

MINUTES
Legislative Education Study Committee
New Mexico State Capitol, Room 307
Santa Fe, New Mexico
July 24-26, 2019

July 24, 2019

The following voting and advisory members were present: Voting: Chair Christine Trujillo, Vice Chair Mimi Stewart, Senators Candace Gould, William P. Soules, and Representatives Rebecca Dow, G. Andrés Romero, Sheryl Williams Stapleton, Linda M. Trujillo; Advisory: Senators Carlos Cisneros, Linda M. Lopez, Michael Padilla, and Representatives Kelly K. Fajardo, Natalie Figueroa, Joy Garratt, Susan K. Herrera, Raymundo Lara, Willie D. Madrid, Gabriel Ramos, Patricia Roybal Caballero, Tomás E. Salazar, Debra M. Sariñana. The following voting and advisory members were not present: Voting: Senator Craig W. Brandt, and Representative Alonzo Baldonado; Advisory: Senators Daniel A. Ivey-Soto, Gay G. Kernan, and Representatives Joanne J. Ferrary, David M. Gallegos, D. Wonda Johnson, Tim D. Lewis, and Elizabeth "Liz" Thomson.

Trauma and Adverse Childhood Experiences and Their Impact on Early Development and School Discipline. Dr. Karen Finello, Project Director, Center for Prevention and Early Intervention, WestEd, explained the importance of addressing trauma to have healthy schools and communities. The impact of a potentially traumatic event depends on several factors, including the child's age and developmental stage and the presence and availability of adults who can offer help and protection. Dr. Finello talked about the adverse childhood experiences (ACEs) study and reviewed the long-term effects of childhood trauma on child and youth development. In the United States, 26 percent of children will witness or experience a traumatic event before they turn 4. The highest rates of trauma are reported in New Mexico and Arizona. Limited research has been conducted on specific cultural or ethnic groups. Dr. Finello talked about different kinds of stress and said behavior is reflective of experience. Many of a child's most challenging behaviors are strategies that in the past may have helped the child survive in the presence of abusive or neglectful caregivers and many of these behaviors result in misdiagnoses. The impact of working with children and families who have experienced trauma is significant. Teachers may experience compassion fatigue, secondary traumatic stress, and vicarious traumatization. This creates high levels of attrition in program staff and exclusionary disciplinary policies. Dr. Finello said ACEs screenings should not occur without an intentional plan to address findings; she reviewed strategies to address trauma in schools, including professional development for teachers and having access to behavioral and mental health consultants.

Adrienne Fischer, Policy Associate, National Conference of State Legislatures (NCSL), reviewed state legislative approaches to trauma and school discipline in the early years. Some states require or recommend screenings for childhood trauma, trauma-informed practices, professional development for school staff and other child-serving adults, and task forces and study groups on ACEs and trauma. Across the country, there is a disproportionate use of suspensions and expulsions in preschools and early elementary grades, especially among students of color. Some states prohibit or severely limit exclusionary discipline for certain age groups, limit the length of suspensions, restrict the violations for which suspensions and expulsions may be imposed, and require the use of positive behavior interventions and restorative practices before suspension can be considered.

Dr. George Davis, Child and Adolescent Psychiatrist, Health Sciences Center Institute for Resilience, Health, and Justice, University of New Mexico (UNM), said children with histories of trauma are more likely to underperform in school and more likely to be referred to special education services. However, only 30 percent of adolescents in the juvenile justice system that should have received such services were identified for special education services. Dr. Davis said trauma appears in the school setting in different ways and identifying trauma in children has to be done thoughtfully to avoid misdiagnoses.

Dr. Finello and Dr. Davis said age-appropriate strategies must be implemented to adequately prevent trauma.

Senator Kernan commented she would like to see a state initiative that trains teachers and administrators on trauma. The Chair and Senator Stewart asked LESC staff to look into what other states are doing to address trauma and ACEs and to work on potential legislation for teachers to receive professional development in recognizing and addressing trauma and ACEs in students.

