

Pursuing a

TRANSFORMATIVE

WORLD CLASS PUBLIC EDUCATION SYSTEM



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Pursuing a Visionary World-Class Public Education System

Our vision for the future of public education in New Mexico extends beyond our classrooms, schoolyards and places of learning; it permeates our communities. This vision, based on the collective wisdom of educators, not only encourages students to become creators and innovators, but also is pragmatic in its approach. It acknowledges shared responsibility and the fact that our state's social and economic challenges are inextricably linked with our desire to create a robust public education system that serves the needs of all students, from early education through higher education.

Students have been, and will remain, at the forefront of our union's efforts to make this vision a reality. We must be courageous enough to seize upon this critical junction in our state with a renewed effort and focus. We must use our expertise and diverse experiences to respond to the historic *Yazzie/Martinez v. State of New Mexico* ruling and continue to pursue a system of education that is not only equitable, but also culturally and linguistically relevant to our students and their families, and representative of the communities we share together.

As New Mexico's educators, we are ready to move past the antiquated age of factory-style schooling and embrace a future-oriented, birth-to-college educational system—one in which our students' cultural, linguistic and familial knowledge helps us create a truly enriching educational experience. We must honor our unique history in all ways, and remember that our pursuit of equity for all students is not only timely, it is our moral obligation.

Our system of education was invented more than a century ago, when a diploma was not necessary to get a repetitive industrial job and, for many students, when higher education was not even a consideration. Over the past 100 years, our country has made incredible gains. We have seen our standard of living rise, have had huge productivity gains in industry, have witnessed the nature of jobs change, and have learned how to celebrate diversity and embrace difference. We now know that active, brain-based learning is the most effective teaching method. Our birth-to-college education system, however, has yet to catch up. For years, policymakers have attempted to retrofit our system for modern times—often scapegoating educators, students and their families. We must collaboratively usher in a new model.



The world is calling for graduates at all levels who are not only creative, but also able to adapt to a rapidly changing environment. Our current and future workplaces need students to graduate with 21st-century conceptual thinking abilities, such as the ability to:

- Design, evaluate and manage one's own work so that it continually improves.
- Frame, investigate and solve problems using a wide range of tools and resources.
- Collaborate strategically with others.
- Communicate effectively in many forms.
- Find, analyze and use information.
- Develop new products and ideas.

There is literally no time to lose.

To meet this challenge, our education priorities must focus on three key areas: innovation, excellence and equity. We must address each simultaneously; excellence without equity merely reinforces privilege. Policies that support our educators, students and parents must be created with these priorities in mind.

Students and educators must be free to be innovators, to pose rich questions about our world and have the freedom to explore these areas without the threat of failure. Building this fearless approach to educating students will help us to transition from factory-era education to a modern education system that delivers instruction and instills the love of learning in our students. This means recruiting and retaining educators who are equipped with the diverse and innovative skills that we aspire to share with our students. It means trusting educators as experts in their field, meaning recognizing and honoring multilingualism, creativity, critical thinking and problem solving as 21st-century skills necessary for our technology-driven economy.

We also must prioritize equity. For generations, our education systems have viewed many students and their families in a deficient manner. As part of transitioning away from an antiquated system of schooling at all levels, policies must support

the experiences and talents students bring with them to the classrooms and places of learning without overlooking their concrete needs and the challenging realities their families often face. Our policies must ensure that all students receive the necessary support and wraparound services they need to succeed, including healthcare, social-emotional services, nutrition and counseling.

Prioritizing equity means building a world-class public education system from cradle to career that includes equitable access to high-quality early, elementary, secondary and postsecondary education. It means creating student-centered places of learning and having asset-based views of students and their families. In short, in a well-resourced, equitable and diverse educational system, success is no longer predictable based on race, ethnicity or socio-economic status.

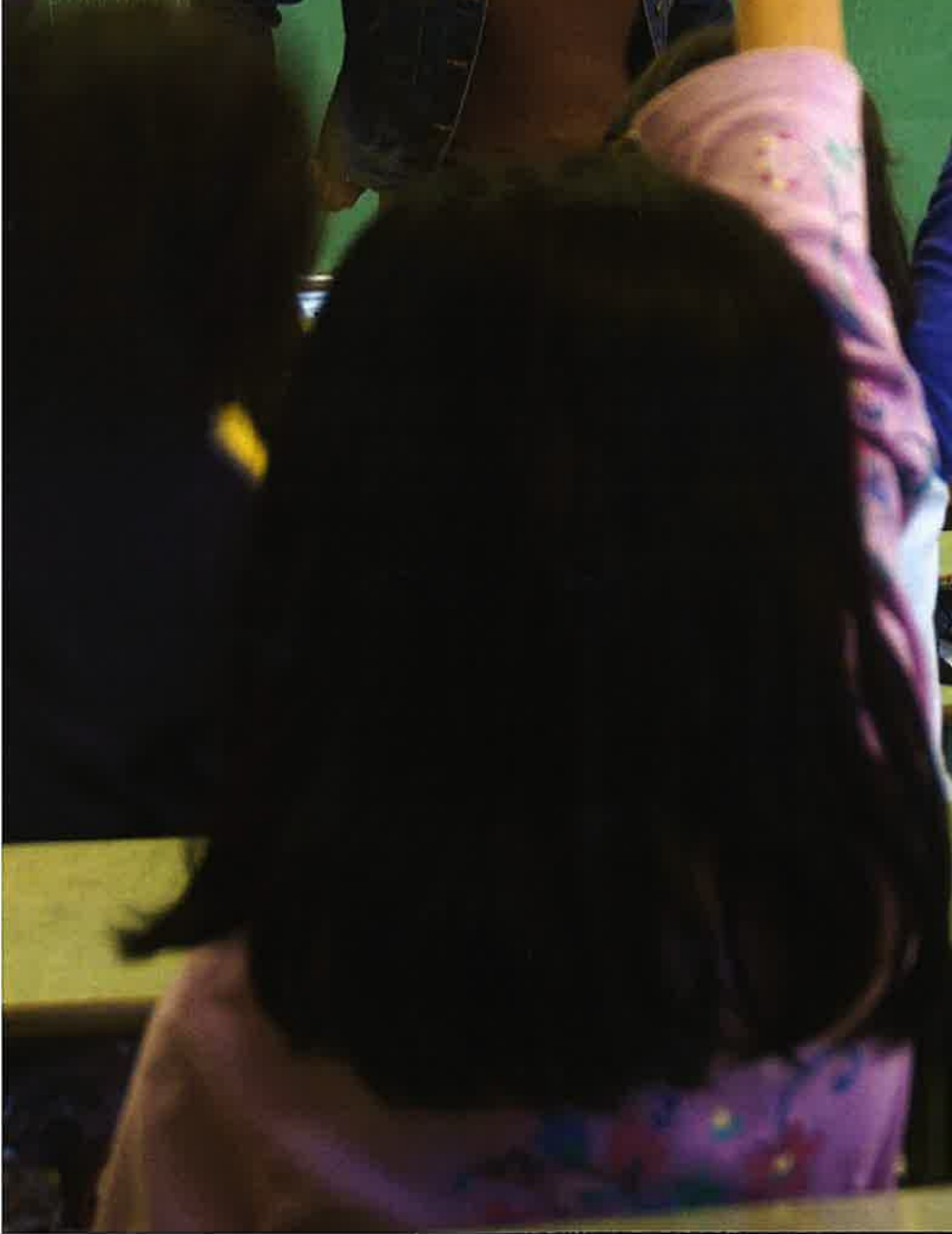
How do we prepare our students for a world we can't imagine? We attract and retain professional educators and support them to create learning environments focused on inquiry, discovery and creativity. Our education system is meant to serve the collective good and create the kind of society we want to live in and our students deserve.

