage measurements of school climate, including chronic absenteeism, suspension and expulsion data, and school climate surveys. At the state level, Dr. DePaoli recommended school climate measurements inform school improvement practices, using data from the measures to offer appropriate and personalized resources and technical assistance. While New Mexico uses an opportunity to learn survey to measure school climate, the 10-question survey focuses only on New Mexico teachers, and is not detailed enough to identify other domains where schools may need support. Dr. DePaoli highlighted state school climate surveys designed to identify specific deficiencies and improve student learning. New York uses a school climate survey that includes questions on the following six domains: rigorous instruction; collaborative teachers; supportive environments; effective school leadership; strong family and community ties; and trust. Illinois' "5Essentials" school climate survey is a survey of students, teachers, administrators, and parents that assesses the following domains: effective leaders; collaborative teachers; supportive

environments; involved families; and ambitious instruction. The American Institutes for Research (AIR) developed the Department of Education School Climate Survey (EDSCLS), a free web-based platform that surveys students, parents, and teachers and generates reports for each school in the domains of engagement, safety, and environment. However, states that use more rigorous school climate surveys should consider implementation; teachers and administrators need professional development to understand how to use the data appropriately and resources to effectively implement school climate reforms.

Chair Stewart noted LESC has studied the National Conference of State Legislatures' *No Time to Lose* report and heard from some brain scientists about student development. She asked what Dr. DePaoli meant by students "having agency." Dr. DePaoli asked the committee to consider a child in a school answering a question posed by the teacher: is the student a receptacle of knowledge and expected to spew it back onto a test, or is the student imbued with agency and encouraged to explore. She gave an example of a project in California where students were given a broad topic and decided how they wanted to study it and how they wanted to present it, depending on what they were interested in and what they wanted to learn.

Representative Christine Trujillo noted surveys only yield responses when students and families are literate, and that surveys should be culturally and linguistically appropriate. Dr. DePaoli said literacy is something that would need to be taken into consideration, but because the survey is used for improvement, schools with low response rates could work on improving the literacy of those students and parents in a way that works for them. She noted surveys can ask if students see their culture represented in the classroom, if their culture is welcome at the school, or if their needs are being addressed at the school. Dr. DePaoli recommended doing pilot projects in school districts interested in the cultural aspect of the work to inform a statewide policy.

Senator Soules asked how schools use the surveys to improve social and emotional learning, especially when funds are scarce. Dr. DePaoli stated concerted efforts by teams of principals, teachers, and parents work best. Often, social and emotional learning falls to school counselors, but some school districts receive funds from organizations like the Collaborative for Academic, Social, and Emotional Learning (CASEL) to support an FTE devoted to social and emotional learning. She urged the committee to build the system in a way that social and emotional learning remains integrated with academics as a basic part of education when funding is cut. This may involve requiring teacher preparation programs and professional development to include better social and emotional development training.

**LESC School Grades Workgroup Report.** Dr. Tim Hand, Deputy Director, LESC, began by stating Senate Memorial 145 from the 2017 Legislature asked the LESC "to study, collect and analyze data and comments from education stakeholders regarding the state's school grading system." Over the last two interims, a diverse group of stakeholders, including teachers, principals, charter school representatives, Native American education representatives, superintendents, union representatives, parents, and community organizations, learned from national experts and developed recommendations for improving New Mexico's school accountability system. Overall, the workgroup identified the following four major recommendations: New Mexico's school support and accountability system should shift from identifying and labeling failure to instead focus on providing support; schools should have an opportunity to share their story with the community; the state should take advantage of the opportunity to build an assessment system with the primary purpose of teaching and learning; and the information available to parents, policy makers, and the community should be expanded.

Katarina Sandoval, Senior Director of Academics and School Performance, Native American Community Academy, discussed the first recommendation, which is to create a "dashboard" designed to give more information about the successes and challenges of every school. The dashboard would link to achievement and demographic data, but also additional narrative areas,

allowing schools to have more narrative control over the data. If a school showed high growth in math scores, the narrative could explain the school's math program or the professional development teachers received. If reading scores were low, they could talk about their challenges and plans to address this and the challenges.

Beata Thorstensen, District Data Administrator, Rio Rancho Public Schools, explained how an accountability and support system would work best with an assessment designed to promote teaching and learning. Since No Child Left Behind, New Mexico has used a proficiency assessment as its primary assessment tool from third through 11th grade in English language arts and math. That exam is given at the end of the year, meaning achievement data cannot be used to inform instruction in the current year. The workgroup proposed that New Mexico take full advantage of an opportunity in ESSA by engaging with school district representatives, tribal representatives, content and linguistic experts, and community members, and design a system of multiple interim assessments. This type of assessment could be administered periodically throughout the year, would provide immediate data for teachers to inform teaching and learning, and would result in a single summative score for the identification of schools in need of support.

Dr. Ellen Bernstein, President, Albuquerque Teachers Federation, discussed students' opportunity to learn. Experts like Dr. Jeannie Oakes and Dr. Linda Darling-Hammond of the Learning Policy Institute have noted every student should have access to competent, qualified, and caring staff, the resources they need to learn, the building conditions to produce a comfortable environment, and updated technology. The workgroup recommended devoting a section of the dashboard to information on curriculum and instruction, resources, the capacity of the school staff, and the school's physical environment.