Braided Funding Models for Prekindergarten Programs. Dr. Deborah Leong, Co-Founder and Executive Director, Tools of the Mind, began her presentation by highlighting that the third grade reading achievement gap has not narrowed since the 1990s. Dr. Leong explained how a teacher teaches is as important as what is taught. Neuroscience research on reading shows that reading actually repurposes parts of the brain to act in concert in a different way. Dr. Leong said that unlike oral language, people are not wired to read but rather have to learn to read, and executive functions play a key role in the development of reading. Executive functions are related to the development of the prefrontal cortex, and are necessary for learning-related skills. Dr. Leong explained executive functions impact self-control, working memory, and cognitive flexibility and are more highly correlated with academic achievement than IQ. Dr. Leong said there were a set of studies that examined what predicted achievement in school – executive functions, social class, parent education, and more. The studies found a higher correlation between executive functions and academic achievement than between IQ and academic achievement. In addition, these studies show that if a child grows up poor or their parents are not highly educated, they can still be academically successful if they have high executive function. Activities designed to develop executive functions in prekindergarten and kindergarten classrooms can improve executive functions and achievement. Dr. Leong said executive functioning practice can be embedded in content activities. For example, teachers can increase reading practice by organizing learning around a theme in which students have expressed interest. This results in more engaged students, better classroom functioning, and greater progress for each student.

Representative Salazar asked how Tools of the Mind approaches social emotional learning. Dr. Leong said social emotional learning is tied to how students learn and relationships within the classroom, which is related to executive function. Many social emotional learning programs ask students what they would do in a specific situation, but Dr. Leong explained that most children can explain an appropriate reaction when they are not under stress. The issue is ensuring a child does not act aggressively, for example, and this is related to executive functioning. For this reason, Tools of the Mind emphasizes building emotional regulation instead of discussing appropriate versus inappropriate reactions to specific situations.

The Chair asked how Tools of the Mind approaches working with kids with ACEs. Dr. Leong said children's traumatic experiences have a huge impact on how they do in school, but often schools expect students to drop all of their trauma at the door. Classroom activities should be designed to allow students to make mistakes out of the public eye, and students should be able to touch base with their teachers often to discuss anything that may be bothering them.

Supporting Early Teaching Through Aligned Recruitment, Preparation, Induction, Mentoring, and Ongoing Professional Learning. Tara Kini, Director of State Policy, Learning Policy Institute (LPI), presented on recruiting and preparing a diverse educator workforce. Teacher turnover rates are higher for teachers of color because they are likely to work in schools that have fewer resources. States can respond to the high turnover rate by providing more opportunities for individuals of color to enter the teacher workforce. Cost is a major barrier to teacher recruitment, particularly for individuals of color – African American students borrow more money and disproportionately owe far more money over time than Caucasian students. Latino students borrow the same as Caucasian students; however, their loan default rate is substantially higher. High debt will likely dissuade students of color from entering a career in education.

Ms. Kini also stated research has shown that pencil-and-paper licensure exams disproportionately disadvantage individuals of color and there is little evidence that they predict teacher effectiveness. Currently, 18 states have policies that require teacher candidates to pass pencil-and-paper tests; more states are moving away from these measures and adopting performance-based assessments, which research indicates are more predictive of teacher effectiveness.

LPI reviewed all 50 states' Every Student Succeeds Act plans. Many states have invested in programs that provide service scholarships and loan forgiveness programs for teachers. Research supports these types of programs because they increase compensation by decreasing debt. States are also investing in grow your own programs such as programs that train paraprofessionals, "2+2" programs, high school pathway programs, and teacher residencies. Other promising practices comprise inclusive college admissions policies, course articulation agreements, modifying teacher preparation and licensure policies, and providing ongoing mentoring and support.

Frederick Brown, Deputy Executive Director, Learning Forward, presented how Learning Forward accomplishes its mission to build the capacity of leaders in schools through professional learning. Mr. Brown noted Australia assigns highly accomplished teachers to take on leadership roles such as instructional coaches, mentors, and professional development leaders for their school and school district. States should aspire to this model.

In 2011, to accomplish their mission, Learning Forward partnered with other institutions to create standards for professional learning based on John Hattie's research that notes teacher collective efficacy produces positive results because teachers assume collective responsibility and co-create lessons to support all students.