The policy recommendations in this document have been created with this in mind. While many policy prescriptions mirror the National Conference of State Legislatures' recommendations from its groundbreaking 2016 study *No Time to Lose: How to Build a World-Class Education System State by State*, some of our suggestions are uniquely New Mexican. They include recommendations for our early childhood education system, our licensed and classified K-12 workers, and our higher education system. Combined with a fair tax revenue system and respect for labor rights, New Mexico can meet the future with confidence.



May 1
 Writing Challenge
 these sentences
 police officer
 teacher
 pharmacist
 5-01
 Is There

- Program
- Reading
- Social Studies
- Math
- Science
- Art
- Physical Education



Early Childhood Education

Research shows that learning does not begin in kindergarten; brain development is most rapid in the first years of life. Findings from the National Institute of Child Health and Human Development's Study of Early Child Care and Youth Development demonstrated that children who were in high-quality care from birth through 54 months scored higher in language, reading and math than their peers who were in consistently low-quality care.ⁱ Those who attend pre-K do better in school, are less likely to need special education services or have to repeat a grade, and are more likely to graduate from college and maintain stable jobs and families.ⁱⁱ Despite all the good that public spending on high-quality early learning can do, far too few children in New Mexico have access to it.

Currently, New Mexico's pre-K system is a patchwork of poorly funded elementary schools and very poorly funded community-based centers, serving only 35 percent of 4-year-olds and 4 percent of 3-year-olds.ⁱⁱⁱ The per-pupil reimbursement rate for community centers is significantly less than it is for elementary schools, and neither rate exceeds \$6,000.^{iv} The top publicly funded programs in the nation with full-day hours and high-quality standards spend \$10,000 to \$15,372 per pupil. This shortfall in funding and a lack of regulatory standards have created economic and professional disparities in the early learning workforce. In New Mexico, the average preschool teacher, regardless of setting, makes \$27,000 a year, whereas the national average for kindergarten teachers is \$53,000. As a 2016 Department of Education report showed, "educating children before kindergarten requires significant knowledge, expertise, and skill," and increasing professional standards and supports should be accompanied with wage pay and professional standards parity.^v

The state's child care subsidy program is inadequately funded with subsidies that do not remotely cover the full cost of quality care. The resources available for infant and toddler child care seldom include essential wraparound

services, like dental, vision and health screenings, or programs to meet advanced quality standards.

Recent state-spending increases on the child care subsidy program are welcome, but they do not go far enough.^{vi} In order to take advantage of the benefits of early childhood programs, the state should implement community school models for all early childhood programs and K-12 school settings.

Community schools provide much-needed services to often underserved communities. Community schools are also an accepted turn-around model under Title I funding provisions. It is clear, based on research and the real experiences of our educators, that the state must address the needs of the whole child. No matter how rigorous the instruction, if a child has socio-emotional and physical/mental health needs that are unmet, he or she will not be able to learn. Education researcher Linda Darling-Hammond argues that individual teachers may account for only about 7-10 percent of overall achievement. Meanwhile, socio-economic status usually accounts for 50-60 percent, and other school and home factors can account for as much as 10-20 percent. These factors can include challenges related to housing, nutrition, violence and gang-related activity, transportation and a host of other obstacles that communities across the country are striving to overcome.

A community school isn't just a center of education—it can become the new heart of the community. Community schools help create better conditions for both teaching and learning, and link medical, mental and social services to children and their families. They focus on creating stable environments in which teachers can teach and students can live and learn. They're places where teachers, families, community members and service providers can come together in coordinated, purposeful and results-focused partnerships. These schools are open outside the regular school day and offer programs and services such as daycare, tutoring, after-school programs and adult education. Data consistently show that students who attend community



schools, and who receive their services, supports and enrichments, have improved academic performance as well as increased motivation and engagement in learning.^{vii}

New Mexico's community school efforts are young, but there are several fully functioning community schools throughout the state through the ABC Community School Partnership and the Elev8 program. Continuing this trend could have great benefits for New Mexico. Expanding them to include 3- and 4-year-olds would be a bold step toward improving public education in the state.