Dr. Angelo Gonzales, Chief Strategy Officer, United Way of Central New Mexico, discussed ESSA's school quality and student success indicator. The workgroup identified the following three measurements for characteristics of a quality school: chronic absenteeism, or the percentage of students who miss more than 10 percent of the school year; college-, career-, and civic-readiness to include graduation rates, an on-track to graduation indicator, and participation in college-, career-, and civic-readiness opportunities; and a culturally and linguistically appropriate school climate survey that engages students, parents, teachers, and administrators.

Representative Roch referred to the recommendation of shifting focus from identifying and labelling failure to providing support. He asked if a mechanism to identify and label failure also identifies and labels successes. Dr. Arsenio Romero, Superintendent, Deming Public Schools, replied that the current school grading system provides data but does not provide an explanation or context for the data. The workgroup identified a need to fill in the gaps in the current report cards that would allow schools to be more responsive to the needs of the community. The report card obscures innovative programming like Deming's successful career-technical education program. Representative Roch further cautioned that a formative assessment and results are not as valid to show students' readiness for graduation, and designing a formative assessment aligned with New Mexico's standards could have a significant cost. He also warned against allowing individuals outside of school districts to make judgments about whether resources are distributed effectively, asking that school districts still have control over decision making. Chair Stewart noted ESSA requires states to track how schools are spending their funding, and the Public Education Department (PED) already has plans to include this information on its school grades website.

Senator Soules asked how the workgroup plans to make the changes with a new administration and what portion of the changes must be made with legislation as opposed to administrative rule. Chair Stewart hoped to make many of the changes in a bill. Dr. Romero noted some portion of the recommendations, like a new system of assessments, would require additional funding.

Representative Thomson thanked the workgroup and requested a list of the workgroup members and the schools and organizations they represented.

Representative Youngblood thanked the workgroup but noted schools' opportunity to learn may be directly related to the initial funding schools receive from the Public Education Department. Some schools in her school district do not receive additional Title I funding, which can limit their ability to provide resources like educational technology or quality playgrounds. She urged caution about the standards the state sets because school districts may end up using their operational funding to meet the requirements of a new opportunity to learn section.

**Local Teacher Recruitment and Retention Strategies: Educators Rising, University of New Mexico (UNM) Teacher Residency Pilot, and Teacher Loan for Service and Loan Repayment Programs.** Miskee Blatner, Central Region Coordinator, Educators Rising, talked about the 1,100 educator vacancies in New Mexico. Educators Rising is a potential solution to fill the gap in the teacher shortage because the program begins recruiting teachers at the high school level and encourages them to return to teach in their community. Educators Rising can be extracurricular – during lunch, after school, or outside the school day – or can be a co-curricular program. Students participate in internships in local kindergarten through 12th grade classrooms. The program has a partnership with colleges across the state to offer dual-credit courses.

New Mexico State University's received \$140 thousand to fund the Southwest Outreach Academic and Research (SOAR) Lab, which annually publishes the report on teacher vacancies, and a part-time director and regional support personnel for Educators Rising. Without this funding, programs would diminish or teachers would be forced to raise funds. New Mexico State University requested a \$60 thousand increase for FY20 to increase programmatic support that would include a full-time state director, regional support, and stipends for teachers.

Viola Florez Ph.D., Professor, College of Education, UNM spoke about the partnership between Albuquerque Public Schools (APS), UNM, and the Albuquerque Teachers Federation for a teacher residency program. The residency program allows a student to work for a full year with a mentor-teacher that gradually allows the resident to take on classroom responsibilities instead of providing only a 16 week student teaching experience. Relevant coursework connected to the designated school site is also provided. Residencies increase the diversity of the teaching workforce and train student-teachers, who outperform traditionally-prepared student-teachers.

There are 24 resident teachers currently placed in three high-needs schools. Residents receive \$20 thousand during the residency year, earn an elementary or secondary education license, take 24 credit hours toward a master's degree, and are guaranteed a position in APS upon graduation. The funding runs out in May 2019. Research shows residents remain in the profession longer and have a higher impact on their students because of the additional support providing to them during their preparation program. The residency program needs continued funding and possibly an increased stipend.

Dr. Smith Frederick, Operations Director, Center for Student Success, UNM, spoke about his work recruiting students into the college of education. Students who show interest in teaching in New Mexico are stymied by the fact that an average student in the college of education takes approximately almost five years to graduate. Lottery scholarship recipients are funded for four years only, and many students graduate with debt. Informed students understand they will likely qualify for food stamps if they choose to become a teacher.

Dr. Harrison Rommel, Director of Institutional Finance and Financial Aid, Higher Education Department (HED) talked about financial aid programs for students pursuing a teaching degree and current, practicing teachers. The teacher loan repayment program was created to increase the number of teachers in high-risk schools. They have a two-year service commitment as they receive repayment of their loans. Only teachers who work in D- or F-rated schools currently

qualify. PED selects from the pool of applicants, and HED administers the program. There were 107 applicants and funding for only 12 during the 2017-2018 school year. To fund all the teachers who applied, it would cost between \$1.5 and \$2 million annually. The teacher loan-for-service program is for college of education students who are currently completing their postsecondary degree. Students receive a \$4 thousand loan per year with a commitment to teach for a specified period of time upon graduation. Only a handful of applicants apply for this program.

Chair Stewart asked Dr. Rommel if the loan-for-service program or the teacher loan repayment program offers living expenses or just tuition and fees. Dr. Rommel clarified that HED sends funds directly to the postsecondary institution for the loan-for-service program; the funds are combined with Pell grants and other financial aid funds. Funds can go toward living expenses, books, tuition, and fees.