Dr. Ellen Bernstein, President, Albuquerque Federation of Teachers (AFT), presented the Special Education Teacher Training (SETT) program – a partnership between Central New Mexico Community College (CNM), Albuquerque Public Schools (APS), and AFT for individuals who want to become special education teachers. Special education vacancies comprise 36 percent of all teacher vacancies in the state. APS alone averages 120 to 170 special education teacher vacancies annually. The goal of the partnership is to create a comprehensive, well-supported alternative licensure program to attract and retain high-quality special education teachers. The program is designed for alternative licensure candidates to work alongside fully credentialed special education teachers. Candidates will earn a level 1 teacher salary to co-teach for one semester and teach on their own for the second semester while the lead teacher provides mentoring and support.

APS has paid for all participants to undergo coursework, mentoring, and ongoing professional development, as well as receive a salary and benefits. In exchange, the candidate must agree to

work for APS for three years following completion of the SETT program. Candidates receive support for two years and are guaranteed a full-time job upon completion. SETT will receive funding from the Public Education Department (PED) through the teacher residency grant program appropriated by the Legislature during the 2019 legislative session.

Karen Rudys, Executive Director of Employee Relations, APS, said APS finds teachers who are alternatively licensed are not adequately prepared and require improvement plans. The partnership provides candidates with embedded faculty that will teach comprehensive curriculum theory to address instructional gaps that have been identified for alternatively licensed special education teachers.

Senator Kernan asked how to persuade young people to stay in rural New Mexico to teach, noting parents may not respect teachers. Dr. Bernstein stated parents across the country were surveyed and indicated they trust and respect their child's teacher and local school; however, parents often have bad connotations and distrust associated with school districts and state level education departments. Because relationships matter, individuals should not be dissuaded from teaching in their local communities.

July 25, 2019

The following voting and advisory members were present: Voting: Chair Christine Trujillo, Vice Chair Mimi Stewart, Senators Craig W. Brandt, Candace Gould, William P. Soules, and Representatives Rebecca Dow, G. Andrés Romero, Sheryl Williams Stapleton, Linda M. Trujillo; Advisory: Senators Carlos Cisneros, Linda M. Lopez, Michael Padilla, and Representatives Kelly K. Fajardo, Natalie Figueroa, Joy Garratt, Susan K. Herrera, Raymundo Lara, Willie D. Madrid, Gabriel Ramos, Patricia Roybal Caballero, Tomás E. Salazar, Debra M. Sariñana. The following voting and advisory members were not present: Voting: Representative Alonzo Baldonado; Advisory: Senators Daniel A. Ivey-Soto, Gay G. Kernan, and Representatives Joanne J. Ferrary, David M. Gallegos, D. Wonda Johnson, Tim D. Lewis, and Elizabeth "Liz" Thomson."

Andrea Ochoa, Senior Fiscal Analyst, LESC, presented a proposed repeal and replace of Part 3 of 6.65 NMAC, Educator Preparation Program Accountability, which establishes the current administration's reporting and approval requirements for educator preparation programs, including the elimination of the scorecard that was implemented by the previous administration.

Ms. Ochoa also presented a proposed new rule, Part 35 of 5.7 NMAC, Grow Your Own Teachers Scholarship Program, which provides guidelines for the Higher Education Department (HED) to implement the program including eligibility requirements, award procedures, scholarship duration, award terms, and administration. Carmen Lopez-Wilson, Deputy Secretary, HED noted the department has been engaging with higher education stakeholders to ensure individuals from across the state can participate in the scholarship program. Secretary Lopez-Wilson also stated colleges of education are working to provide coursework during evenings, weekends, and summer semesters to accommodate educational assistants' schedules and avoid burdening schools.

Ms. Ochoa presented a proposed repeal and replace of Part 3 of 6.60 NMAC, Alternative Licensure, which establishes pathways to obtain an alternative level 1 teaching license, alternative administrator license, and alternative student success advisor license. Members were concerned with alternative licensure as a means for addressing the teacher shortage. Some members noted the lack of training in classroom management may lead to low retention rates.

