

Minutes
Chama, NM
June 26-28, 2024

Wednesday, June 26

The following voting and advisory members were present. Voting: Chair G. Andrés Romero, Vice Chair William P. Soules, Representatives Joy Garratt, Raymundo Lara, Tanya Mirabal Moya, and Senator Craig W. Brandt.

Advisory: Representatives Natalie Figueroa, Yanira Gurrola, Debra Sariñana and Senator Shannon Pinto.

Call to Order, Introductions, and Approval of May Minutes and June Agenda. Representative G. Andrés Romero, Chair, Legislative Education Study Committee (LESC), called the meeting to order. Chair Romero facilitated introductions of the members of LESC, as well as LESC staff. In a motion by Representative Garratt, and a second by Representative Mirabal Moya, the agenda for the June LESC meeting was approved. The meeting minutes for the May LESC hearing were also approved with a motion by Representative Garratt and a second by Representative Mirabal Moya.

Community Welcome - Chama Valley Independent Schools. Anthony Casados, Superintendent, Chama Valley Independent Schools, gave an overview of the school district, including schools, geographic size, and make-up of the surrounding areas. He indicated that the impact of the changing demographics of the area, namely a retired population, has resulted in a decrease in enrollment in schools.

Mr. Casados spoke regarding the Teacher Residency Program including how it has been beneficial to public schools in small districts and has allowed them to recruit and retain teachers. He also communicated that teacher mentorship has led to success in the district and urged superintendents to increase the mentorship time from one year to three to four years. Among the challenges to the district are attendance and rising housing costs making it difficult for teachers to afford to live in the area. The superintendent indicated that the main attendance issues are a result of students transplanted into the area and that designating school personnel to the issue has had positive impact.

Attendance Program Evaluation. Sarah Dinces, Ph.D., LFC, John Valdez, Ph.D., LFC, Tim Bedeaux, LESC, and Jessica Hathaway, LESC, presented to the committee their Attendance Program Evaluation. Ms. Hathaway reviewed the Attendance for Success Act. The act has four pillars that define chronic absenteeism, create a tiered approach, require attendance improvement plans, and require actions from school districts, and PED. LESC staff highlighted impacts affect some student groups more than others, particularly those named in the *Yazzie-Martinez* lawsuit.

Mr. Bedeaux reviewed data analysis of poverty's adverse compounding effects on student proficiency for students that are chronically absent when a poverty component is present, and discussed examples of various reasons students might be absent. It was noted that teachers are tasked with implementing individual plans to address and support students to accommodate their unique circumstances. However this task becomes more challenging as the number of absences for a student increases.

Dr. Valdez shared New Mexico's increase in chronic absenteeism post-Covid is higher than peers nationally. Dr. Valdez presented statistics that included excused and non-excused absenteeism have negative effects on proficiency, attendance positively correlates with graduation, the more time students spend in the classroom the higher the scores on state standardized tests, and parental decisions and illness are the largest contributors to absenteeism.

Dr. Dinces discussed attendance tracking methodologies currently in place. Teachers' inaccurate attendance taking can skew statistics making it hard to assess the issues. Dr. Dinces cited a survey that showed 37 percent of teachers who responded are taking attendance less than 95 percent of the time. PED is not consistently providing guidance on strategies to improve attendance. PED's high rate of turnover in administration and lack of planning documents is leading to inconsistent quality strategies. Dr. Dinces stated PED should provide support and strategies for school districts and parents in addressing chronic absenteeism.

Ms. Hathaway noted the state has funded several initiatives to address absenteeism but suggested more nuanced approaches to address the various and unique reasons for absenteeism.

PED Rules Review. John Sena, Deputy Director, LESC provided an overview of two recent PED rule adoptions: NMAC 6.29.18, Braille Standards and NMAC 6.19.7, Demonstration of Competency for High School Graduation. Mr. Sena explained the rule on Braille Standards adds specificity to both federal and state laws requiring the provision of braille instruction and materials, defines accessible formats and tools as well as instructional methods used to support blind and visually impaired students, and outlines requirements so that blind and visually impaired students have the same instructional material content as their sighted peers. Mr. Sena also explained NMAC 6.19.7, Demonstration of Competency for High School Graduation eliminates the requirement for competency for graduation for freshmen starting in the 2025-2026 school year in order to align with House Bill 171.

Regarding NMAC 6.29.18, Braille Standards, Senator Pinto inquired if schools had a responsibility to provide payment for equipment and resources for visually impaired students, mentioning a possible

liability for students' rights to education without proper funding for resources.

