

Minutes
Los Alamos, NM
July 24-26, 2024

Wednesday, July 24

The following voting and advisory members were present. Voting: Chair G. Andrés Romero, Vice Chair William P. Soules, Representatives Joy Garratt and Susan K. Herrera, and Senator Harold Pope Jr.

Advisory: Representatives Debra Sarinana, John Block, Natalie Figueroa, and Senator Linda M. López.

Call to Order, Introductions, and Approval of October Agenda and September Minutes. Representative G. Andrés Romero, Chair, Legislative Education Study Committee (LESC), called the meeting to order. Chair Romero facilitated introductions of the members of LESC and Gwen Perea Warniment, Ph.D., director of the LESC, provided introductions of LESC staff. Approval of minutes was delayed until later in the meeting.

Community Welcome—Los Alamos Public Schools. Melanie Colgan, School Board President, Los Alamos Public Schools, welcomed LESC members and shared Los Alamos Public Schools' progress in improving educational quality. The district was named the College Board's AP Small District of the Year, and Chamisa Elementary School was recognized as the most innovative school in the state for early literacy and math instruction. Additionally, Los Alamos boasts the highest graduation rate in New Mexico. Ms. Colgan noted the district aims for 100 percent of its students to meet or exceed expectations in three key areas: academic excellence, social emotional well-being, and civic responsibility. Despite its successes, the district faces ongoing challenges, particularly in recruiting special education teachers and expanding access to literacy and math specialists for all students.

Jennifer Guy, Superintendent, Los Alamos Public Schools, told the committee Los Alamos Public Schools has undertaken a thorough review of its educational practices in response to shifting challenges. Despite past success, the district noted declining student performance, particularly among students who have historically struggled. In response, the district conducted extensive focus groups with staff and students to identify priorities and adjust instructional methods. Additionally, Los Alamos has implemented social emotional support programs in collaboration with Los Alamos County, which provided funding for an elementary prevention specialist.

The district has embraced structured literacy, training all kindergarten through fifth grade teachers, and has seen success at Chamisa Elementary School, which received additional support as a structured literacy

support school. However, efforts to extend this model across the district were hampered by limited state funding. The district remains committed to replicating this approach independently, recognizing its importance.

Members asked questions, including but not limited to whether inclusion classrooms are present throughout all grade levels in the district and whether special education teachers are assigned permanently to those classrooms.

Building Safer Schools: Policy Measures and Considerations on Restraint and Seclusion. Marit Andrews, Senior Policy Analyst II, LESC introduced the panel and presented a staff brief that outlined the history of restraint and seclusion policy in New Mexico, provided context on best practices and other state policies, and then outlined the recommendations from the Restraint and Seclusion Working Group. Next, Ms. Andrews facilitated questions with a panel of members from the Restraint and Seclusion Working Group. Ms. Laurel Nesbitt, Senior Attorney, Disability Rights New Mexico, began by explaining how restraint and seclusion are currently defined under statute. Then Ms. Nesbitt and Ms. Michelle Tregembo, Special Education State Ombud, New Mexico Developmental Disability Council, provided an overview of the seven findings of the working group report. Miguel Lozano, Chief Counsel for the Office of Special Education, PED, talked about issues that remain with collecting reliable data from schools on the use of restraint and seclusion, as well as supports PED needs to improve monitoring of restraint and seclusion. Amanda Owens, parent and member of the Restraint and Seclusion Working Group, shared her own experience with restraint and seclusion as a parent and as a teacher. Finally, Steven C. Starkovich, Deputy Superintendent, Alamogordo Public Schools, spoke about the challenges for schools reporting restraint and seclusion data, as well as recommendations for the Legislature to address these issues. Members asked questions including but not limited to the cost of the proposed recommendations, the need for increased oversight by PED, the need for accurate data, and reintegration of students after a restraint and seclusion incident.