Kevin Force, Senior Research Analyst, LESC, presented proposed amendments to Part 7 of 6.60 NMAC, Educator Licensure Application Fee, which proposes to increase most fees for initial applications for licensure as a teacher, educational assistant, school health assistant, and other school personnel, as well as corresponding fees for renewal of licenses. The rule also proposes to raise fees for adding specific endorsements to a license and codifies a fee for certification in Native American language and culture. Representative David M. Gallegos and Senator Soules raised concerns about increasing licensure application fees in the face of the state's ongoing teacher shortage, fearing such a change may have a chilling effect on new teachers entering the profession. John Sena, Director of Policy at PED, noted the fees had not been raised in nearly 10 years and the increases were commensurate with other professional licensing fees in the state.

Denise Terrazas, Senior Fiscal Analyst, LESC, presented PED's proposed rule to provide school districts, local school boards, state-chartered charter schools, and governing bodies of state-chartered charter schools parameters for establishing policies and procedures for the possession, storage, and administration of medical cannabis to qualified students for use in school settings. Senator Brandt emphasized concerns with the loss of federal funds as it related to the opt-out provision and noted the proposed rule does not appear to leave room for primary caregivers to possess, store, or administer medical cannabis, which could be an issue if no one at the school wants to be responsible for possessing, storing, or administering the medical cannabis.

Preschool Development Grant: Birth Through 5 Needs Assessment and Three-Year Strategic Plan Development. Brian Blalock, Secretary, Children, Youth and Families Department (CYFD) and Alejandra Rebolledo-Rea, Acting Director of Early Childhood, CYFD, began their presentation by outlining New Mexico's current early learning system and movement towards a more cohesive system. Mrs. Rebolledo-Rea said the vision for New Mexico's preschool development grant was established by talking to stakeholders and identifying opportunities to increase equitable access for early childhood services. The overarching goals for the \$5.4 million preschool development grant are to improve collaboration and coordination, equitable access, and quality. The first steps are developing a needs assessment and a strategic plan. Mrs. Rebolledo-Rea said the needs assessment research and data will inform the transition and planning for the new Early Childhood Education and Care Department (ECECD), and the three-year strategic plan will provide the strategic direction for ECECD. More than 10 community forums, in addition to focus groups with vulnerable and underserved populations will be held statewide to inform the early learning needs assessment. A statewide early learning survey, the Early Childhood Integrated Data System, and national research will also inform the needs assessment. Secretary Blalock closed by saying this is an opportunity for New Mexico to become a national leader in early childhood education.

Kate Noble, Vice President for Policy and Stakeholder Engagement, New Mexico Early Childhood Development Partnership (NMECDP), explained that NMECDP was selected through a competitive proposal process to partner with the State of New Mexico to develop a needs assessment and strategic plan for early childhood. Mrs. Noble provided an overview of their process map for the statewide early learning needs assessment and strategic plan. The needs assessment is due October 2019; NMECDP will begin by compiling information from research and data analysis, stakeholder engagement, and national models. Mrs. Noble explained the needs assessment will include reports on equitable access, workforce, governance, and funding.

Representative David M. Gallegos asked how the state ensures that Spanish-only families are aware of early childhood services. Mrs. Rebolledo-Rea said CYFD is working with different organizations that are known and trusted in local communities to ensure families with English learners are aware of the early childhood services available to them.

Representative Fajardo asked about the timeline for the alignment process. Mrs. Rebolledo-Rea said the state was awarded the Preschool Development Grant in March that will be available through February 2020. Representative Fajardo asked about the benchmarks for each phase. Mrs. Rebolledo-Rea said CYFD will publish the benchmarks on its website. Representative Fajardo asked about tracking students using identification numbers. Mrs. Rebolledo-Rea said right now student tracking only encompasses prekindergarten, but this work will expand tracking to all early childhood programs, with the goal of comprehensive program evaluation.

Representative Garratt asked how student identification numbers could be tied to the PED student identifier. Mrs. Rebolledo-Rea said PED is managing identification numbers to ensure the numbers can stay with students through 12th grade. Representative Garratt asked if there is an online survey available for stakeholders who cannot make it to the statewide meetings. Mrs. Noble said NMECDP is in the process of developing an online survey that will include some open ended questions, as well as a paper survey for individuals who do not have internet access.