In addition, the New Mexico Legislature should make it a priority to provide for universal early childhood education access for all 3- and 4-year-olds, in a mixed-model approach. Universal access to early childhood education is a smart investment, attracts business and ensures a better

chance for future success later in a student's educational journey.

To manage the expansion of early childhood programs, the Legislature should create a Department of Early Education to align and coordinate the agencies, systems and processes that support children. Research shows we could see better outcomes and service delivery if all areas of government charged with early childhood programs could work more collaboratively. The legislature could model the department on states like Georgia, where there is a single department focused on early care and learning.^{viii}

K-12 Education

Moving Forward: A New Day for Public Education in New Mexico

A new day for public education in New Mexico requires the Legislature to commit the appropriate resources. Since 2008, the Legislature has eschewed more resources for the system as a whole in favor of more targeted, experimental investments. These investments, usually unbacked by frontline teachers or academic research, have at best only distracted from the more fundamental problems of public education in New Mexico.

New Mexico ranked 37th for support of K-12 education in 2008, when the American Institutes for Research found that the state needed to increase funding by 14.5 percent in order to achieve an adequate and equitably financed system of public education.^{ix} By 2016 the state had dropped to 38th, and real spending was 6.7 percent below 2008 levels. From 2008 to 2016, New Mexico ranked 43rd in per-pupil spending growth. In 2018, average teacher pay is 9.7 percent lower than it was in 2009.^x The ratio of students to teachers also rose between 2008 and 2016, and the state now ranks 32nd in student-teacher ratio.

New Mexico is still \$228-\$380 million under our 2008 funding level for public education, and the funding in 2008 was \$600 million or more short of sufficiency, as affirmed by the recent *Yazzie/ Martinez v. State of New Mexico* ruling.

Schools and systems that work to build a positive and productive school culture attend to both the physical and intellectual needs of teachers and students. Basic needs, including safety and adequate resources, are systematically addressed; up-to-date and appropriate materials for teaching and learning are provided; and learning environments promote trust, respect, empowerment and a focus on continuous learning for students and adults.

Education should enable children to thrive in all aspects of their lives. Meeting the needs of the

whole child means having well-rounded curricula available to all students, including those who come from our poorest communities, English language learners and children with special needs. New Mexico must invest to ensure that all schools have fine arts and vocational classes for high school students. The state should ensure that all schools have the resources and tools they need—like a well-stocked library and the latest in technology equipment—to implement a well-rounded curriculum. But student needs go beyond curriculum and materials.

Bottom line: New Mexico must create an adequate per-student school funding amount that is revisited and revised every 5-10 years. That number, the foundation of the State Equalization Guarantee Distribution (SEG), must be used with the number of students (times the weighted factor) as the multiplier. That promise of sufficient funding should be kept yearly. A failsafe (perhaps the state's Permanent School Fund) should be enacted only if that promise is broken and in order to maintain sufficient funding. It's time to take the politics out of school funding. When public schools have more money, students do better.

The Legislature's enhanced investment in K-12 education should be used to fund programs and policies that meet the needs of students, parents and educators. According to Richard Ingersoll of the University of Pennsylvania, one of the top reasons teachers leave the profession^{xi} is that they don't have the essential resources and proper working environment to do their jobs well. Studies suggest that the biggest factor in a teacher's decision to leave her or his school is the conditions in which she or he works.^{xii}

A Teacher-Centered Evaluation and Compensation Framework

Increased investments in public education would allow the state to finally enhance its ability to recruit and retain educators. Average teacher pay in the state, when accounting for inflation, is less than before the Great Recession. The Legislature should improve pay across the board and create

a teacher-weighted formula distribution method that supports a competitive, statewide career ladder compensation system.

In a teacher-weighted formula, each Level II and Level III teacher would be weighted by a formula based on attributes, such as experience, additional degrees, state endorsements and additional responsibilities, that make teachers more valuable to the district and state. This differentiates between new Level II and III teachers and experienced Level II and III teachers. For Level I teachers, the formula would ensure that these teachers focus on learning to teach well, participate in mentoring and develop their skills in the assessment of student learning.

After a teacher successfully completes his or her years in Level I, this system would differentiate between new and experienced Level II and III teachers, continuing to support their development on a career continuum. This new formula could be paired with a new evaluation system.

Teacher Evaluation

Combining both the improvement and accountability functions into a single teacher evaluation process raises difficult challenges. When the evaluation is oriented toward the improvement of practice within schools, teachers are typically open to reveal their weaknesses, in the expectation that conveying

Sample Steps for a Level II Teacher, Weight/Compensation

Years within Level II	Education			Credential Differentials	Added Responsibilities	Evaluation/Student Learning Objectives	Contributions to School Goals and Leadership
	Bachelor's Degree	BA plus 30 Credit Hours	BA plus 45 Credit Hours or MA				
1-5	\$50,000	.15/\$57,500	.20/\$60,000	.10/\$5,000	.10/\$5,000	.10/\$5,000	.10/\$5,000
6-10	.10/\$55,000	.20/\$60,000	.25/\$62,500	.10/\$5,000	.10/\$5,000	.10/\$5,000	.10/\$5,000
11-plus	.15/\$57,500	.25/\$62,500	.30/65,000	.10/\$5,000	.10/\$5,000	.10/\$5,000	.10/\$5,000

State funding should be aligned with the new teacher-weighted formula to support district salary structures consistent with the 3-Tiered Licensure System. Ideally, changes would:

- Fund beyond the minimum salaries by attaching weight and compensation to experience and credentials for increases in salaries.
- Create a mechanism to get the additional funding to the school districts and their employees.

such information will lead to more effective decisions on developmental needs and training. Changing the teacher evaluation system can be a powerful tool for positive change, as long as we use current practice, policy and research to redesign New Mexico's teacher evaluation system so it provides useful feedback to teachers to improve their practice and embed evaluations in a performance-based system of licensing and career advancement.