Solving the Math Puzzle: State Policy for Student Success. Jessica Hathaway, Senior Policy Analyst II, LESC, and Marit Andrews, Senior Policy Analyst II, LESC, presented a policy brief that examined state policy options to support math education. Ms. Hathaway shared information about New Mexico's current math outcomes, noting only about a quarter (24 percent) of all students are demonstrating proficiency in mathematics across all grades, as assessed by the 2023 New Mexico Measure of Student Success and Achievement (NM-MSSA). While lawmakers nationally are studying policy options to math instruction that mirrors the type of approaches implemented regarding literacy, which has included a transition to a "structured literacy" approach in New Mexico, this has been complicated by a lack of universal consensus on a "science of math" that is analogous to established science of reading approaches. Despite this lack of consensus, Ms. Hathaway noted there is a substantial body of research about how to support effective math teaching and learning

that can be used to inform state policy. Ms. Andrews then shared a potential framework that could be used in New Mexico which is centered around: 1) Educator preparation and ongoing professional learning; 2) High quality instructional materials; 3) Student interventions to address learning needs; and 4) Assessments to guide instruction, with each of these four components being embedded in stronger alignment and governance of math education. Ms. Andrews noted the Legislature could particularly consider addressing teacher training and funding student interventions as a way to support math instruction and bolster student outcomes.

Shafiq Chaudhary, Director of the Math and Science Bureau, PED, then presented PED priorities to support math education. Mr. Chaudhary highlighted the department's work to develop a series of micro credential courses—titled NUMeROS—and noted the department has been piloting this year-long series of learning with 30 educators across New Mexico. Mr. Chaudhary also highlighted a focus on algebra, a “high school math pathways” working group that has developed recommendations to modernize algebra II and geometry courses, and math coaching the department is completing through high quality instructional materials. PED provided three legislative considerations: 1) a policy level for math professional learning; 2) funding for math professional learning; and 3) recurring public school support funding for mathematics and science, technology, engineering, and math (STEM) more broadly.

Patricia Carden, Professional Educator/Instructional Coach, New Mexico State University (NMSU) and Zachary Leonard, Education Specialist, Los Alamos National Laboratory closed the panel by presenting a possible legislative framework being developed by the New Mexico Partnership for Math and Science Education (NMPMSE). The NMPMSE recommendations center on better providing training for pre-service educators, providing ongoing math professional learning and continuous improvement for in-service educators, and developing the skills of school leaders to better support educators. For pre-service teachers, Ms. Carden and Mr. Leonard noted a math methods course could be required, as well as better partnerships for mentor teachers and educator preparation faculty to support students who are learning to become educators. For current teachers, the NMPMSE recommendations include requiring high-quality, job-embedded math professional learning every five years, creating structures within schools to support job-embedded learning, and ensuring every school has a math specialist to support implementation of professional learning. For leadership, the NMPMSE recommendations include training for leaders to support professional learning of educators, modifying the teacher and principal evaluation system to include effective mathematics teaching practices, and establishing collaboration between principal licensure providers to ensure consistency in leadership development.

Several LESC members asked for additional clarification on the cost of each of these recommendations from both PED and NMPMSE, noting they support increasing the capacity of mathematics educators, but need greater detail on the cost of each of the proposed options.

Senate Bill 137: Review and Implementation Update. Gregory Frostad, Assistant Secretary, PED, Joe Guillen, Executive Director, New Mexico School Boards Association (NMSBA); Lorraine Vigil, Program Director, NMSBA; and Mark A. Montoya, Senior Policy Analyst, LESC, presented a review and implementation update of Senate Bill 137 (SB137) to the committee. Mr. Montoya provided a background on several items that SB137 is intended to address. These items included campaign finance transparency, local school board and governing council decision making transparency, school board official and governing council member training, and the core competencies needed for these members. Mr. Montoya then described what SB137 stipulates and provided an implementation update, which spoke to each respective entity's role in implementing the legislation, progress these agencies have made in their efforts, and any challenges or concerns that have been identified.

Mr. Guillen provided a background of SB137 from the perspective of NMSBA. Mr. Guillen described the collaboration that NMSBA has had with PED, the status of their training curriculum, how training is tracked, and touched on the training that is being provided to local school board members. Mr. Guillen also spoke about the challenges NMSBA has identified in implementing SB137. These challenges included tracking training hours for 450 members annually, gaining clarity on compliance requirements of the Open Meetings Act, advising new school board members on the new campaign reporting requirements, communicating the importance of compliance with SB137 to members, and clarifying the webcast archiving requirements of the legislation and the Records Retention Act.

