

**MINUTES**  
**Legislative Education Study Committee**  
**Albuquerque, New Mexico**  
**September 18-20, 2024**

Wednesday, September 18

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 Tanya Mirabal Moya, and Senators Harold Pope Jr. and Mimi Stewart.

Advisory: Representatives John Block, Natalie Figueroa, Yanira Gurrola, Patricia Roybal Caballero, and Senators Linda M. Lopez and Shannon D. Pinto.

**Call to Order, Introductions, and Approval of July Minutes and September Agenda.** Representative G. Andrés Romero, Chair, 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 Baca, and a second by Representative Garratt, the agenda for the September LESC meeting was approved. The meeting minutes for the July LESC hearing were also approved with a motion by Senator Stewart and a second by Representative Mirabal Moya.

**Community Welcome from Albuquerque Public Schools and Atrisco Heritage Academy High School.** Anthony Lovato, Principal, Atrisco Heritage Academy High School, and Gabriella Blakey, Superintendent, Albuquerque Public Schools (APS) provided a community welcome to LESC members. Mr. Lovato highlighted Atrisco Heritage Academy High School's efforts to provide engaging extracurriculars and noted the high school, one of the largest in the state, serves nearly 2,000 students. Superintendent Blakey, who began leading APS in July 2024, highlighted how APS is implementing a new strategic plan and discussed goals the district has set to improve outcomes for its students. Superintendent Blakey noted APS is shifting how it governs with a greater focus on prioritizing its work around student outcomes—the district has been working toward this shift by prioritizing community meetings, individual input, and long-term planning to orient its schools around literacy, math, postsecondary readiness, and the skills, habits, and mindsets that lead to success. Superintendent Blakey also responded to questions from members about HVAC systems, student attendance, and graduation requirements.

**School District and Charter School Cash Balances.** Daniel A. Estupiñan, Fiscal Analyst II, LESC, and Jvanna Hanks, Deputy Superintendent, Gallup-McKinley County Schools, provided an overview of the status and recent trends associated with cash balances held by school districts and charter schools.

Members asked about the impact of the grant reimbursement process on cash balances, whether distributing a large proportion of below-the-line funding outside of the reimbursement process would alleviate the need to hold excessive cash balances, and how multi-year budgeting on the part of the Legislature could promote consistency in funding and reduce the need for school districts and charter schools to hold excessive cash balances.

**Preliminary FY26 General Fund Revenue Estimates.** Jennifer Faubion, Economist, Legislative Finance Committee, provided an overview of the preliminary revenue estimates for FY26.

Members asked for clarity on the amount of money currently held in reserves, the amount of money currently held in several of the permanent funds, and about the short-term opportunity costs for students and educators associated with investing in the permanent funds rather than in public schools or other public services.

**Personnel Update.** John Sena, Deputy Director, LESC, shared personnel updates with committee members. In a motion by Senator Soules, and a second by Representative Mirabal Moya, Dr. Gwen Perea Warniment's resignation was approved. Mr. Sena was then appointed to Interim Director by committee members with a motion by Representative Garratt and a second by Representative Baca.

**Healthy Universal School Meals: Taking Stock.** Conor L. Hicks, Policy Analyst I, LESC, and Laura Henry-Hand, Deputy Director, Student Success and Wellness Bureau, Public Education Department (PED), provided an update to committee members on the implementation and fiscal outlook of the Healthy Universal School Meals program.

Both presenters described the program as largely successful, while also highlighting areas of need for communities to fully embrace the initiative. Mr. Hicks discussed common themes drawn from interviews with eight school food authorities (SFAs) to assess the on-the-ground implementation of the program. To continue the success of the program, Mr. Hicks advised lawmakers to appropriate at least \$48 million in FY26, dependent upon changes in participation.

Deputy Director Henry-Hand detailed revisions made to the department's rule for the program in response to public comments. The adopted rule streamlines the requirements for full reimbursement by the state. For FY26 budget considerations, the department projects a program cost of about \$56 million, along with just under \$8 million to address the funding shortfall in FY25.