Improve and Expand Preparation, Support and Professional Development

An increase in investment will also allow the state to implement and expand professional development programs for educators. The Legislature and school districts should prioritize proven policies such as enhancing:

- **Teacher preparation programs.** Teacher preparation programs that are built on strong formal partnerships with K-12 schools and prioritize clinical practice in authentic settings produce graduates who feel better prepared to teach and are rated as stronger than other new teachers by employers and independent researchers. Additionally, they have been successful in addressing critical shortages. **Bottom line:** The state should raise the bar for both teaching candidates and teacher education programs by offering ongoing clinical experiences and loan forgiveness, among other things, for graduates who commit to teaching in New Mexico for a minimum of three years.
- **Teacher residencies.** Research on the impact of the residency model suggests that, on average, residents are more racially diverse than other new teachers; are much more likely to stay in teaching, especially in the high-need districts that sponsor them; and are typically more effective than other novice teachers.^{xiii} **Bottom line:** The state should establish strong paid teacher residencies as one pathway to licensure for post-baccalaureate and second-career candidates.
- **Mentorship programs.** Mentoring is a complex and multidimensional process of guiding, teaching, influencing and supporting. Beginning teachers who receive mentoring focus on student learning much sooner, become more effective as teachers because they learn from guided practice rather than trial and error, and leave teaching at much lower rates. New Mexico has already defined a mentoring program with nine essential requirements that match with research. The 3-Tiered Licensure System requires Level I

teachers to provide evidence of participation in a district mentoring program before they can advance to Level II. Unfortunately, this has become an unfunded mandate. **Bottom line:** New Mexico should restore and increase the funding for its mentoring requirement. It should allocate a minimum of \$2,000 per beginning teacher in order to maintain high-quality mentor programs in every district.

- **Induction programs.** Strong induction and support for Level I teachers can increase their retention, accelerate their professional growth and improve student learning. The most effective induction programs include coaching and feedback from experienced teachers and ongoing opportunities to observe expert teachers. Research suggests that district and school practices related to supporting teachers influence teachers' decisions to enter, stay in or leave the profession. **Bottom line:** The state should include additional funding to support extended mentoring/induction for Level I teachers in years two to five.



- **Career and technical education.** Additional investment should also be used to enhance career and technical education (CTE) programming, which is a vital part of a balanced curriculum. The Southern Regional Education Board found that 80 percent of students taking a college preparatory academic curriculum paired with rigorous CTE met college and career readiness goals, compared with only 63 percent of students taking the same academic core who did not experience rigorous CTE.^{xiv} And enhanced CTE programs could help raise New Mexico's low high school graduation rates. The average high school graduation rate in 2012 for students in CTE programs was 93 percent, compared with the national graduation rate of 80 percent and the state's rate of 68.5 percent.^{xv} By 2024, New Mexico will have added more than 5,462 jobs that will require less than a bachelor's degree but some form of training or certification.

Bottom line: As New Mexico works to rebuild and modernize our CTE programs let's:

- Establish meaningful partnerships between local industry, postsecondary education and high school CTE programs to identify skills gaps and opportunities for improvement.
- Identify career pathways for students aligned with local industry needs.
- Create policies that connect local industry with secondary and postsecondary partners.
- Support and fund Educators Rising in every high school to guide young people on a path to becoming accomplished teachers.

Bottom Line: AFT New Mexico has strongly advocated for these policies over the past few years, and while some may require more far-reaching legislation, the Legislature has already undertaken some first steps and can immediately take the following actions to put K-12 education back on track:

- Repeal and replace the current evaluation system for licensed teachers.
- Revamp instructional materials definitions in order to modernize the practice and allow educators to differentiate their tools according to the needs of their students.
- Extend National Board Certification stipends to all school personnel eligible, specifically, but not exclusively school counselors.
- Pass significant salary increases for licensed teachers and all licensed support staff with a plan for addressing revised minimums in the near future. In addition to across-the-board tier increases, additional tiered increases (\$4,000 for Level I, \$6,000 for Level II, and \$6,000 for Level III for all licensed teachers and licensed support staff) for current education employees should be implemented immediately in order to support current educators and also to attract and retain quality educators. These additional increases would combat the salary compaction occurred during Gov. Susana Martinez's administration. Finally, flesh out the three tiers and create a full career ladder and distribute funding through a teacher-weighted formula.
- Pass a moratorium for new charter schools and equalize funding between charters and public school districts.
- Replace the A-F school grading system. A New Mexico Legislative Education Study Committee work group has presented consensus recommendations that shift New Mexico's system from a focus on identifying and labeling failure to a focus on providing support.



Professional School Related Personnel (Early Education Teachers and K-12 through Higher Education Classified Staff)

School support staff play valuable roles in early childhood, K-12 and higher education. They help create safe and welcoming school environments for students, deliver high-quality nutrition programs that help our kids succeed in classrooms and lecture halls, transport our students safely to and from school, and help struggling students learn to read. They are often the first faces students see in the morning and the last individuals students see in the afternoon. School support staff are mentors, cheerleaders, doctors and confidants—and that’s just their side jobs.