The majority of the discussion lay on NMAC 6.19.7, Demonstration of Competency for High School Graduation as Representative Sariñana, Representative Mirabal Moya, and Senator Brandt expressed concerns over how proficiency rates and skills of graduating students could be affected by a repeal of the requirement of demonstrations of competency. Many worried about "lowering the bar" for students to graduate.

Chair G. Andrés Romero provided context for passing House Bill 171 and repealing the competency standard, explaining the lack of effectiveness of the previous requirements considering the narrow scope of required exams and the limitations of alternative demonstrations of competency.

Representative Gurrola asserted the need for a variety of options for demonstrating proficiency, stating that relying on standardized tests for proof of competency could undermine a teacher's ability to determine student proficiency through their grades.

Tribal Education Sovereignty. Natasha Davalos, Policy Analyst, LESC, presented a report on Tribal education sovereignty. She defined Tribal education sovereignty and discussed the historical impact on Indian education. The report identified the needs required to initiate the practice of full Tribal education sovereignty and highlighted the opportunities associated with it, including the benefits to the state. Additionally, the report offered considerations for the Legislature, the Public Education Department, Tribal communities, and local school districts

Karla Moore, Ph.D., Tribal Education Director, San Felipe Pueblo, and Quentin Candelaria, Tribal Assistant Education Director, San Felipe Pueblo, presented to the committee about their community's educational initiatives.

Jeremy Oyenque, Director of Youth and Learning, Santa Clara Pueblo, discussed his role and the importance of Tribal educational sovereignty. Emphasizing the Tribe's long history, he noted the need to control their educational destiny.

Representative Yanira Gurrola expressed interest in literacy implementation, asking how structured literacy and the science of reading is implemented in Tribal education. Representative Joy Garratt expressed understanding in the importance of keeping the mother language as it is a means of intergenerational connection.

Senator William P. Soules explained that the Martinez and Yazzie lawsuit stated New Mexico does not provide adequate or equitable education

because of test scores based on reading, writing, and math. However, he noted that there hasn't been much discussion about the goals for math and English scores which may demonstrate the impact of funding from the Martinez and Yazzie lawsuit. He asked what steps are being taken in this regard. Additionally, he emphasized the importance of cultural relevance and maintaining native languages.

Senator Shannon D. Pinto noted the challenge of preserving Native languages and ensuring sufficient teachers remains unresolved. Accountability and flexibility in using state funds are necessary, but there is a lack of clear plans and outcomes.

Director's Report. Director Gwen Perea Warniment, Ph.D., presented the LESC newsletter, a budget report, and clarified a fine arts proposal. She also introduced LESC's teachers on special assignment and interns.

Harvard Certification

LESC Director Gwen Perea-Warniment participated in a three-week State and Local Executives in Government certification program at Harvard. Director Perea-Warniment expressed gratitude to the committee for their support in this process and offered to share more regarding her experiences and learning at Harvard. Some of the topics the program covered were:

- 1.) History of Politics
- 2.) Policy Modeling
- 3.) Program Evaluation for Effective State Agencies
- 4.) Effective Written and Spoken Communication
- 5.) Reflection on the role of leaders in government

Public Comment. Stan Rounds, Executive for NM Coalition of Education Leaders and Executive for the School Superintendents: The School Superintendents committee has filed a lawsuit against NMPED. Both parties have filed for summary judgment. The request is that, regardless of the ruling, LESC clarify in statute what rulemaking should look like from the executive.

Dr. Nancy Polly, UNM Professor Emeritus

Art is a basic human right and the arts community is extremely upset as the removal of the factor in the SEG will not give students equal access to the fine arts. Art education is a human right, ratified by the United Nations in 1990 (commenter cites Article 30). If the separate art factor is removed, the arts will be seen in the heights, in Santa Fe, but there will not be equal treatment. This will affect the creative industry in New Mexico for which students will not be prepared for. Students will not be exposed to culturally relevant education provided in the arts which meets the requirements of the Martinez/Yazzie lawsuit. Students will not be able to express themselves, including their culture, advance

their brain development as studies show, or build social emotional learning.

Thursday, June 27

The following voting and advisory members were present. Voting: Chair G. Andrés Romero, Vice Chair William P. Soules, Representatives Brian G. Baca, Joy Garratt, Raymundo Lara, Tanya Mirabal Moya, and Senator Craig W. Brandt.

Advisory: Representatives Natalie Figueroa, Yanira Gurrola, D. Wonda Johnson, Debra Sariñana and Senator Shannon Pinto.