In response to Senator Soules, Mrs. Noble said NMECDP's outreach coordinator has been working with the SUCCESS Partnership in Doña Ana County and recently attended their early childhood summit. Senator Soules asked how NMECDP is choosing participants for the focus groups. Mrs. Noble said they are using a multi-pronged approach, including leveraging work by the SUCCESS Partnership, to ensure focus group participants are diverse and reflect all communities.

Representative Figueroa asked how early childhood health information is going to be integrated into this work. Mrs. Rebolledo-Rea said they are partnering with the Department of Health (DOH), and DOH will be doing its own separate health needs assessment.

Senator Stewart noted the work being done seemed repetitive with prior state work around early childhood programs and asked if NMECDP's work would serve as the road map for the work of the new ECECD. Mrs. Rebolledo-Rea said the needs assessment will inform the strategic plan, and the strategic plan will be created in conjunction with PED, CYFD, DOH, the governor's office, and the Early Learning Advisory Council (ELAC). While NMECDP will help write the strategic plan, it will be informed by stakeholder engagement and input from the state. Senator Stewart asked what kind of questions will be asked during stakeholder engagement meetings. Mrs. Noble said the questions will be organized around three areas: what is working, what is not working, and how do you want things to be. Senator Stewart said she wants assurance that schools, superintendents, and PED are involved in this process. Mrs. Rebolledo-Rea said that while a lot of work has been done, there is still data the state does not have. For example, wage and benefit information for all early childhood workers.

The Chair said it would be nice to know exactly who is involved in the focus groups and who was on the selection committee. Mrs. Rebolledo-Rea said that the selection committee is composed of one individual from each department, and she will have to check and see if related information, such as evaluation metrics, can be made public.

Importance of Equalized Public School Operational Funding. Joseph Simon, Senior Fiscal Analyst, LESC, provided an overview of the public school funding formula. He said the Public School Finance Act allows the state to equalize operational funding for school districts and charter schools across the state by distributing state aid on the basis of student needs after accounting for other operational revenue received by school districts and charter schools. Mr. Simon reviewed the factors included in the funding formula and explained how the secretary of public education sets the program unit value based on the appropriation to the state equalization guarantee (SEG) distribution and receipt of other local and federal revenue, and how that program unit value dictates the amount of funding for each school district and charter school.

Dr. J. Placido Garcia Jr., former Director, LESC, provided a background and history of the public school funding formula. He said that the decision to primarily fund education at the state level was a turning point in education. The state uses a formula designed to equalize educational opportunity statewide by considering certain local and federal revenues when distributing state funding, while retaining local autonomy by allowing local school districts to decide how to best spend those funds. He said the funding formula was a tool used by the Legislature to set education policy by creating factors in the funding formula that incentivize those policies. Originally, the public school funding formula was based on national models of educational costs from the National Education Finance Project, modified to reflect New Mexico's experience with educational costs. Dr. Garcia noted that distributing funds in an objective, non-categorical manner was a departure from practice prior to 1974, when some state education dollars were distributed categorically, in a way that was advantageous to certain school districts.

Representative Stapleton asked if Dr. Garcia believed New Mexico has an equalized funding formula and he stated that if the funding formula was made up of research-based factors, then the funding formula is equalized. He noted that it costs more to educate some students. He said the New Mexico public school funding formula is equalized. Representative Stapleton asked Dr. Garcia his opinion on proposals to eliminate the 75 percent credit for federal Impact Aid within the public school funding formula and Dr. Garcia said that in his opinion, since the funding formula is equalized, the state should take credit for 100 percent of federal Impact Aid funds. Dr. Garcia noted that in a truly equalized system, all of the funding would be put together in one pot and distributed based on student need.