Mr. Frostad spoke to the important role that school boards serve in respect to education in New Mexico, NMSBA's role in providing school board members with training, and the collaboration between PED and NMSBA. Mr. Frostad stated PED's goal to increase collaboration with NMSBA and LESC in the implementation of SB137 and to improve the quality of the training that school board members receive. Mr. Frostad shared that PED is considering new rules and regulations to cover SB137's webcasting requirements, PED would like to include cultural sensitivity training for members, and PED would like to provide additional guidance to school boards in regard to tribal consultation. PED plans on bringing forth legislation focused on how PED works together with local school boards and would like to collaborate with LESC in drafting this legislation. Potential legislative items include the ability to remove individual board members from a school board and preventing board members that have been removed for malfeasance from running for a school board position in the future. Currently, statute only allows for removing an entire school board. PED would also like to create consequences for members that do not complete training requirements. Currently there are no measures to enforce training other than publishing training records publicly. Lastly, PED is interested in progressive alternatives to promote school board members to meet training requirements, and to create a mechanism for local school boards to censure members for cause and maintain procedures themselves.

Committee members asked questions including but not limited to NMSBA and PED involvement in training, whether or not training could be provided virtually, training costs, transparency, and current training requirements.

Thursday, July 25

The following voting and advisory members were present. Voting: Chair G. Andrés Romero, Vice Chair William P. Soules, Representatives Brian G. Baca, Joy Garratt, Susan K. Herrera, and Raymundo Lara and Senator Harold Pope Jr.

Advisory: Representatives Debra Sarinana, John Block, Natalie Figueroa, and Yanira Gurrola.

Review of CTE Programs, Pathways, and Funding. Jessica Hathaway, Senior Policy Analyst II, LESC, presented a review of career and technical education (CTE) funding, including a summary of where the Legislature's appropriation focused on CTE has been allocated and initial review of participation in CTE programs across New Mexico. Ms. Hathaway presented a summary of information about how CTE programs are funded in New Mexico, noting it is typically a combination of federal, state, and local funds. Ms. Hathaway also provided an overview of New Mexico's legislative actions on CTE to date, including the creation of a seven-year pilot project on CTE in 2019. In FY24, the Legislature greatly increased CTE appropriations, allocating \$40 million dollars to support such initiatives. This trend continued in FY25, with the Legislature appropriating a total of \$45 million. Ms. Hathaway noted awards to schools for the CTE pilot project, as well as other CTE initiatives, such as PED-created Innovation Zones have increased alongside the overall state appropriation. In FY24, PED awarded \$14.4 million for the CTE pilot project awards and \$11.4 million for Innovation Zone awards. Ms. Hathaway also noted there are approximately 22,400 CTE concentrators in New Mexico—meaning students who take at least two connected CTE courses in a single pathway (such as health care). Ms. Hathaway closed the presentation discussing the spread in both CTE awards and increased student participation being seen across New Mexico, as well as sharing an update on graduation rates, which increase among students concentrating in CTE programs.

Breezy Gutierrez, Director of College and Career Readiness Bureau, PED presented next, sharing information about graduation rates among CTE concentrators. PED found the statewide graduation rate in 2023 was 76.7 percent across all students, but that it is 95.8 percent for students who are CTE concentrators. Ms. Gutierrez also noted CTE concentrators in Bernalillo Public Schools, Bloomfield School District, and Gadsden Independent School District outperformed state averages for every *Martinez-Yazzie* student group. These three districts also significantly narrowed gaps between student groups. Ms. Gutierrez then shared information about New Mexico's newly revised CTE plan that is required to receive federal CTE funding, which complements the state's investment. New Mexico receives approximately \$10.4 million in federal CTE funding.