Senator Soules asked if teacher residents take night classes. Dr. Florez responded that residents took courses during the summer semester, and continue courses only on Wednesday mornings before returning to their school sites during the regular semester.

Representative Christine Trujillo asked how UNM is recruiting second language teachers. Hector Ochoa, Dean, College of Education, UNM, stated they have developed programs targeting individuals who speak more than one language and assist pre-service teachers in passing their licensure exam. As a long-term solution, UNM is creating a kindergarten through eighth grade bilingual degree plan for a Spanish and indigenous languages license. UNM will present their plan to PED for authorization of a new license.

Representative Roybal-Caballero asked how the residency program teaches reading and diversity. Dr. Florez stated the program focuses on reading competencies required for state licensure as well as national and state standards. The residency program also teaches residents to work with culturally diverse students, English learners, and bilingual students. Resident teachers also take another course in social justice and diversity. Representative Roybal-Caballero asked if the courses incorporate institutional racism. Dr. Florez stated the social justice course addresses components of structural and institutional racism.

Vice Chair Romero asked about Educators Rising courses. Ms. Blatner stated there is a career pathway program and a sequence of four courses that schools can choose from: child development, teacher academy I, teacher academy II, and Internship. If a school had all four, they could qualify for federal Carl Perkins funding. Vice Chair Romero asked if the courses are dual-credit courses. Ms. Blatner stated the courses can be dual-credit courses only if the instructor has a master's degree and forms a partnership with a local university to be an adjunct professor, otherwise they are elective credits or provided through after school clubs, depending on interest.

**Chronic Absenteeism and its Impact on Student Learning: A Shift from Focusing on Unexcused Absences.** Representative Ruiloba reviewed the history of the truancy initiative. He discussed noticing missing policy which allows schools to create their own response to absenteeism. He stated he will be introducing a bill that will take a holistic approach to student and family needs. Representative Ruiloba explained reasons for absenteeism include ease of leaving campus, conflicts between students or students and staff, student suspensions, and how habitually truant students could be facing abuse or are in a foster situation. Representative Ruiloba noted structures in his bill mirror requirements through the federal Every Student Succeeds Act (ESSA).

Dr. Angelo Gonzales, United Way of Central New Mexico, introduced Mission: Graduate, a cradle to career partnership with over 100 organizations. To improve college completion rates, focus must be on everything that leads to college graduation, including high school graduation. The "profile of a graduate" that Mission: Graduate created includes everything around preparing graduates to be successful in college, career, and life. School attendance is linked to preparing

students to be successful in college, career, and life. Attendance starts with engaged families and communities. Communities must support children to be successful. Attendance is linked to curiosity and a willingness to learn. It is linked to reliability, a key workplace skill. Research shows attendance is one of the key predictors of high school graduation, along with behavior and course completion.

New Mexico looks at attendance through the lens of habitual truancy, defined as 10 or more unexcused absences in a year. Chronic absenteeism is defined as missing 10 percent or more of the school year. Any absence counts toward chronic absenteeism, including time missed for extra-curricular activities. The U.S. Department of Education's Office of Civil Rights has started collecting data on chronic absenteeism from school districts across the country, looking at the percentage of students who miss 15 or more days for any reason. The causes of chronic absenteeism are important. School-based approaches to addressing chronic absenteeism include data collection to identify root causes of absences and develop solutions for students. Dr. Gonzales suggested a tiered approach should be taken to address chronic absenteeism, along with engaging families, students, teachers, staff, and other partners to understand the causes of absenteeism and move forward with joint approaches.

Attendance Works, a national organization, recommends a three-tiered intervention model. Tier one focuses on prevention, tier two on early intervention, and tier three on specialized support. Attendance Works recommends shifting the focus from truancy to chronic absenteeism and defining chronic absenteeism as missing 10 percent or more of school days. Representative Ruiloba stated the Attendance for Success Act – the bill he will be introducing – will provide for early intervention that will require schools to provide supports for students, families, and the community.

In response to Representative Sarinana, Dr. Gonzales stated focus on attendance should begin in prekindergarten. Representative Roch noted the profile of a graduate was useful because of the multiple lenses through which a graduate can be viewed, with different entities valuing different things. He also asked about what contributed to the increased levels of male truancy. Dr. Gonzales stated the national data shows an emerging gender gap in education, with boys graduating at a lower rate than girls.

Chair Stewart noted a genius hour implemented at Hawthorne Elementary School – a successful community school strategy – has improved attendance because students do not want to leave early because of the fun and engaging activities. Dr. Gonzales community schools models are an effective strategy for addressing chronic absenteeism.

November 15, 2018

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The following advisory members were not present: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Gay G. Kernan, and John Pinto, and Representatives Kelly K. Fajardo, David M. Gallegos, Jimmie C. Hall, D. Wonda Johnson, Tim D. Lewis, Rick Little, Angelica Rubio, Debra M. Sariñana, and Jim R. Trujillo.

**Building a Highly-Effective Public Education System.** Dr. Linda Darling-Hammond, President and Chief Executive Officer, Learning Policy Institute (LPI), spoke about her work on *No Time to*

Lose with Marc Tucker, President/CEO Emeritus and Distinguished Senior Fellow, National Center on Education and the Economy, and legislators and other education stakeholders from New Mexico. She stated the federal No Child Left Behind Act focused on achievement and expected education would improve through annual testing, targets for improving schools, identifying and issuing consequences for schools that failed to meet targets, and tying test scores to teacher evaluation. Since then, U.S. students' test scores on the Program for International Student Assessment (PISA) in math, science, and reading have declined. Additionally, childhood poverty has increased. Other countries spend more on the education of high-need students. No countries are high-performing and inequitable. Equity is an important part of high performance.