Wages for these educators have fallen behind, and workers are now earning less than they were 10 years ago. In order to attract highly qualified educators, we must raise wages. A full 40 percent of classified K-12 and higher education employees qualify for state/government assistance, despite working full time.^{xvi}

Research shows there is a shortage of educational employees across the country and state, which includes educational assistants and other classified personnel who are integral in the education of New Mexico’s students at all levels. In New Mexico, our vacancies are increasing, especially for educators who work with high-need student populations. New Mexico schools should be “high road,” model employers that support their workforce with a wage to meet their basic needs and that realize the benefits of increased productivity through investing in long-term workers.^{xvii}

Bottom line: New Mexico should provide a minimum wage of \$16 per hour and a \$5- to \$6-per-hour longevity wage increase for all education employees (including transportation employees with private contractors) and provide for cost-of-living adjustments, while continuing to strive toward a living wage for all educational employees. These additional increases (both living wage increases and longevity raises) would combat the salary compaction that occurred

during the Martinez administration and increase contributions into the New Mexico Educational Retirement Board. Along with a living wage, PSRPs should be treated as professionals, and their probationary period should align with other state workers. Therefore, New Mexico should reduce probationary periods for classified workers from three years to one year.

Improve and Expand Preparation, Support and Professional Development

When given the opportunity, many early educators and K-12 and higher education classified educational employees would pursue a lifetime career in the education profession. Research demonstrates that when educational assistants become teachers, they often stay in the education field for the remainder of their career. We should support professional development and opportunities for advancement in the educational system, whether it is educational assistants who are empowered to take on additional responsibilities within their job site, or educational assistants who are encouraged to pursue licensure as a teacher. In both of these scenarios, a “grow your own” approach would benefit New Mexico public schools and help to alleviate the extreme levels of vacancies across all educational job categories.

In Illinois, a grow your own program, Grow Your Own Illinois, provides for a grant to schools to provide for PSRP career development. A grant eligible program must meet certain requirements that provide supports for PSRPs:

- In order to be an eligible candidate for the program, a person must hold a high school diploma or its equivalent, not hold a bachelor’s degree and currently be a school PSRP.
- The program must offer a schedule that enables candidates to work full time in their current positions while participating in the program.

Example of a Professional School Related Personnel Career Pathway



- The program must offer forgivable loans to cover any portion of tuition, books and fees of candidates participating in the program in excess of the grants-in-aid available to the candidate. These loans are fully forgiven if the student completes five years of service in hard-to-staff public schools or hard-to-staff teaching positions, with partial forgiveness for shorter periods of service.
- The program budget must include “the costs of child care and other indirect expenses, including but not limited to transportation, tutoring, technology and technology support necessary to permit candidates to maintain their class schedules.”^{xviii}

In addition to a grow your own program, New Mexico should create a scholarship fund for educators in early childhood settings and classified educational employees in K-12 and higher education settings. Education is expensive, and as lower-wage workers, early education through higher education classified staff often cannot afford additional schooling without taking out risky loans and getting into deep debt.

Bottom line: New Mexico should adopt a grow your own program and provide scholarships for higher education for early educators and all education classified staff, with rebates for working in high-need or rural educational settings.

Safe and Secure Workplaces

PSRPs often operate at a heightened level of vigilance to guarantee their and their students' safety and are required to intervene in situations where students and staff may be at risk of harm or injury. A study of 8,000 school staff workers' compensation claims in Minnesota found that special education assistants are most at risk for “student-related injuries” and have the highest rate of workers' compensation claims (five for every 100 full-time employees) for such injuries, compared with all other school personnel.^{xix}

Proper staffing and training, and appropriate workplace safety plans, are a must for school support staff. Our schools must remain safe and healthy places for students and staff to learn and work.

Bottom line: New Mexico should include post-traumatic stress disorder as a condition covered under workers' compensation.

During the summer months, the internal school bus temperatures at many locations reach levels that are unsafe for students and the educational employees required to operate them.

School buses are the only form of mass transit in the United States where air conditioning is not mandatory. In communities like Las Cruces and Carlsbad, temperatures inside school buses during late spring and the summer months are generally 10 degrees hotter than the ambient external temperature, even with windows and vents completely open. As the metal frame and body of the bus become hotter due to heat from the engine and exhaust, temperatures can climb to as high as 117 degrees.

This puts students and operators at risk in two distinct ways:

1. Overly hot buses often cause exhaustion for young riders. Because of the extreme temperatures, students run the risk of a heat-related illness, such as heat stroke, that increases the longer they remain in a hot environment with no ability to find relief from the heat.
2. Prolonged exposure to the interior heat can cause feelings of lethargy and sleepiness in drivers and attendants. Both of these conditions impact their ability to make decisions, which can lead to slower reaction times and accidents, as the symptoms of these conditions are often subtle.

Bottom line: New Mexico should change the statute that makes air conditioning in school buses optional, replacing it with language that mandates that as buses are purchased, they must be equipped with air conditioning. Additionally, the School Transportation Bureau should develop a list of buses that are aging out in order to prioritize fleet and district needs.

Higher Education

New Mexico's higher education system has also felt the pinch of state cuts since the Great Recession. State support for higher education has declined by 30 percent, while enrollment continues to climb. Tuition costs are also up by 39 percent for four-year colleges and 31 percent for two-year colleges, compared with 2008. The state saw the 25th-highest increase in the cost of a four-year degree during that time period.^{xx} It is time we reinvest in higher education, for the benefit of students and all higher education employees.

Student Loan Bill of Rights

Students shouldn't have to take on risky loans with little or no financial literacy component in order to get a higher education. Nationally, the average individual borrower carries more than \$30,000 in student debt, and student debt has ballooned to \$1.3 trillion. The average borrower in New Mexico carries \$18,969 in debt, and 48 percent of students carry some debt.^{xxi} At 20.8 percent, New Mexico has the highest student loan default rate of any state in the country,^{xxii} nearly double the national average.^{xxiii} Student debt is an anchor weighing down on the economic aspirations of individual borrowers.

Unlike with other types of consumer debt, borrowers of student loans have extremely limited options by which they can refinance or discharge that debt. Borrowers also face a bewildering environment in which it is confusing to figure out who is servicing their debt and how their debt is transferred from one financial institution to another. The state can play an important role in assisting current student loan borrowers.

Bottom line: New Mexico should adopt a Student Loan Bill of Rights that outlines the rights and responsibilities of both lenders and borrowers in order to prevent defaults and unsustainable educational loan practices.