PED's priorities related to CTE include reaching their goals required for federal CTE funding, continuing to expand access to the state's CTE funding, assessing school districts and charter schools that have received Innovation Zone funding, expanding access to career exploration, career technical student organizations, career-connected curriculum, and near peer tutoring, establishing a statewide CTE advisory board, and implementing new graduation requirements. Ms. Gutierrez noted the Legislature could consider funding middle school CTE and providing more CTE coaching support.

LESC Roadmap: Update on the *Martinez-Yazzie* Lawsuit. John Sena, Deputy Director, LESL, and Sunny Liu, Principal Analyst, LFC, presented an update on the *Martinez-Yazzie* lawsuit and outcomes. Since the court's ruling found the state had provided insufficient funding for public schools, the Legislature has appropriated substantially greater funding for public education, from \$2.8 billion in FY19 to \$4.4 billion in FY25. One of the Legislature's largest focuses, in response to the court ruling, has been learning time. The Legislature increased instructional hours to 1,140 in FY24 and appropriated \$312 million recurring dollars in FY25. Despite these investments, student outcomes in New Mexico remain low, including large achievement gaps. Student reading proficiency rates appear to be improving, while math proficiency rates appear to be declining. Graduation rates have increased, and college remediation rates have decreased; however, it is unclear how changes in demonstrations of competency and usage of waivers have affected these rates. New Mexico has exceeded the inflation-adjusted sufficiency costs recommended through the American Institutes of Research proposal from 2008. Deputy Director Sena acknowledged the pressure on lawmakers to demonstrate increased funding is resulting in improved outcomes. He cautioned, however, that lawmakers consider a realistic timeline between appropriation, implementation, and eventual measurable outcomes.

Gwen Perea Warniment, Ph.D., Director, LESL, presented an update to LESL's initial roadmap presented in October 2022. The LESL roadmap identifies numerous target areas for staff to address within the policy areas of educator ecosystem, academic design, whole child education, and overarching systems. Possible policy considerations for the FY26 budget include addressing chronic absenteeism, sustaining the workforce, pervasive achievement gaps, and an uncoordinated system.

Greg Frostad, Assistant Secretary of Policy, Research and Technology, PED, presented agency priorities. PED legislative considerations for FY26 include strengthening requirements for educational leadership preparation and licensing, requiring math professional learning, reducing exclusionary practices, updating the Community Schools Act, and requiring a common Individualized Education Program (IEP) template. PED requested legislative funding for math and STEM, school improvement and transformation, attendance initiatives, literacy, drug counselors,

implementing the education acts, behavioral health, CTE, and the full cost of public school insurance.

Members asked questions and expressed concerns including but not limited to inflation, the need for a shared understanding of what a healthy cash balance is for a school district, frustration that LESC members do not play a stronger role in determining the state's education budget, and improvement in proficiency among student groups.

RISE NM - Statewide Longitudinal Data System. Tim Bedeaux, Senior Policy Analyst II, LESC, introduced the panel by explaining that the RISE NM statewide longitudinal data system will enable tracking students from preschool through the kindergarten through 12th grade education system and into the workforce. RISE NM represents a substantial collaborative effort between the Higher Education Department (HED), the Early Childhood Education and Care Department, PED, the Department of Workforce Solutions, and the Division of Vocational Rehabilitation (DVR). The project interagency collaboration required to develop the RISE NM data system carries several important lessons related to data governance in New Mexico, particularly about how a coordinated effort among many state agencies can contribute to a comprehensive data system built to serve the needs of many stakeholders.

Patricia Trujillo, Deputy Secretary, HED, introduced the RISE NM team, including Joseph Leakakos, RISE NM Project Co-Lead and Data Analyst; Kathryn Zenoni, RISE NM Project Co-Lead and Senior Business Intelligence Analyst; Zenith Bhurtel, Data Specialist; and Dimple Mathew, Business Analyst. RISE NM revolves around the creation of a master unique identifier for every student in New Mexico, enabling tracking of a student's outcomes from early childhood to the workforce. In its first phase of development, the system is being built to answer three primary research questions: how do measures of school readiness vary by early childhood programming factors and demographics; how do measures of college and career readiness vary by demographics, district, and locale; and how do employment metrics vary by demographic characteristics, workforce area, educational attainment level, and study program. The RISE NM team shared drafts of visualizations that will be possible when the system is complete. As RISE NM phase I nears completion, the team shared plans for Phase II of the project, including system enhancements and improvements based on lessons learned and beta testing, addition of new data sources, increased access for internal and external researchers, expansion of research agenda and visualizations, and advanced tooling to increase the range of analytics available to state researchers.