Massachusetts and Connecticut have high levels of poverty with students still achieving at high levels. The changes occurred after a financial investment was triggered by a lawsuit. Another example is New Jersey, which after 30 years and nine court decisions, allocated resources based on students' needs. New Jersey invested in preschool and healthcare for children and families statewide, and raised educators' salaries to a competitive level. Additionally, New Jersey prepared teachers to teach English learners and students with a range of needs. Instructional standards focused on higher-order skills with high-quality assessments, supplemented by high-quality professional development, and wrap-around services. New Jersey did this for 15 years and saw improvement.

Teachers gain skills and effectiveness as they remain in the job, but 90 percent of new hires replace teachers from the year before. Teachers are twice as likely to continue teaching if they are well-prepared and have strong mentors. Highly-developed nations have a cadre of trained teachers who return to their school district and support local efforts. Social, emotional, academic, and leadership supports are important. Social emotional learning skills are tightly connected to personal development and these skills carry students through life. Quality professional development is focused on content, actively engages teachers, fosters collaboration, provides a model for assessments, embeds coaching, allows for opportunities for feedback, and is sustained over time.

Allan Oliver, Executive Director, Thornburg Foundation, spoke about the foundation's mission to invest in enduring solutions to help solve problems through research, including focusing on build a commission for education to build a world-class education system in New Mexico. The foundation entered into a \$264 thousand contract with LPI to develop a long-term strategic plan that is forward-looking, research-based, locally-informed, and positioned to be widely embraced. The strategic plan will provide analytics, policy recommendations, and potential courses of action for consideration by policymakers.

Dr. Jeannie Oakes, Senior Fellow in Residence, LPI said the LPI proposal is a *No Time To Lose*-focused report for New Mexican. LPI researchers will operate through grant funding to help lawmakers solve problems in education. The two-week-old project does not contain a ready-to-import plan, but rather plans to look at successful models and use local expertise. This is not about raising scores on language and math, it is about ensuring that every child is prepared for college, career, and civic participation. The system should be responsive to and supportive of cultural and linguistic diversity, addressing the whole child, building on the science of learning, and addressing the social-emotional development of young people. This includes providing wrap-around services that may offset many of the harms of poverty, racial isolation, and discrimination. The plan of action is to build on what is already working by interviewing stakeholders and conducting site visits.

Representative Christine Trujillo expressed concern that the statewide community was not involved in the creation of the commission, such as people of color and the lawsuit plaintiffs. She explained that she has witnessed professionals from outside the state brought in to consult, although numerous persons around the state have expertise in meeting the needs of New Mexico.

She pointed out the foundation's request for proposals for the project did not include reference to bilingual education, the Indian Education Act, Spanish language, or higher education.

Dr. Darling-Hammond clarified that it will be New Mexicans who will design the New Mexico education system and LPI will provide support through research. LPI has reached out to all the mentioned groups and has met with some, but has been rebuffed by the plaintiffs' attorneys. She stated the ability to work with special education needs and multi-lingual learners is essential to teacher education. With shortages, teachers arrive to the classroom underprepared. With mentoring, support, and the right training, evidence shows teachers will stay in the classroom and become effective.

Senator Brandt stated New Mexico has not funded teacher professional development appropriately. Dr. Darling-Hammond noted that making one-time funding investments to help teacher instruction could be one way to address this challenge.

Senator Morales asked Dr. Darling-Hammond how achievement should be measured. Dr. Darling-Hammond stated students should be college, career, and civic ready. Graduation rates and progress through grades matter, but some states measure achievement with college and career indexes that include multiple indicators, such as which students have access to high-quality career technical education, college preparatory programs, and high-quality internships.

Chair Stewart spoke of the meeting with students from Aztec High School at the committee's June meeting, and said the students asked for onsite counselors for mental health welfare checks. They wanted to have opportunities to talk to someone anytime they were thinking about the two students lost in that shooting. Dr. Darling-Hammond cited statistics regarding school shootings: 95 percent of shooters are students from that school and 71 percent of those shooters said they felt harassed, bullied, or abused either within or outside of the school.

**Retiree Health Care Act Solvency.** David Archuleta, Executive Director, New Mexico Retiree Health Care Authority (RHCA), said RHCA was created in 1990 to provide affordable healthcare to retired public servants. The retiree health care fund had about \$650 million in assets and an estimated \$5.1 billion in liabilities. He said the board conducts an annual solvency analysis and the most recent analysis indicated the authority would start to deficit spend in FY22 and the fund would be insolvent in FY37. He said the board has taken action to extend the fund's solvency period, including reducing benefits for current retirees. He said the board will continue to look for ways to limit liabilities, including a reduction in plan subsidies for spouses and domestic partners or pre-Medicare retirees and a recently adopted change to the authority's administrative rules, which will end subsidies for members under the age of 55 and increase the number of years of service to 25 years from 20 years to receive the maximum subsidy from RHCA. He said the authority will also ask the Legislature for an increase to active employee and employer contributions, with an estimated cost of \$22.7 million to the general fund.

In response to Chair Stewart, Mr. Archuleta said only those who retire after December 31, 2020 would be impacted by the recent rule change and anyone currently enrolled is allowed to continue with the program. In response to Representative Linda Trujillo, Mr. Archuleta said the board took into consideration that some employees may move up their retirement date in response to the changes to remain eligible for a healthcare subsidy. He said the board received a significant feedback on the rule change, but the board had a fiduciary responsibility to the program. He said with significant unfunded liabilities, the rule change was something the board did to increase the life of the program. He noted it was difficult to sustain a benefit when member could contribute for 25 years and collect benefits for 40 years.