Debt Cancellation and Loan Forgiveness

Teaching is a public service, and we should be working toward attracting, recruiting and retaining the best possible candidates and veteran educators possible. Whether it is through our colleges of education or a grow you own model, legislators should consider a dual approach to attracting and retaining educators.

For new educators, loan forgiveness can be a way to attract educators into the profession, with incentives for teaching in hard-to-staff locations or subject areas.

Additionally, New Mexico has the ability to effectively cancel the debt of certain educators currently in our classrooms and places of learning by adopting policies that direct New Mexico to stop the collection on any loans created under the 1965 Federal Family Education Loan Program.



Lottery Scholarship Program

Only 34 percent of young adults ages 25 to 34 in the state have an associate degree or higher. That's the third-lowest higher education attainment rate of any state.^{xxiv} A 2015 report by New Mexico Voices for Children documented that the state gives very little of its financial aid based on student need—25 percent, compared with a national average of 74 percent. The study also found that New Mexico working families have some of the highest needs in the country. More than 40 percent of all working families earn low wages—wages below 200 percent of the poverty level—and half of low-income families lack a postsecondary education. And nearly half of children under age 18 in the state live in low-income families.^{xxv} Since its inception, the New Mexico Legislative Lottery Scholarship program has provided more than \$528 million for over 82,600 students to attend college. The Legislature should build on this success.

Bottom line: The Lottery Scholarship should move to a needs-based system that prioritizes students who would not be able to attend an institution of higher education based on rising educational costs.

Higher Education Employees

All members of a school's faculty, full time and adjunct, should be treated the same. This means parity for workload pay and benefits for adjunct faculty. Three-quarters of college faculty in the nation are contingent—part-time/adjunct or full-time temps. They are faced with low pay, unpredictable workloads and no benefits. Half of the faculty workforce is part-time, nearly one-third of part-time faculty live below less than 150 percent of the federal poverty level, and at least 100,000 of these workers rely on public assistance programs for food, medical insurance or other necessities.^{xxvi} Research has demonstrated that increased support for contingent faculty has a positive impact on student success.^{xxvii} New Mexico can help increase the quality of

public higher education by taking steps to support contingent faculty and to stabilize the instructional corps at state schools. These measures include providing access to benefits, establishing rights to continue in assignments, providing compensation for office hours and offering salary increases.

Bottom line: The state should require:

- Higher education workers to have the same job protections as other education workers. New Mexico should adopt protections in order to ensure that due process is provided and respected.
- Adjunct parity. Adjunct faculty often have heavy workloads without the protections enjoyed by tenured faculty. Class loads for adjunct faculty are overly burdensome, and pay for these positions has decreased, even as the percentage of adjunct instruction has risen across universities and colleges. Adjunct professorial staff should be compensated at a higher level, and New Mexico should adopt policies that encourage more opportunities for full-tenured faculty positions.
- Pay minimums for faculty. Pay for university and college faculty has not kept up with inflation. As budgets for higher education in New Mexico have decreased, faculty members have been forced to receive fewer and smaller raises in compensation. New Mexico must raise wages for faculty in order to attract and retain the best teaching staff possible for our higher education institutions.

Funding, Deficits and Revenue Sources

From 2008 to 2015, New Mexico increased its tax effort, the share of actual tax collection and tax capacity, by 9.6 percent, the fifth-highest increase in the nation. However, the state's overreliance on severance taxes creates revenue volatility that hampers the state's ability to provide consistent support for public services. Things are further complicated by the fact that the state imposes different rates for severance taxes for natural gas and oil. The different treatment of natural gas and oil makes little economic sense and does not follow good tax policy principles. Moreover, New Mexico ranks 35th in tax fairness. This means the tax burden is disproportionately distributed to middle- and low-income residents. New Mexico needs diversified and consistent sources of revenue that are fair toward middle- and low-income residents. Some possibilities include:

Personal income tax. The 2003 personal income tax cuts have benefitted the wealthiest taxpayers, while the bottom 40 percent of taxpayers have received no advantage. A family earning \$22,000 a year pays a personal income tax rate of 4.9 percent, which is the same rate paid by a family making \$100,000 annually. Returning to the pre-2003 income tax rates could generate as much as \$450 million per year.

Capital gains tax. Like the personal income tax, the capital gains tax was also reduced in 2003, with the cuts disproportionately benefitting the wealthy. An analysis by New Mexico Voices for Children showed that in 2011, 49 percent of the tax cut went to those with incomes of more than \$1 million. Restoring the pre-2003 tax rates could generate \$28 to \$45 million in additional revenue per year.



Gross receipts tax. Over time, the state's gross receipts tax increased from 2 percent to more than 5 percent, and specific economic activities were excluded from the tax. Also, many new types of goods and services are now a larger part of New Mexico's economy but are not subject to the tax. The state's gross receipts tax should be extended to new activities. If the gross receipts tax is extended to groceries—disproportionally impacting the poor—there should be a substantial increase to the low-income comprehensive tax rebate.

Combined reporting for all sectors. Enacting combined reporting laws would prevent multistate corporations from sheltering income in U.S. tax havens. Comprehensive combined reporting laws could bring an additional \$19.4 million in annual revenue to New Mexico, according to a 2014 study by U.S. PIRG.

Tax expenditures. The Legislative Finance Committee's 2015 tax expenditure report indicated that New Mexico lost \$1.2 billion in revenue due to "carve outs" in the state's tax base. The state's healthcare industry is the largest beneficiary of tax expenditures, reportedly costing New Mexico \$344 in lost revenue.

Land Grant Permanent Fund. The Land Grant Permanent Fund is a resource that should be utilized to build a system of supports for New Mexico's children from early childhood education through college. The voters should be allowed to decide on a constitutional amendment that would allow the LGPF to restore K-12 school funding and provide additional payouts for early childhood education, with safeguards to maintain stability of the fund.