Senator Soules noted that many of the complaints involving federal Impact Aid surrounded the state's capital outlay system and Representative Linda Trujillo asked why the state never equalized public school capital outlay funding. She additionally noted Los Alamos Public Schools received additional funding that was not credited against their SEG. Dr. Garcia said the Legislature could equalize the capital outlay system if it wished to and noted the state had increased the amount of capital outlay funding at the state level since he was chair of the Public School Capital Outlay Council. Dr. Garcia said issues involving Los Alamos Public Schools needed to be worked out and Representative Stapleton said she remembered when the federal government sent a letter to New Mexico telling the state not to take credit for the money received by Los Alamos. Senator Soules asked if Dr. Garcia recommended that all capital outlay money be distributed at the state level and Dr. Garcia noted the importance of local incentives in the capital outlay system. He said reforms to the capital outlay system should be given serious thought. He said that with the current system there are differences in the quality of school facilities, even within the same school district, citing certain schools within APS.

Senator Stewart noted many people are combining capital outlay funding issues with operational funding issues. She noted the capital outlay process is not designed to equalize expenditures but to help the people who had the worst facilities first, based on need. She noted new buildings have been built across the state through a process that prioritizes funding to the worst facilities and areas with high population growth. She noted the state recently enacted reforms to the capital outlay process that would require school districts with the ability to tax their property base to pay a higher percentage of capital outlay projects. She said money should not be divided on an equal basis, but should be directed to those areas where it is needed most.

Overview of Impact Aid. Mr. Simon provided an overview of federal Impact Aid. He said the federal government made appropriations for several kinds of Impact Aid, including payments for federally connected children and payments for federal property. Most Impact Aid payments were for federally connected children, which both school district and state-chartered charter

schools are eligible to receive if they enroll these children. He said New Mexico school districts did not receive any payments for federal property, likely due the requirement in federal law stating that payments for federal property only considered property acquired by the federal government since 1938. Since the 1970s, federal law has allowed states to consider federal Impact Aid payments when allocating state dollars if they can certify to the federal government that they maintained an equalized school aid system. He said that after the initial Impact Aid statute was passed, many states began to take credit for Impact Aid payments, but that changes in thinking about how public schools are funded led the federal government to allow only those school districts providing an equalized state aid system to take credit for Impact Aid funding. Mr. Simon said that because the state only took credit for 75 percent of Impact Aid payments, per student funding was actually higher in school districts with Impact Aid, based on the additional 25 percent of those payments that is not considered by the funding formula.

In response to the Chair, Director Gudgel noted a \$10 million appropriation in the capital bill for school districts receiving Impact Aid to pay for teacherages, which was awarded to Gallup-McKinley County Schools, Central Consolidated Schools, and Zuni Public Schools. In addition, there was a \$24 million appropriation for capital outlay projects outside of the state's adequacy standards. She noted these were one-time funds and some Impact Aid school districts still have concerns about capital outlay funding. Some have argued that Impact Aid is the solution, but the director noted that is only one possible solution and the Public School Capital Outlay Oversight Task Force is doing work on this issue.

In response to Senator Sharer, Mr. Simon said the 1938 requirement for eligibility for federal property payments was a decision Congress made when passing the Impact Aid statute. Senator Sharer said there were treaties with Native American tribes going back long before that date. He said the Legislature should consider asking the federal government to move that date back to qualify New Mexico schools for Impact Aid payments for federal property.

Regional Partnership School of Northern New Mexico. Dr. Roxanne Gonzales, Provost and Vice President for Academic Affairs, New Mexico Highlands University (NMHU), Sondra Adams, Associate Superintendent, Pojoaque Valley School District (PVSD), and Frances Chadwick, Staff Director, Los Alamos National Laboratory (LANL), presented about the partnership. PVSD serves about 2,000 students, nearly 90 percent of whom are minority, economically disadvantaged, or live in rural areas of the school district. NMHU trains early childhood, elementary, secondary, and special education teachers. LANL supports education initiatives in surrounding communities to develop a skilled workforce. The partners have created a teacher clinical residency program that features a co-teaching model between mentors and new teachers, professional development for current teachers, and opportunities for higher education, leading to better retention of good teachers and resulting in improved student learning. The partners have initiated a summer math camp, developed a master's program in math teaching and teaching leadership, and lead professional development sessions for current teachers in fourth through eighth grade. Actively seeing financial support from PED and outside sources, the partners invested \$750 thousand of their own funds but projected a need for an additional \$2 million over the next five years, for incentives for teachers and resident teacher candidates, as well as extended learning opportunities for students. Currently, they are seeking funding from outside donors.