Senator Padilla asked if any state has set contributions for retiree health care to automatically increase based on the fund's actuarial status and Mr. Archuleta answered he was not aware of any state doing this. Representative Thomson asked if it was possible to use the purchasing power



of the state to find more affordable care and Mr. Archuleta stated RHCA is currently part of a joint purchasing group with Albuquerque Public Schools, the State of New Mexico and the Public Schools Insurance Authority, which helps reduce costs. Representative Christine Trujillo noted the potential alternatives RHCA staff had compiled and said she did not think members would support eliminating benefits for spouses, eliminating pre-Medicare coverage, or shifting to a defined contribution system.

Representative Ferrary said she had compared RHCA plans to others that were available and found RHCA plans to be more expensive and asked why they were more expensive. Mr. Archuleta said RHCA encourages members to look for the best plans. He noted some members have left RHCA for other plans and have found significant out-of-pocket costs or limited coverage for prescription drugs. He also noted that plans are often cheaper for those between age 65 and age 68. Senator Soules asked if RHCA offered a wellness plan and Mr. Archuleta said there is a comprehensive wellness program including smoking cessation, a variety of diet and exercise courses, and a diabetic control program, but participation in the program is low. Senator Soules said as a participant in RHCA he did not know about the program and suggested better advertising of the program. Chair Stewart asked if RHCA offered a “silver sneakers” program to provide access to gyms and fitness centers and Mr. Archuleta said it was offered through the Medicaid advantage plan, but it would be cost prohibitive to add to other plans.

#### **Charter School Facility Issues: Cost Effectiveness of Current Facilities and Lease Assistance.**

Jonathan Chamblin, Director, Public School Facilities Authority (PSFA), said PSFA is in the process of improving the lease assistance process, starting with engaging charter schools through a series of workshops and assessments of their facilities. The objective is to ensure compliance with statutes related to lease assistance and ensure equity and consistency for all charter schools.

Mr. Chamblin provided a brief history of the lease assistance program since 2005. The program has grown from providing \$2 million in lease assistance funding to 37 charter school leases in FY05 to providing \$15.7 million in funding to 103 charter school leases in FY19. Additionally, lease assistance as a percentage of actual lease costs has grown from 54.7 percent in FY06 to 66.2 percent in FY19. Mr. Chamblin explained lease assistance is a discretionary program, in contrast with other constitutionally obligated Public School Capital Outlay Council (PSCOC) funded programs, such as standards-based awards.

Next, Mr. Chamblin outlined statutory requirements for the types of spaces that are eligible for reimbursements. PSFA assessment of charter schools over the past year revealed that 87 percent of charter schools were over-reporting the types of space they were claiming reimbursement for and the corresponding square footage. In prior years, charter schools self reported allowable gross square footage in their lease reimbursement applications. In addition to the statewide workshops and reassessment of all charter schools, PSFA’s next steps include development of an online application for lease assistance, standardized lease templates, classroom space definition and utilization standards, and future facility solutions and strategies. Mr. Chamblin said the Public Education Department (PED), the Public Education Commission (PEC), and the New Mexico Coalition for Charter Schools have been engaged in this process by attending workshops.

Dr. Joseph Escobedo, Senior Director, Office of Innovation and School Choice, Albuquerque Public Schools (APS), said APS has invested more than \$58 million in permanent facilities for seven charter schools. Albuquerque citizens have approved \$100 million in mill levies, \$53 million of which is being directly distributed to charter schools per state law. APS initiated a pilot program in 2008, where these seven charter schools opted in through memorandums of understanding to purchase facilities maintained by APS. Dr. Escobedo said APS has tried to be as aggressive as possible in providing charter schools with adequate facilities. APS is developing a master plan for prioritization of their charter schools based on their performance framework. The lack of

facilities for charter schools in the Albuquerque area remains an issue, APS is trying to leverage funds and provide support while being as creative as possible, but there is still a long way to go.

Daniel Barbour, Assistant General Manager, The ASK Academy, provided an overview of Ask facility. ASK opened in February 2016 in a 39 thousand square foot building sitting on six acres, at a facility cost of \$6.7 million. Mr. Barbour said 68.5 percent of their lease is covered by lease assistance, the rest comes out of their operational budget. Lease assistance is the main source of income to fund their facility. Mr. Barbour said he would like to see clarity through statute regarding lease assistance. However, leasing is not a permanent solution, and long-term charter school facility solutions will help stop the lease assistance program from growing. Mr. Barbour also added that the lease purchase approval is a difficult process to navigate.

Susan Lumley, Principal, Academy for Technology and the Classics (ATC), said the school has received an A for the last six years, is in the top 2 percent of schools nationwide, and is the second best high school in the state as ranked by U.S. News & World Report. The school is in a public building owned by their foundation, and they depend on the lease assistance program to pay their mortgage. With 390 students and a proven track record of success, they have a waitlist of 1,100 students, and would replicate their school if facilities were available. Mrs. Lumley said in 2006, ATC constructed a building with bonds financed by Hamlin Investment and Thornburg Investment at a 6.7 percent interest rate, before HB33 and SB9 funds were available to charter schools. Paying this high rate put the school in a financial bind. In 2013, when Mrs. Lumley became the principal, they refinanced their mortgage through Los Alamos National Bank after being denied by the New Mexico Finance Authority (NMFA) and 30 other institutions. If NMFA had given them a loan, they would be paying interest to the state rather than to a private lender. They pay Los Alamos National Bank \$363 thousand per year, their lease reimbursement is about \$275 thousand. Since they are located in Santa Fe County, the U.S. Department of Agriculture (USDA) secures their loan allowing a 4 percent interest rate, so they also pay USDA \$29 thousand for their secured loan. If they had a lower interest rate or other means, \$114 thousand could be spend on instruction.