Teacher Supports. Annie Armatage, Senior Policy Analyst II, LESC, presented a joint LFC brief on supporting teachers to improve student outcomes. House Memorial 21 tasked LESC staff to work with LFC staff to study class sizes in New Mexico from the perspectives of student outcomes, staffing, and funding.

LESC staff presented on research, state implementation, and funding of additional policy levers to support teachers in the classroom, including teacher residency programs, mentorship for new teachers, additional educational assistants, innovative staffing models, and professional work time. Staff urged policy makers to resist silver bullet approaches. Rather, it will be important for policy makers and stakeholders to consider how each policy lever affects and interacts with others.

Representative Baca urged the committee to protect educator instructional and collaboration time. Representative Gurrola noted that when districts are issued a waiver from PED when they fail to meet class size requirements, the waiver is not accompanied by funding or support to remedy the situation in subsequent years. Representative Garratt noted student composition within a class may have a greater impact than class size on the challenges posed to teachers, for example when many students have difficult behaviors or individual education plans. Representative Mirabal Moya expressed interest in, and support for, the Opportunity Culture innovative staffing model and asked whether there could be opportunities to implement within special education. Representative Figueroa asked for an update on teacher mentorship programs, related to funding, spending, and outcomes. Chair Romero expressed interest in Opportunity Culture as a potential way to develop pools of leaders at each school site and emphasized the importance of funding for sustainability.

Updates from Teaching, Learning, and Innovation. Deputy Secretary of Teaching, Learning, and Innovation Amanda DeBell of the New Mexico Public Education Department (PED) presented to committee members an update on the priorities of the Teaching, Learning, and Innovation team. Topics

included the New Mexico Summer Reading Program, career and technical education (CTE), STEAM, educator supports, and school improvement and transformation efforts.

In particular, Deputy Secretary DeBell highlighted recruitment efforts for the Summer Reading Program and noted that PED was at 95 percent of the goal enrollment of 10,000 students, while the department was at 111 percent of the goal recruitment of 2500 instructors.

PED's presentation previewed funding requests to the Legislature for FY26 and outlined some of their legislative priorities, including updated requirements for educational leadership preparation programs, new licenses for teachers and leaders, and continuing education units.

Finally, Deputy Secretary DeBell noted that public comment for PED's 2024 Every Student Succeeds Act (ESSA) plan revision would remain open until 5 PM Mountain Time on July 31, 2024 and encouraged the public to provide feedback on the effort.

School Safety in New Mexico and the United States: A Landscape Review

Conor L. Hicks, Policy Analyst I, LESC; Marit C. Andrews, Senior Policy Analyst II, LESC; Natasha Davalos, Policy Analyst I; and Mark A. Montoya, Senior Policy Analyst II, LESC, presented to the committee the first installment of a two-part report on school safety in New Mexico. This first presentation provided a landscape analysis of both state and national trends and topics in school safety.

The presentation covered school safety topics falling into two main categories: preventative measures and physical safety. In examining preventative measures, analysts discussed youth suicide trends, findings from the New Mexico Youth Risk and Resilience Survey, and highlighted the impact of restorative disciplinary approaches. Presenters used data from the New Mexico Public Education Department's (PED) discipline dashboard and the restorative justice work of Peñasco Independent School District to illustrate discipline trends in New Mexico schools.

Analysts' discussion of physical safety measures included an examination of the limited effectiveness of various physical security efforts, the oversight role of PED in school safety work, and a review of appropriations authorized by the Legislature to enhance school safety. In particular, the Legislature's funding of panic button technology was highlighted and discussed.

Analysts emphasized the need to use a holistic approach to school safety rather than incorporates prevention, protection and mitigation, and recovery.

Practical and Policy Implications of AI in Education. Tim Bedeaux, Senior Policy Analyst II, LESC, introduced the panel, reminding the committee that the LESC is in a difficult position to develop AI policy in schools. Alexander Jacobson, Ph. D., AI Developer and Strategy Consultant, explained that an AI is nothing more than a very powerful computer program that takes an input and produces an output. AIs are very flexible and can be customized to fit individual needs.

Tony Monfiletto, Executive Director, Instituto Del Puente at Future Focused Education, explained schools are beginning to implement capstones projects tied to the local contexts of individual school districts. Mr. Monfiletto pointed out that the Future Focused Education AI tool is designed to help teachers learn from each other by relying on best practices for capstones already happening across New Mexico. As Future Focused Education has developed the AI, several policy questions have arisen about equitable access, ease of use, data sovereignty for tribal communities, integrating the ability to opt out of having data shared, as well as the provision of AI as a public good, similar to a water or electric utility company.