Senator Stewart noted programs like this would be of use across the state, if sufficient discretionary funds were distributed to school districts; she noted there is \$1 million in the budget for teacher residency programs, for which the partners acknowledged they had applied.

Representative Figueroa asked about the performance metrics they intend to use to measure program success. The partners noted such measures as teacher retention, student grade point averages, and postsecondary four-year graduation rates. Representative Sariñana asked how the program helps math teachers, and was informed of day- and week-long math training sessions, the summer math camp, and teacher shadow-coaching.

The Chair ended by encouraging the partners to work with PED and HED to create a statewide system of information-sharing to promote innovation and best practices.

July 26, 2019

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House Bill 133: School Sexual Activity Consent Standards. Elizabeth "Liz" Thomson, District 24 Representative, explained the purpose of House Bill 133 (HB133) and said it protects children by detecting, responding to, and preventing sexual violence. Representative Thomson explained what affirmative consent is and why it is important. Alexandria Taylor, Director of Sexual Assault Services, New Mexico Coalition of Sexual Assault Programs, and Marisa Esquivel, student advocate, UNM, reviewed current rates of sexual violence and discussed services available, noting there are 13 sexual assault service providers across the state. Claire Harwell, Legal Director, New Mexico Coalition of Sexual Assault Programs, said HB133 requires consensual sexual conduct to be referenced in health education and in student conduct proceedings as sexual conduct that is the product of affirmative consent. The bill requires schools to develop detailed, complaining-centered policies. Omar Torres, Civic Engagement Program Coordinator, Together for Brothers, explained why affirmative consent protects both females and males.

Senator Soules raised concerns with the specific health education content standards included in the bill, noting the bill should leave the content standards to PED to develop in rule, similar to other content standards for other subjects.

Representative Ruiloba asked about others states' efforts to address this issue. Ms. Harwell said California has implemented efforts similar to those outlined in HB133. Representative Ruiloba asked what the expectations of law enforcement would be with the requirements of HB133. Ms. Harwell said law enforcement would still have their own independent parallel process. Further, Title IX investigations would also still need to be conducted with regard to an incident regardless of enactment of HB133.

Representative Roybal Caballero noted concerns about the content standards that the bill asks to be taught, noting it may not align with what some families want to be taught in school. Representative Thomson said the bill leaves room for what is taught and how it is taught.

Career and Technical Education in New Mexico. Dr. Gwen Perea Warniment, Deputy Secretary for Teaching and Learning, PED, reviewed FY20 career and technical education (CTE)

programming, comparing the “Next Gen” CTE pilot program authorized pursuant to Laws 2019, Chapter 61 (House Bill 91), and the reauthorized federal Carl D. Perkins Career and Technical Education Act (Perkins V). Funding for Next Gen CTE includes \$3 million for new CTE programs and \$1 million for soft skills training, while there will be \$7 million in Perkins V funding for school districts and charter schools. Requirements under Perkins V focused on regional industry needs and student subgroup and rural school equity begin next year. PED will leverage Perkins V funding to support the governor’s economic priority sectors, developing relevant programs of study, while also supporting locally-developed programs. Performance measures for Perkins V, including dual credit, will be mirrored in the Next Gen CTE pilot program; the consistency will help school districts plan their programs.

Mr. Mike Puelle, Chief Executive Officer, Associated General Contractors (AGC) New Mexico, spoke of the importance of partnership with industry, noting the state is experiencing a shortfall in skilled craft labor, and an earlier focus on trade careers in schools is needed. Industry partnerships and stackable credentials, where certifications lead successively to other certifications, are crucial. He noted the National Center for Construction and Research (NCCER) offers a strong multi-industry curriculum, including soft skills, which is already utilized in some New Mexico school districts and postsecondary institutions. Mr. Puelle recommended further connecting existing recourses, incentivizing school-business partnerships, and adapting existing CTE programs like the NCCER curriculum for new purposes to help save costs.