Matt Pahl, Executive Director, New Mexico Coalition for Charter Schools, said charter schools have been in the public school system since 2002. There are 96 charter schools in New Mexico, down from 103 a few years ago. Charter schools are funded in an equalized manner with school districts, but because they are different, certain elements of funding are exacerbated. Two years ago, the coalition and the U.S. Department of Education did a survey of charter schools in Albuquerque and found that 65 percent of charter schools wanted to enroll more students, but were restricted by facility constraints. He said there are two well-intentioned laws not being fully implemented or realized: the public building deadline and the requirement for school districts to make unused facilities available to charter schools. Both of these laws were meant to leverage buildings that the state has already paid for, but there are some problems. For example, buildings provided by school districts often need lots of work. Mr. Pahl said few charter schools have received construction funding from PSCOC. One issue is charter schools struggle to raise enough money for their required local match. Additionally, while the weighted New Mexico condition index (wNMCI) is a great way of prioritizing schools, it is rare if a charter school makes it to a point on the list where they are eligible for funding.

Mr. Pahl said the Legislative Finance Committee says charter schools are getting more money than school district schools. He referenced a bar chart showing charter schools receive \$10.4 thousand on average in operational funding compared with \$9,685 for school district schools. Mr. Pahl said charter schools use operational funding for buildings because they do not have sufficient capital funding. He would like to see lease assistance funded solely on a per-MEM basis. Regarding long-term facility solutions, he would like to see specific parameters for PSCOC funding for charter schools. He also wants to ensure New Mexico is prioritizing public facilities for charter schools. Lastly, he would like to see a revolving loan fund, administered by NMFA, to

provide a public borrowing option for charter schools at preferred market rates that would involve charter school authorizers and PSFA to ensure that the investments are good ones.

Representative Youngblood shared how Denver Public Schools has created revenue streams by partnering with charter schools and asked if that is on the horizon. Mr. Pahl said they are doing that analysis. Representative Youngblood commented that there is a lot to improve regarding the return on investment for our public schools.

Representative Salazar asked Mr. Pahl if he is working with NMFA. Mr. Pahl said he has met with NMFA and there are no promises yet. His organization will continue to work with Senator Ortiz y Pino and Senator Ivey-Soto, who are working on legislation and want NMFA on board.

**Getting Teacher Evaluation and Teacher Licensure Right.** Dr. Linda Darling-Hammond, President and Chief Executive Officer, Learning Policy Institute (LPI), said New Mexico is one of many states rethinking its teacher evaluation system. If the goal of teacher evaluation is to make teachers more effective, evaluations should align with proven means of improving teaching rather than rank or label teachers. Dr. Darling Hammond outlined reasons teacher evaluations have been seen as problematic, including a failure to provide timely feedback and a lack of clear standards for teaching practices. For instance, some evaluations were based on how neat a teacher's room was or what was posted on bulletin boards. Instead, she noted, evaluators should have content expertise and be able to connect evaluations to professional development. Other countries also ensure teacher preparation is tied to standards so that teachers are prepared for evaluations before they start teaching.

Dr. Darling Hammond noted teacher evaluations are most productive when they accomplish the following 10 tasks: evaluate adherence to the National Board for Professional Teaching Standards; allow for systemic recruitment, selection, induction, mentoring, and professional learning focused on the same set of standards and expectations; create coherence between leadership preparation programs and the evaluation system; focus on performance-based tasks similar to those needed for National Board certification; use integrated standards-based measures of practice, professional contributions, and student progress; use multiple measures to reflect instructional practice, including observations, curriculum plans, evidence of student learning, and feedback from students and parents; use multiple measures rather than value-added scores to reflect student learning; develop effective processes with peers and mentor teachers rather than relying solely on principals for evaluations and coaching; link directly to high-quality professional development; and emphasize collaboration and avoid competition.

Senator Brandt asked if New Mexico's three-tiered licensure systems should include more tiers and noted he was working on a bill that would implement six tiers. Dr. Darling Hammond said the system could have more tiers, depending on how the state deploys the levels. A state could have designations such as senior teacher, master teacher, or even principal master teacher, she said.

Representative Roch said the Legislative Finance Committee recommends more instructional time and asked if she had data on how New Mexico compared with other states. Dr. Darling Hammond stated survey data could be looked at state-by-state, but more instructional time does not necessarily mean more teaching time for individual teachers. Some countries hire more teachers and fewer staff in other positions to provide students with more instructional time. Representative Roch asked about the contradiction in evaluating teachers using student learning while also putting too much focus on test scores. Dr. Darling Hammond responded there are multiple ways to measure student learning, test scores being the least reliable. She said student learning could be measure using student learning objectives or other assessments. Having only a single measure is problematic, she said.

Vice Chair Romero asked how to recruit and retain content-area teachers, including alternative licensure candidates. Dr. Darling Hammond stressed the importance of mentoring, continuity, and high-quality professional development.