Natural gas and oil severance taxes. New Mexico has different severance tax rates for oil and natural gas. This inequity makes no sense. Equalizing tax rates on the extraction of natural gas and oil potentially could raise \$300 million each year in new revenue.

Cigarette and liquor taxes. Nationally, New Mexico has the 22nd-highest tax rate on cigarettes. A 1 percent increase in the tax could raise \$18 million a year and still keep the rate competitive with neighboring states. Similarly, New Mexico could raise taxes on liquor and continue to be competitive. Equalizing and indexing taxes on liquor, beer and wine could raise \$24 million in new revenue.

Gasoline tax. New Mexico has the 44th-lowest gas tax in the United States, at 18.88 cents per gallon. Raising the tax by 1 cent per gallon would keep New Mexico competitive with Utah (29.41 cents per gallon), Colorado (22 cents per gallon), Texas (20 cents per gallon) and Arizona (19 cents per gallon).

Excise tax on automobiles. Our 3 percent motor vehicle excise tax is one of the lowest in the region. Raising this tax by 1 percent would raise \$44 million and would maintain a lower rate than Denver (7.6 percent), Texas (6.3 percent) and Arizona (5.6 percent), according to a 2016 Legislative Finance Committee Hearing Brief.

State tax on online purchases. In *South Dakota v. Wayfair, Inc.*, the Supreme Court, in a 5-4 split, overturned its 1992 decision in *Quill Corp. v. North Dakota* that required physical presence in order for a state to collect sales taxes on an out-of-state seller. Before this decision, the customer was liable for remitting use taxes, but the online retailer did not have to collect them. As a result, a lot of taxes didn't get collected. This decision opens the door for states to require online out-of-state merchants to collect and remit sales taxes for online purchases even when the merchant does not have a physical presence in that state. Last year, the New Mexico Legislature passed a bill that sought to impose a state tax on internet businesses that had at least \$100,000 in sales to New Mexico customers, which analysts conservatively estimated would bring in about \$20 million a year in new revenue. However, Gov. Martinez, who has opposed increases in state taxes, vetoed the measure.

Modernize the Educational Retirement Board

The New Mexico Educational Retirement Board's structure is out of step with its peers and even with the other major public pension fund in the state. The Educational Retirement Act defines the NMERB's governing board of trustees in Section 22-11-3 NMSA, 1978:

- The Secretary of Public Education, or a designee of the secretary who is a resident of New Mexico; is a current employee of the Public Education Department; and possesses experience relevant to the financial or fiduciary aspects of pension or investment fund management;
- The State Treasurer, or a designee of the Treasurer who is a resident of New Mexico; is a current employee of the State Treasurer's office; and possesses experience relevant to the financial or fiduciary aspects of pension or investment fund management;
- One member to be elected for a term of four years by members of the New Mexico Association of Educational Retirees;
- One member to be elected for a term of four years by the members of the National Education Association of New Mexico;
- One member to be elected for a term of four years by the New Mexico members of the American Association of University Professors;
- Two members to be appointed by the governor for terms of four years each. Each member appointed shall have a background in investments, finance or pension fund administration.

With this structure, political appointee trustees outnumber nonpolitical appointee trustees, four to three. According to the National Education Association's comprehensive study of educator pension plans, 38 of the 79 plans they studied had half or more of their governing bodies composed of active or retired participants. The study notes—citing work by David Hess,^{xxviii} Roberta Romano^{xxix} and David Webber^{xxx}—that “there is empirical data to show that member trustees of pension board work better with investment

and tax dollars than political appointees. Outside experts have concluded that member trustees, unlike political appointees, have a direct stake in a fund's long-term health and are shielded from outside pressure. ... This perspective heightens their concern that they manage the retirement system in the most effective manner possible.”

The current NMERB has only seven members. According to the NEA study cited above, the median board size is 10 members and the average is 10.4.

The board of trustees of the Public Employees Retirement Association of New Mexico is bigger and actually more closely resembles the average educator pension board. PERA is governed by a 12-member board of trustee and is comprised of:

- Four members under a state coverage plan elected by state members;
- Three members under a municipal coverage plan elected by municipal members;
- One municipal member employed by a county elected by municipal members;
- Two retired members elected by PERA retirees;
- The Secretary of State (ex officio); and
- The State Treasurer (ex officio).

Not only is the PERA board larger than the NMERB, but the participant members outnumber the political appointees.

Bottom Line: Just as our students deserve to have schools and places of learning that resemble their communities and families, we believe that educational employees should have a greater level of representation and input on critical decisions being made about our profession and long-term retirement security. The members the New Mexico Educational Retirement Board serves should have greater control and oversight of its success.

Enhance Public Worker Rights and Protect Collective Bargaining

Many workers in New Mexico—from public sector educators to private sector telecommunication workers—have a voice in their workplace through collective bargaining. Collective bargaining and other pro-worker policies empower people to have a voice in determining their pay, healthcare, benefits, hours, and health and safety policies. And it works. Collective bargaining improves wages and salaries for working people and helps ensure workers are paid enough to support their families. Workers in states with strong collective bargaining laws make more than workers in states without strong collective bargaining laws, but strong unions also set pay standards that help all workers, not just those in unions. A recent study found that “a high school graduate whose workplace is not unionized but whose industry is 25% unionized is paid 5% more than similar workers in less unionized industries.”^{xxxvi} Strong collective bargaining states also invest more in education, spending \$3,392 more per pupil than other states,^{xxxvii} and have safer workplaces, with a 36 percent lower rate of workplace deaths.^{xxxviii}

Given the historic and unprecedented attacks on working Americans and working New Mexicans, the Legislature should use its authority to make significant and positive changes to the New Mexico Public Employee Bargaining Act (PEBA). Specifically, the Legislature should pursue the following:

- Empower New Mexico’s Public Employee Labor Relations Board to be the sole authority with the power to designate bargaining units; select, certify and decertify exclusive representatives; and hear/determine complaints of prohibited practices.