Scott Elder, Retiring Superintendent, Albuquerque Public Schools, pointed out other issues highlighted by AI in classrooms. While AI is an extremely useful tool for schools to reduce the burden of paperwork and even to grade student assignments, can raise privacy concerns. Individuals may be supplying students' personally identifiable information or copyrighted materials into large language models. Mr. Elder recommended the Legislature assemble a task force to examine how AI is being used in schools across the state and set policies for effective, safe AI use.

Tom Ryan, Ph. D., Co-Founder, K-12 Strategic Technology Advisory Group, explained that there is a free rubric supplied by the Consortium for School Networking, a professional association for K-12 educational technology leaders, designed to help schools and districts assess their readiness to integrate AI technologies in their classroom. The rubric asks questions along six domains of readiness and help connect classrooms to resources that will help them plan.

Representative Garratt pointed out that an AI task force might be related to the state's other efforts to improve data governance. Representative Sariñana reminded the committee that there was a bill introduced during the 2023 session to establish an AI task force, but the bill did not pass.

Friday, June 28

The following voting and advisory members were present. Voting: Chair G. Andrés Romero, Vice Chair William P. Soules, Representatives Brian

G. Baca, Joy Garratt, Raymundo Lara, Tanya Mirabal Moya, and Senator Craig W. Brandt.

Advisory: Representatives Natalie Figueroa, Yanira Gurrola, D. Wonda Johnson, Debra Sariñana and Senator Shannon Pinto.

LFC Program Evaluation: Online Higher Education in New Mexico. Sam Lesemann, Program Evaluator, LFC presented to the committee LFC's program evaluation on Online higher education in New Mexico. The program evaluation studied online course taking trends, student outcomes, and the effects of online courses on higher education operations, finances, facilities, and capital outlay.

Key findings in the report included:

- As out-of-state schools recruit thousands of state residents, New Mexico HEIs are not fully reaching adults without a credential.
- State HEIs are missing opportunities to achieve efficiencies with online education.
- Online education contributes to low space utilization at New Mexico HEIs.

Below are the recommendations from the program evaluation:

- Amend capital outlay rules to include space utilization benchmarks for assessing facility needs during the capital outlay process.
- Expand online general education courses by combining sections and sharing courses, report on recruitment campaign efficacy to the Legislature.
- Create a statewide online course-sharing agreement for lower-level general education courses.
- Negotiate a joint price agreement for learning management systems after UNM's contract expires in 2028 and explore further collective agreements.

Senator Soules asked if the quality of the instruction provided during online courses was comparable to instruction offered in an in person format. Mr. Lesemann stated that there was some research performed on delivery methods and their effects on grade point averages (GPAs), and that there are industry accepted methods for online delivery. If those methods are implemented online courses tend to be effective.

Representative Baca noted a lack of cooperation between secondary schools and HEIs and the need to open more college courses to high school students.

Mr. Lesemann offered that private out-of-state colleges may be able to offer accelerated programs because they are not held to the same

accreditation requirements that New Mexico schools are, some work could also be done as to why New Mexico Schools are.

Representative Figueroa asked how many out-of-state students are attending New Mexico HEIs. Mr. Lesemann estimated around 4,000 students. Representative Figueroa also asked if any HEI consortiums are pursuing joint price agreements as recommended by the report that was presented. The response that members of the consortium said that this step was possible, and it was being considered.

Representative Lara stated that HEIs should advertise the scholarships and financial support available to New Mexico students in their recruitment efforts.

Microcredentials. Birgit Maurer, Director of Educator Growth & Development, PED, presented the committee with an update on the state's new micro-credential system for teacher licensure advancement.

Sarah McMasters and Lisa Wilson, Micro Credential Facilitators for PED, formerly scored dossiers and testified that in her view, the micro-credentials program provides teachers greater opportunity for reflection, feedback, and growth. Joanna Leos, Assistant Principal, Las Cruces Public Schools, felt the coursework was high quality. Representative Mirabal Moya is currently completing the second level of microcredentials and expressed support for them. Representative Garratt asked for more detailed completer feedback survey data. Panel speakers reported less than two percent of survey completers indicated concern for the process. Representative Garratt expressed concern that the microcredentials may be too heavy of a workload for teachers. Representatives Gurrola and Figueroa expressed concern that the required LETRS training plus the microcredentials is too heavy of a workload for teachers and asked if LETRS could be incorporated into the required coursework. Chair Romero asked why PED is not using microcredentials as a way for level three teachers to advance. The panel said expanding the library of courses to allow for this is a goal.