Senator Soules asked how New Mexico should fill teacher vacancies and recruit new teachers. Dr. Darling Hammond said the state should consider salary levels, expedited preparation programs, scholarships, loans, and residency programs. Senator Soules asked if accreditation from the Council for the Accreditation of Educator Preparation (CAEP) is important for teacher preparation colleges. Dr. Darling Hammond said effective accreditation is important to ensure teaching candidates get what they need to be effective, but often states have an approval process in addition to CAEP accreditation. Senator Soules asked whether the value-added model was used to evaluate teacher education programs in other states. Darling-Hammond said some states did use value-added models but many have stopped. Some states still use value-added models for accreditation purposes. Many states now have dashboards that multiple measures of performance.

Chair Stewart said she would like to stop using the current evaluation system and reinstall the professional development dossier to move through the three-tiered licensure system. She asked what the best way to move between levels would be. Dr. Darling Hammond said using teaching standards as a basis for feedback and evaluation is effective.

Chair Stewart reopened the floor for questions to Dr. Oakes, Mr. Oliver, and Dr. Darling Hammond regarding their presentation on Building a Highly Effective Public Education System. Representative Stapleton asked if the *Martinez* and *Yazzie* lawsuit plaintiffs knew about LPI's proposal. Dr. Oakes said she learned of the Thornburg Foundation's request for proposals three days before proposals were due, but she reached out to the plaintiffs' attorneys when LPI was awarded the contract. Representative Stapleton asked if the RFP was widely advertised. Mr. Oliver said it was disseminated nationally and was announced at the speakers series put on by the Thornburg Foundation, Santa FE Community Foundation, and Los Alamos National Laboratory Foundation. Representative Stapleton said her biggest concern is that advocates in the lawsuit were not aware of the RFP or LPI's proposal. She said the attorneys want to be primarily involved in the development of any plan. She said she appreciated the Thornburg Foundation's work in education in New Mexico, but stressed the importance of building trust between the parties.

November 15, 2018

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Vice Chair G. Andrés Romero, Senators Craig W. Brandt, Candace Gould, and William P. Soules, and Representatives Alonzo Baldonado, Dennis J. Roch, Christine Trujillo, Sheryl M. Williams Stapleton, and Monica Youngblood; Advisory: Senators Daniel A. Ivey-Soto, Linda M. Lopez, and Howie C. Morales, and Representatives Joanne J. Ferarry, Stephanie Garcia Richard, Patricia Roybal Caballero, Patricio Ruiloba, Tomás E. Salazar, Gregg Schmedes, and Linda M. Trujillo.

The following advisory members were not present: Senators Carlos Cisneros, Gay G. Kernan, Michael Padilla, and John Pinto, and Representatives Kelly K. Fajardo, David M. Gallegos, Jimmie C. Hall, D. Wonda Johnson, Tim D. Lewis, Rick Little, Angelica Rubio, Debra M. Sariñana, Elizabeth "Liz" Thomson, and Jim R. Trujillo.

**Administrative Rulemaking.** Abigail Stiles, Fiscal Analyst, LESC, presented the Public Education Department's (PED's) proposed changes to 6.80.4 NMAC, Charter School Application and Appeal Requirements. The proposed rule would define how a charter school fails "to meet or make substantial progress toward academic achievement" according to criteria established by PED, and addresses procedural matters related to appeals of chartering decisions to the secretary of public education. Representative Roybal Caballero explained her concerns that the Public Education Commission (PEC) was not asked for their input on the proposed rule.

Andrea Ochoa, Fiscal Analyst, LESC, presented PED's proposed new rule, 6.65.4 NMAC, Teacher Leader Development Framework. The proposed new rule establishes criteria for the teacher leader development framework developed by PED to enable communication between teacher leaders, PED policymakers, and the secretary of public education, essentially placing in regulation, the teacher leadership framework the department implemented in January 2017 and committing the new administration to PED's current initiatives. Committee members agreed that empowering teachers to impact policy is a laudable effort; however, PED may have overextended its authority by committing the incoming administration to continue to fund several of the current administration's initiatives, including specific temporary staff positions.

Ms. Ochoa presented PED's proposed rule to repeal and replace Part 10 of 6.60 NMAC, Mentorship Programs for Beginning Teachers. The proposed rule outlines the roles and responsibilities of PED, school districts, charter schools, state educational institutions, teacher mentors, and first year teachers with regard to the mentorship framework established by PED.

Tim Bedeaux, Fiscal Analyst, LESC, presented PED's proposed new rule 6.29.17NMAC, New Mexico Computer Science Standards. The proposed rule would require any public school, state supported school, or public education program conducted in a state institution in which computer science is taught to adhere to computer science content standards published by the Computer Science Teachers Association and the Association for Computing Machinery. Representative Sarinana and Senator Soules touted the standards as being rigorous, but shared concerns about the implementation of the standards and the use of vertically-aligned standards for classes that are not required of New Mexico students.

Mr. Bedeaux presented PED's proposed repeal of 6.19.1 NMAC, Public School Accountability General Provisions, and the repeal and replace of 6.19.8 NMAC, Grading of Public Schools. The proposed rule would make the following changes: align New Mexico's school grading system with the federal Every Student Succeeds Act by eliminating general provisions related to the No Child Left Behind Act; create new and modify existing indicators used to calculate school grades; reassign weights to indicators within school grades including separate weights for schools designated supplemental accountability model (SAM) schools; and codify criteria for the identification of targeted support and improvement, comprehensive support and improvement, and more rigorous intervention schools. Representative Youngblood explained the changes would strengthen the school grading system by including more metrics and improve accountability. Senator Ivey-Soto noted while he was pleased to see the SAM schools included in the new rule, the definition of SAM schools in the rule ignores many populations that present difficulties to assess. He is also concerned that many of the new rules violate the State Rules Act because the rules rely on annual guidance that may affect practice but have not been subject to public notification or comment.