**Engaging Schools, Higher Attendance: A Systemic Approach.** Jessica Hathaway, Senior Policy Analyst II, LESC, and Tim Bedeaux, Senior Policy Analyst II, LESC presented a staff brief that explored the need for a systemic health perspective to address attendance. Ms. Hathaway noted the state has followed many national best practices but may need

additional focus on what attendance data is being collected, how this attendance data is being used, and how schools might address health of their school systems as part of improving the state's chronic absence rate, which is 32.8 percent for the 2023-2024 school year. Mr. Bedeaux offered recommendations for school districts and charter schools, PED, and the Legislature, aligned with both attendance interventions and systemic health needs.

Emily Bailard, CEO of EveryDay Labs, a private company that provides evidence-based attendance interventions, then presented about effective use of attendance data and attendance messaging. Ms. Bailard noted schools often underinvest in universal strategies for all students and overinvest in the most intensive attendance interventions. A greater focus on prevention and universal strategies is necessary to ensure balanced support of attendance interventions. Ms. Bailard also shared information about how to craft effective attendance messaging to improve school relationships with families and ensure parents understand how to support their children's school attendance. Candice Castillo, Deputy Secretary of Identity, Equity, and Transformation, PED, then talked about how the department implements the state's Attendance for Success Act, barriers to school attendance, and how the department has used appropriations for attendance. Deputy Secretary Castillo noted PED is using the FY25 \$5 million appropriation for grants to school districts, student reengagement services, an attendance campaign, increased technical assistance, and attendance conferences. For FY24, the department awarded grants to seven school districts. For FY25, the department plans to maintain awards to these school districts and add an additional seven, totaling 14.

Members asked questions about whether PED will request additional funding for attendance and why disaggregated attendance data is still not available from PED. Members also expressed appreciation for the LESC staff brief and asked for clarity on the cost of EveryDay Lab's attendance intervention, as well as how much the state is spending on attendance in total.

#### Thursday, September 19

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 Tanya Mirabal Moya, and Senators Harold Pope Jr. and Mimi Stewart.

Advisory: Representatives John Block, Natalie Figueroa, Yanira Gurrola, and Patricia Roybal Caballero, and Senators Linda M. Lopez, Antonio Maestas, and Shannon D. Pinto.

**Review of Spring 2024 Assessment Results.** Tim Bedeaux, Senior Policy Analyst II, LESC, presented preliminary results of Spring standardized assessments, including the New Mexico Measures of Student Success and Achievement (NM-MSSA) and the Scholastic Aptitude Test (SAT). While data

is still considered preliminary, from SY23 to SY24, overall English language arts (ELA) proficiency appears to have held flat at 38 percent and overall math proficiency fell from 24 percent to 22 percent. Performance for more affluent students fell slightly, while performance for students of color and economically disadvantaged students tended to increase. Strong social factors may be driving achievement down for all students, but the state's recent investments may have made its neediest students resilient to these challenges. Lynn Vásquez, Director of Assessment, Research, Evaluation & Accountability Division, PED presented the department's analysis of preliminary assessment results, sharing that based on PED analysis, overall ELA proficiency is up one percentage point to 39 percent, while math is down by one percentage point to 23 percent. PED will use both academic proficiency and student growth percentiles to calculate schools' NM Vistas designations later this year.

**Students Experiencing Homelessness: A Conditional Cash Transfer Pilot.**

Marit Andrews, Senior Policy Analyst II, LESC introduced the panel and explained New Mexico Appleseed designed and implemented a conditional cash transfer program for students experiencing homelessness to provide educational and financial support to inadequately housed students and piloted this program in Cuba Independent School District and the West Las Vegas School District during the 2020-2021 school year. Daniel Valverde, Director of Community Strategy, New Mexico Appleseed, provided an overview of the pilot program, and explained that the program led to dramatic improvements in graduation rates among the vulnerable McKinney-Vento students, leading to an 82 percent increase in graduation rates for these students. Karen Sanchez Griego, Ed.D., Past Superintendent of Cuba Independent School District (CISD), and Donnica Dunlap, McKinney-Vento Liaison, CISD, shared about the impact of the pilot on students experiencing homelessness at CISD, and advocated for expansion of the program. Members asked questions including, but not limited to, capacity and cost to rollout the program to all students experiencing homelessness, if guaranteed cash payments to students experiencing homelessness violates the anti-donation clause, and barriers to identifying students experiencing homelessness.