- Empower the Public Employee Labor Relations Board to enforce provisions of the Public Employee Bargaining Act through the imposition of appropriate administrative remedies, compensatory damages, make-whole relief or any other equitable remedy, declaratory or injunctive relief, provisional remedies such as temporary restraining orders and/or preliminary injunctions, or other remedies appropriate under the circumstances.
- Maintain authority in a state labor relations board.
- Strengthen exclusive representation rights in order to provide stability within bargaining units.
- Affirm First Amendment rights by ensuring the right for employees to engage in a strike, provided that the employees are members of the bargaining unit for which the exclusive bargaining representative has been certified by the board or recognized by the public employer, and the procedures for impasse resolution set forth in PEBA have been fully completed.
- Provide for state preemption of any ordinance, resolution or charter amendment adopted by a public employer other than the state that contains a system of provisions and procedures permitting employees to form, join or assist a labor organization for the purpose of bargaining collectively through exclusive representatives.
- Provide for employer neutrality during organizing campaigns.
- Provide dedicated time for unions to engage with newly hired employees during employer-led orientations.



Lead on Social Justice Issues

The American Federation of Teachers New Mexico, and its national affiliate the American Federation of Teachers, has a long history of identifying and pressing for solutions to social injustices. The Legislature should recognize these as priorities and move quickly on protecting vulnerable populations.

This includes taking bold action on immigration issues. To date, the Trump administration and U.S. Immigration and Customs Enforcement have separated nearly 3,000 infants and children of color from parents and families seeking to immigrate to the United States as refugees from countries in which they were not safe, and have placed these children in internment camps, including inside cages of chain-link fences—creating deep traumas that will impact negatively the socio-emotional and cognitive development of these children and that may stay with them for the rest of their lives, according to the American Academy of Pediatrics, the National Association of Pediatric Nurse Practitioners and the American Medical Association.

As a consequence of this political environment, K-12 educators and higher education faculty have been confronted in our schools, colleges and universities with increasing incidents of hate

speech, bullying and violence based on racism and bigotry.

The Trump administration has emboldened the Immigration and Customs Enforcement agency to increase raids on immigrant communities, including a nationwide predawn raid on 7-Eleven stores on Jan. 10, 2018. On May 13, 2017, an ICE agent attempted to enter a New York City public school. ICE arrests of undocumented immigrants are up by around 40 percent since President Trump took office, and the Trump administration ended the temporary protected status of more than 200,000 immigrants from El Salvador and nearly 60,000 Haitian immigrants who had spent almost a decade in the United States.

Accordingly, the Legislature should act to protect recent immigrants, including looking at ways to provide schools with sanctuary status and to disentangle law enforcement from coordination with Immigration and Customs Enforcement. Schools can also create a welcoming environment by adopting “newcomer programs.” Newcomer programs are programs designed for recent immigrants at the secondary school level who have little or no English proficiency and who had limited or no formal education in their native countries. These programs have been developed to meet newcomers’ needs before they enter into general education classrooms, campuses and other places of learning. The goal is to help these kids develop linguistic survival skills and start adapting to the new culture.^{xxxiv}

Leading on social justice issues also means supporting ethnic studies programs that encompass educational practices that embed, but are not limited to, the following:

- Situating each student’s family, community, knowledge and culture at the center of learning.
- Utilizing culturally relevant texts, focusing on the resiliency of marginalized communities (as opposed to victimization), and openly discussing issues of power and privilege as they relate to texts, historical events, current events, statistics, etc.

- Including historically relevant ways of learning to meaningfully engage students (e.g., storytelling, call and response, cultural arts, etc.), incorporating historical and modern role models of otherwise marginalized people and issues in the American experience, and reframing dominant narratives about race, culture, language, sexuality, gender, etc., in order to center marginalized experiences (e.g., a story of a marginalized group should not be seen as an “addition” to a story, but rather, the marginalized story should be at the center of learning).
- Developing students’ critical consciousness. The first step in this process is revisiting and reclaiming identity and also encompasses questioning objectivity and emphasizing principles of self-determination, social justice, hope, equity, healing and love.
- Creating caring academic environments in which educators and students develop mutual respect, develop mutual trust and realize the humanity in one another.
- Engaging in community responsiveness (e.g., youth participatory action research that allows students to become critical action researchers, develop empathy and understanding for themselves and others, and focus on improving social conditions for themselves and their communities).

Ethnic studies programs are not top-down mandates but are educator- and community-led programs that are woven into core content areas, with intersectional justice and equity as guiding principles. Recent research from the University of New Mexico about the initial rollout of ethnic studies elective courses in some Albuquerque high schools determined that district administration, school-site administrative support and counselor recommendations were critical to the success of the ethnic studies classes and ongoing professional development. The Legislature should support educators and students in the development of these programs, not dictate them.

Finally, schools should be safe and welcoming places, not only with enriching curriculum and without fear of deportation, but also free of guns. In the wake of the mass murder at Sandy Hook Elementary School in Newtown, Conn., in 2012, there have been at least 239 school shootings nationwide, with 438 people shot and 138 murdered. Students have revived calls for gun control, and hundreds pleaded with New Mexico state lawmakers, law enforcement officials and local school representatives in April 2018 to take steps to improve school safety. Principals, administrators, teachers, PSRPs and other educational staff have shown over and over again their instinct to shield and protect students in these tragic situations. Their acts of heroism should be lifted up, but at the same time we must double down on the work needed to ensure safe working environments free from gun violence. We have consistently opposed arming educators as a solution to the crisis, and we support reforms intended to make sure that everyone, from school-age children to adults, has access to mental healthcare and that guns are regulated as the violent weapons they are designed to be.

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