Kevin Force, Senior Research Analyst, LESC, presented PED's adoption of 6.63.17 NMAC, Licensure for Attendance Coaches, Pre K-12, which establishes two new levels of licensure for attendance coaches who support attendance interventions to improve overall school attendance for prekindergarten through 12th grade students. Changes from the rule as proposed include the following: excluding truancy officers from the definition of "attendance coach;" expansion of the licensure period from one year to three years for level one coaches, and one year to nine years for level two coaches; a requirement that attendance coaches seeking to renew their license must demonstrate certain competencies; a requirement that all attendance coaches complete PED-approved professional development; and a provision allowing individuals who hold a teacher or instructional support license to become an attendance coach without seeking licensure. Representative Linda Trujillo noted her concerns that, based on the School Personnel Act, it is unclear whether PED has the authority to establish the new levels of licensure, and whether the attendance coaches will be certified or non-certified employees.

Ms. Ochoa presented PED's adoption of 6.61.9 NMAC, Certificates of Endorsement Waiver. Minor, non-substantive changes from the rule as proposed limit endorsement waivers in mathematics, language art, science, and social studies to individuals with teaching licensure in secondary education, grades seven through 12; middle level licensure, grades five through nine; and licensure for prekindergarten through grade 12.

**Potential Committee-Endorsed Legislation.** Mr. Force reviewed bills for the committee's possible endorsement. Chair Stewart noted most bills would not be considered for endorsement in November, but would be revisited in December.

The committee endorsed a bill to increase the minimum salaries for level one teachers to \$45 thousand, level two teachers to \$55 thousand, and level three-A teachers and counselors to \$65 thousand over three years, and tie salaries of school principals and assistant principals to the level three-A teacher minimum salary. Senator Ivey-Soto noted the bill does not include salary increases for noncertified personnel. Representative Linda Trujillo indicated she and Representative Christine Trujillo may carry a bill to address the salaries of educational assistants and other personnel. Representative Baldonado suggested adding a cost-of-living provision to the bill so this issue need not be revisited so frequently in the future. Senator Brandt moved the bill for endorsement, seconded by Representative Roch, and it was endorsed with no opposition.

Mr. Force then presented several new ideas for bills to the committee for the first time, including:

- A bill to create a factor in the public school funding formula to fund PED-approved career-technical education programs that meet certain criteria. Senator Brandt expressed some concern over amending the formula to address only one program.
- A bill to allow the Public School Capital Outlay Council (PSCOC) to adopt adequacy standards for prekindergarten classrooms and allow those facilities to be funded with qualifying standards-based awards under the Public School Capital Outlay Act. Representative Roch suggested adding a provision to permit Senate Bill 9 and House Bill 33 funds to be eligible for prekindergarten facilities.
- A bill to give school districts more flexibility for the use of instructional materials allocations, allowing inclusion of original source material and digital learning platforms in the definition of "instructional material." Additionally, the bill would eliminate allocations to private school students.
- A bill, brought by Chair Stewart to provide funding for individuals pursuing a degree or endorsement in early childhood education, special education, and teaching English to speakers of other languages, as well as for Native American students pursuing degrees in education. Senator Brandt commented it might be more appropriate to open the program to all teachers, while prioritizing those students, considering the general teacher shortage in the state. Chair Stewart noted that had been her original purpose with the bill, with priority given to the sorts of students described in the bill. Senator Soules suggested including social workers and counsellors.

Mr. Force then presented several bills for which discussion drafts were available, including:

- A bill to enact a maximum age for students funded through the public school funding formula, which current law lacks, commensurate with the limitation to age 22 years for students receiving special education services. Chair Stewart noted the bill would grandfather those adult students currently in public schools who might be excluded by the age limitation. Representative Roch and Senator Lopez expressed concern about cutting off funding for schools that have programs specifically for those students. Senator Ivey-Soto suggested adult basic education funding should be in the funding formula, to incentivize schools to support programs for adult students.

- A bill requiring any charter school with a year-over-year first reporting date enrollment decline of more than 15 percent to have their formula funding determined based on current year, first reporting date enrollment rather than prior year enrollment. Senator Brandt noted his concern over law that addresses charter school but not traditional public schools, indicating he could not support the bill. Representative Roch suggested raising the determining threshold above 15 percent and including both charter schools and traditional public schools.
- A bill to resolve an apparent conflict between the A-B-C-D-F Schools Rating Act, which references ninth grade standards-based assessments, and the Assessment and Accountability Act, which does not, by eliminating the reference from Section 22-2E-4 NMSA 1978, thus harmonizing the two acts and also fulfilling requirements of the federal Every Student Succeeds Act (ESSA). Representative Roch noted his concern that eliminating the ninth grade assessments also eliminates useful longitudinal student proficiency data. He also noted the simple change could be made as part of a larger bill related to school grades.
- A bill to create a framework for school improvement plans compliant with ESSA, establishing criteria for identifying schools for targeted support and improvement (TSI), comprehensive support and improvement (CSI), or more rigorous interventions (MRI), and requiring any school in need of improvement to author a school improvement plan. Schools would be permitted to apply to PED for technical and financial assistance in implementing their plans. Chair Stewart noted the bill would work best as part of a systematic overhaul of the school accountability system.