**Securing the Future: An Update from the Education Retirement Board (ERB).**

David Archuleta, Executive Director, New Mexico Education Retirement Board (ERB), provided an update on several important areas related to the state's educator pension plan. His presentation offered insights into the current state of the system and efforts to ensure its long-term stability and transparency.

The presentation covered topics including the Board of Trustees' authority, agency updates on operations, investment performance, pension perspectives, key valuation results, cost-of-living adjustments, service credit accruals, recent benefit and contribution reforms, an actuarial experience study, and compliance with Government Accounting Standards Board 67/68 standards.

Committee members had questions regarding how the ERB's pension liabilities affect the plan's solvency (funded ratio), as well as the need for pensions to maintain a certain level of solvency or aim for full funding (100 percent solvency). The discussion continued with Archuleta explaining how actuarial factors influence solvency goals and the expected trends in retiree demographics going forward. Additionally, there were further questions about the specifics of the different Return to Work (RTW) programs, including the parameters of the programs, the necessity for RTW employees to report, and the implications of these employees not filing.

**Equitable Access to Out-of-School Time: Why It Matters.** May Sagbakken, Executive Director, New Mexico Out-of-School Time Network; Sarah Gettler, Chief Executive Officer, The Boys & Girls Clubs of Santa Fe/Del Norte; Teahonna James-Belin, Afterschool Activities Coordinator, Navajo Preparatory School; Leticia Archuleta, Executive Director, Health Leadership Academy; Liz Salganek, Artistic Director, National Dance Institute of New Mexico, presented to committee members on the need for increased support for out-of-school time funding.

Panelists spoke to the positive impact participation in out-of-school activities can have on students' wellbeing, academic performance, and broader public safety. Each presenter highlighted their institution's efforts to engage students beyond the classroom.

Executive Director Sagbakken urged lawmakers to support out-of-school time initiatives across New Mexico by appropriating \$40 million in FY26, with \$20 million given directly to local education agencies and \$20 million given to community-based organizations.

**PED Rules Review.** Conor L. Hicks, Policy Analyst I, LESC, and Denise Terrazas, Director, Policy and Legislative Affairs, PED provided an overview of the three recent PED rule adoption: NMAC 6.65.4, Teacher Leader Development Framework, NMAC 6.101.2, Fair Hearings and Alternative Dispute Resolutions Related to Vocational Rehabilitation, and NMAC 6.12.16, Healthy Universal School Meals.

Mr. Hicks explained the NMAC 6.65.4, Teacher Leader Development Framework rule has a repeal which eliminates the formal regulatory process for PED to administer the Teacher Leader Network for professional licensing in New Mexico. Clarifying that this repeal will not affect the operation of the program but merely removes the specific regulatory framework. Mr. Hicks shared that NMAC 6.101.2, the Fair Hearings and Alternative Dispute Resolution for Vocational Rehabilitation rule clarifies the procedural timeframes for submitting requests for mediation and fair hearings, as well as the response deadlines. It provides greater clarity for individuals seeking vocational rehabilitation services, ensuring transparency and accessibility in the dispute resolution process. Mr. Hicks also explains NMAC 6.12.16, Healthy Universal School Meals. The rule was amended to include three primary standards: (1) 50 percent of

weekly meal components must be freshly prepared; (2) schools must reduce food waste using share tables and provide K-5 students up to 20 minutes of seated lunchtime; and (3) use of New Mexico-grown foods. The rule also introduces annual certification procedures and documentation requirements for school food authorities. Mr. Hicks notes the rule now defines "freshly prepared" as meals prepared and cooked for same-day consumption using scratch or speed-scratch cooking methods.