Mr. Eugene Schmidt, Superintendent, Farmington Municipal Schools (FMS), lauded the focus on CTE, suggesting some student attrition at FMS probably relates to a lack of CTE focus. He noted 93 percent of students who concentrate in CTE graduate from high school, a trend that crosses demographic groups, particularly noteworthy in as diverse a school district as FMS, where Caucasian, Hispanic, and Native American students each compose one third of the student body. The school district hosts “early release Mondays,” which is used to connect CTE staff with peers and core curriculum teachers; leadership at the school district is hoping PED will permit CTE teachers to be cross-certified in core curricula. FMS hopes to begin introducing middle school students to FMS programs in such areas as automotive, marketing, digital arts, early childhood education, and welding. Mr. Schmidt noted every three-year course sequence offers certification, and requested legislators consider fully funding dual credit CTE courses.

Senator Stewart urged members and witnesses to consider the numerous state graduation requirements, which leave little time for CTE concentration. Mr. Schmidt suggested a diploma seal, similar to bilingualism, for CTE, though Senator Stewart maintained the general graduation requirements underlying a diploma must be reexamined. Dr. Warniment noted PED is creating a graduate profile that might be used to review how CTE courses can equate with current graduation requirements.

Representative David M. Gallegos asked if CTE courses are taught in each school or in a central facility, to which Mr. Schmidt replied currently, the courses are spread between schools, though the superintendent noted CTE courses in the school district may be offered in one central location in the future.

Representative Stapleton noted Dr. Warniment only talked about expenditure of \$4 million in general fund revenue appropriations though the Legislature appropriated \$5 million for CTE programs and asked Dr. Warniment to talk about PED’s plan for the remaining \$1 million. Dr. Warniment said \$800 thousand will be used for an RFP for software to align algebra and geometry with CTE, and \$200 thousand will be for professional development in CTE.

Development of an Undergraduate Dual Bilingual Degree. Dr. Rebecca Blum-Martinez, Professor, Bilingual and English as a Second Language Director, UNM, presented a history of bilingual education in New Mexico. The Chair asked whether the state's Enabling Act prohibits bilingual education. Dr. Blum-Martinez stated that although the Enabling Act requires all students to receive instruction in English, the state constitution requires the state to train teachers who serve Spanish-speaking students to be proficient in Spanish. Dr. Blum-Martinez also cited *Lau v. Nichols* and *Serna v. Portales*, which support bilingual education for students whose first language is not English.

Because of the importance of bilingual education in the state, UNM, New Mexico State University (NMSU), NMHU, Western New Mexico University, and Eastern New Mexico University took on the task of collaboratively creating an undergraduate bilingual education degree. Since 2015, the project has received an annual \$89 thousand grant from the HED. For FY20, the project will receive an additional \$50 thousand, which was appropriated in Laws 2019, Chapter 279 (House Bill 548).

Dr. Blum-Martinez stated the project's major objectives include statewide data collection and analysis; statewide articulation of bilingual and Teaching English to Speakers of Other Languages endorsement programs; development of bilingual chapters of Educators Rising across the state; indigenous language teacher preparation; and development of the bilingual teacher license. Challenges to this work include the lack of bilingual education faculty in higher education, lack of administrator commitment in higher education and in kindergarten through 12th grade; lack of scholarships; inadequate stipends for bilingual teachers; and competition with other states.

Dr. Blanca Araujo, Director, Office for Teacher Candidate Preparation, NMSU, noted nationally the number of emergent bilinguals and English learners (ELs) has doubled since 1998 and roughly one half of all large city school districts have a shortage of teachers who are prepared to work with ELs. She also noted the five universities are striving to create the undergraduate bilingual education degree to adequately prepare bilingual teachers and integrate required courses to reduce credit hours and costs.

Representative Garratt asked if the group addresses instructional materials. Dr. Blum-Martinez stated instructional materials are not included in the collaborative work among the universities, although she teaches UNM teacher candidates how to develop curriculum because even published materials are not always supportive of language development or culturally appropriate.