A STEM Innovation Network for New Mexico. Conor L. Hicks, Policy Analyst I, LESC; Heather Sherman, Executive Director, STEMx; Shafiq Chaudhary, Director, Math and Science Bureau, PED; Wanda Bulger Tamez, Ph.D., Director, NMSU STEM Outreach Center; and Monica Sandoval-Johnson, Ph.D.,

CEO, Boomerang New Mexico presented to committee members on the potential benefits of a STEM Innovation Network for New Mexico. Presenters outlined a proposed structure for such a network and identified various activities the network would support throughout the state.

Mr. Hicks highlighted low achievement scores in both math and science for New Mexico students and discussed a proposed \$6 million in funding to support creation of the network. Executive Director Sherman of STEMx highlighted the work of STEM networks in other states and spoke to the impact of regional hubs in her home state of Ohio. Director Chaudhary emphasized the importance of collaboration between the Legislature and the executive branch in creating and supporting the network, while also pointing to the network as a possible delivery mechanism for the PED's math and science frameworks. Dr. Bulger Tamez used the NMSU STEM Outreach Center's work as an example of the programming a New Mexico STEM network's central and regional hubs could facilitate. Finally, Dr. Sandoval-Johnson spoke to the need for robust STEM career pathways for New Mexico students and pointed to the dearth of STEM-related internships in New Mexico as a barrier to maintaining a homegrown STEM workforce.

Friday, July 26

The following voting and advisory members were present. Voting: Chair G. Andrés Romero, Vice Chair William P. Soules, Representatives Brian G. Baca, Joy Garratt, and Raymundo Lara and Senator Harold Pope Jr.

Advisory: Representatives Debra Sarinana, John Block, Natalie Figueroa, and Yanira Gurrola.

Director's Report. Gwen Perea Warniment, Ph.D., Director, LESC, presented the newsletter, featuring presentations on a longitudinal data system and on restraint and seclusion. The letter from the Chair calls out high school graduation requirements and their potential impact on the state. Director Warniment noted there will be no committee meeting in August due to schools starting that month.

Members asked several questions, including where teacher workforce data reported in NMSU's Southwest Outreach Academic Research vacancy report is collected from, and expressed ideas, including compensating social workers and counselors on the teacher three-tier scale because districts have to compete with private industry.

Family Income Index Program Review. Daniel Estupiñan, Senior Fiscal Analyst II, LESC provided an overview of the legislative intent of the Family Income Index (FII), a review of the methodology and expenditures of the program, and an analysis of student outcomes related to the FII during the 2022-2023 academic year.

Members asked for clarity on the methodology used in calculating student growth, clarity on the LESC's fiscal and policy considerations, the

impact of legislative investments in early childhood education on student outcomes, and whether there was an impact on student outcomes from year-over-year fluctuations in school-site allocations from the FII.

PED Rule Review. John Sena, Deputy Director, LESC; and Eilani Arellano, Deputy Director, Policy and Legislative Affairs, PED, presented proposed PED rule changes. The first proposed rule would repeal and replace NMAC 6.101.2, which describes the process by which an applicant for, or recipient of, vocational rehabilitation services can request a timely review of a determination by DVR. The proposed rule also describes the process for mediation and fair hearings, as well as the roles of a mediator and fair hearing officer

The second proposed rule would repeal NMAC 6.65.4 and eliminate regulatory provisions adopted in 2018. The notice of proposed rulemaking states the department intends to repeal the rule because "the existing Teacher Development program is described in guidance." PED states they do not need a rule for this, they are already doing teacher leader network.

Members asked questions, including but not limited to under what circumstances PED is allowed to promulgate rule, and what the current process is for the DVR.