Committee members raised concerns regarding the adequacy of the "up to 20 minutes" lunch period for K-5 students, the definition of "freshly prepared" in promoting nutritious meals, the potential impact of recent national food recalls on food quality, and the flexibility of the New Mexico-grown food requirement. Additionally, concerns were voiced regarding the implications of time limits on individuals with disabilities in the vocational rehabilitation process.

**Director's Report.** John Sena, Interim Director, LESC, presented the director's report, including the September Newsletter, a budget update, and the *Martinez-Yazzie* consolidated lawsuit motion. The newsletter includes a first look at Spring 2024 assessment results, implementation of universal school meals, and school cash balances.

Interim Director Sena presented a policy brief on the *Martinez-Yazzie* motion update. The motion calls for LESC staff to coordinate a process for developing a remedial action plan. The brief focuses on the role LESC would be asked to play should the court grant the motion. LESC staff have not played a central role in developing a remedial action plan to this date. The motion calls for LESC staff to submit a draft plan, developed in consultation with the PED Secretary, by May 1, 2025, with the objective of fully satisfying the defendants' constitutional obligations by the end of 2030. The motion does not call for LESC to create the plan, but rather to coordinate development of the plan, including collaboration with state and school district officials; Indian nations, tribes, and pueblos; agencies; experts; and advocates.

Committee members expressed concern that PED would be a more appropriate entity for this role, and that LESC staff may need additional resources and a longer timeline to coordinate the plan. However, members also expressed confidence in LESC to accomplish the task, if necessary.

#### Friday, September 20

The following voting and advisory members were present. Voting: Chair G. Andrés Romero, Representatives Brian G. Baca, Joy Garratt, and Tanya Mirabal Moya, and Senators Harold Pope Jr. and Mimi Stewart.

Advisory: Representatives John Block, Natalie Figueroa, D. Wonda Johnson, Tara J. Lujan, Cristina Parajon, Patricia Roybal Caballero, Debra M. Sarinana, and Nathan P. Small, and Senators Linda M. Lopez, Michael Padilla, and Shannon D. Pinto.

**Review of Current Public Education Programs and Below-the-Line Funding.**

Sunny Liu, Principal Fiscal Analyst, Legislative Finance Committee (LFC), and Daniel Estupiñan, Senior Fiscal Analyst II, LESC, presented a joint accountability report on PED below-the-line (BTL) programs. Mr. Liu explained that while BTL funding as served as a testing ground for many key state initiatives, such as prekindergarten and science of reading programs, issues remain with how BTL funding is administered through a competitive grant process, often leading to BTL initiatives mired in bureaucratic processes that slow expenditures, create inequities in access to resources, and limit the potential of state-driven ideas. Mr. Estupiñan outlined policy and budget considerations for PED BTL programs, specifically focusing on recommendations for healthy universal school meals, the summer literacy institute, career and technical education, and the family income index. Members asked questions including but not limited to implementation specifics of the family income index, the new rule for implementation of healthy universal school meals, lack of data regarding the effectiveness of the summer literacy institute, and funding for career and technical education (CTE).

**PED FY26 Initial Agency and Below-the-Line Budget Request.** Mariana Padilla, Secretary Designate, PED and Amanda DeBell, Deputy Secretary of Teaching, Learning and Innovation, PED, presented PED's priorities for their FY26 budget request. The agency's core priorities include reducing chronic absenteeism, improving graduation rates, improving academic outcomes, creating a robust educator ecosystem, increasing school safety, and improving internal operations. LESC and LFC committee members expressed support for Secretary Designate Padilla, as well as frustration that PED did not present BTL funding requests. Members generally expressed support for PED funding priorities, including structured literacy, CTE, and school safety. Members questioned how PED will better hold districts accountable for the outcomes of all students and how schools can better address chronic absenteeism.