

MINUTES
Legislative Education Study Committee
Centennial High School
Las Cruces, New Mexico
May 16-18, 2018

May 16, 2018

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Vice Chair G. Andres Romero, Senators Craig W. Brandt, Candace Gould, and William P. Soules, and Representative Sheryl M. Williams Stapleton; Advisory: Senators Howie C. Morales and Michael Padilla, and Representatives Joanne J. Ferarry, David M. Gallegos, D. Wonda Johnson, Rick Little, Tomas E. Salazar, and Linda M. Trujillo.

The following voting and advisory members were not present: Voting: Representatives Alonzo Baldonado, Dennis J. Roch, Christine Trujillo, and Monica Youngblood; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Gay G. Kernan, Linda M. Lopez, and John Pinto, and Representatives Stephanie Garcia Richard, Jimmie C. Hall, Tim D. Lewis, Patricia Roybal Caballero, Angelica Rubio, Patricio Ruiloba, Debra M. Sarinana, Elizabeth "Liz" Thomson, and Jim R. Trujillo.

Strategic Initiatives of Las Cruces, Gadsden, and Hatch Public School Districts. Dr. Greg Ewing, Superintendent, Las Cruces Public Schools (LCPS), stated LCPS has 24,999 students at 25 elementary schools, 8 middle schools, and 7 high schools. Seventy-two percent of the district's students receive FRL, and 75.7 percent are Hispanic. Economically disadvantaged students graduate at a rate of 77.8 percent, and English learners at a rate of 81.1 percent. The community passed a \$50 million bond with 89 percent support, which they used to renovate Las Cruces High School. LCPS is collaborating with New Mexico State University (NMSU) and the City of Las Cruces. High school students are involved in an advisory council to the LCPS board of education.

Dr. Ewing said LCPS assembled a task force on school safety and security to improve school security, and is improving school practices and investing in infrastructure and security personnel. LCPS noted communication challenges with the Public Education Department (PED); for instance, teachers and principals sometimes receive emails that the school district's central office does not. Dr. Ewing noted LCPS spends \$1.5 million more on transportation than the district receives through the transportation distribution, and has school buses without air conditioning. The school district opened four international welcome centers with advisors in the high schools which has helped to improve outcomes for English learners. LCPS restructured its teacher induction and mentorship program to recruit and retain highly effective and alternatively-licensed teachers and is working with NMSU to provide graduate level courses for teacher training and professional development, and plans to add courses for special education and reading over time. LCPS also created a principal leadership academy to improve principal leadership capabilities, focusing on interpersonal relationships among administrators and teachers.

Senator Stewart asked about Dr. Ewing to address LCPS's high graduation rate. Dr. Ewing said the school district makes an effort to work with students, understand where they are, and help them understand what is needed to graduate. High school principals are looking at data, reviewing student transcripts, and helping students enroll in the courses they need. Dr. Ewing indicated he thinks K-3 Plus will have positive impacts on the graduation rate when K-3 Plus students reach high school. Senator Stewart urged Dr. Ewing to implement K-3 Plus with fidelity by extending the school year for students with the same teacher.

Senator Morales asked how LCPS is addressing the compensation increases required by law. Dr. Ewing said he believe the school district will have a \$1 million shortfall after it implements the

\$2,000 minimum salary increase and the average across the board increases; some employees will see a 2 percent rate and others a 4 percent raise depending on where they are in the salary schedule. Senator Stewart said she thinks FY19 the unit value is set too low, and the language in the General Appropriations Act requested PED to send \$10 million of FY18 formula funding to school districts in June. Senator Stewart also noted FTE and salary data in STARS is primarily used to project how much money is needed, and if the data is entered incorrectly, it can lead to insufficient distributions. Senator Padilla reminded the committee that in the past several years, insurance and other costs have increased while revenues did not.

Representative Romero asked how students are selected to serve on the Board's student advisory council. Dr. Ewing said high school students who are recommended by principals go through an interview process. The students are then trained in public speaking and speaking on camera, and trained on how to approach the dais. Next year, LCPS plans to allow eighth grade students to participate in the student advisory council. Representative Romero said student perspectives are always unique and appreciates that LCPS takes them seriously.

Representative Little mentioned the National Conference of State Legislatures' *No Time to Lose* report and asked how LCPS is ensuring students develop life skills. Dr. Ewing said it is important to create a student plan early. LCPS is using a comprehensive counseling plan in which counselors start talking to students in elementary school about their options, like NMSU or the Doña Ana Community College (DACC).

Travis Dempsey, Superintendent, Gadsden Independent School District (GISD), said GISD has 13,000 students served in three traditional high schools, one early college high school, three middle schools, 16 elementary schools, and three prekindergarten campuses. Santa Teresa High School was recognized as one of the top 10 high schools by U.S. News and World Report and Alta Vista High School received a bronze recognition. GISD offers dual credit coursework, career pathways, biliteracy seals, and prekindergarten programs. Gadsden also has K-3 Plus in all of its elementary schools, 11 of which offer K-5 Plus. GISD partners with DACC, NMSU, the Bridge of Southern New Mexico, Doña Ana County, Border Industry Association, City of Sunland Park, and El Paso Electric.

Eight of the school district's elementary schools are completely dual language and alternate instruction weekly between English and Spanish. GISD is working on extending that model to cover seventh through 12th grade. The blended senior year project is a dual credit partnership between GISD and DACC and NMSU, where a student's senior year of high school is also their first year of college. Mr. Dempsey believes this could be a statewide model, and the school district hopes after three years it can show how much the program costs and how much it saves. All of the 2018 senior class at Alta Vista, Gadsden's early college high school, graduated with an associate's degree. GISD has four prekindergarten sites that offer half-day programs that compete for students with full-day programs administered by the Children, Youth and Families Department (CYFD), which are not required to have certified teachers. GISD is modeling their program after Shining Stars Prekindergarten in Rio Rancho, which pairs students with developmental delays with their academic peers who can model for them.

Linda Hale, Superintendent, Hatch Valley Public Schools (HVPS), said HVPS has 1,280 students, 96 percent of whom are Hispanic, 45 percent dual language learners, and 30 percent in a dual language program. The high school's graduation rate is approximately 74 percent. This year, 10 students graduated with a bilingual seal. They have community partners providing school based health and mental health services, and NMSU involves students in science, technology, engineering, and math (STEM) education.

Hatch Valley High School began using a learning management platform called Canvas, which houses all student assignments, assessments, and grades, to help students transition to college. Counselors can review Canvas to intervene and help at-risk students succeed. The school district

has found success with the “Raise Them Strong” program, a video series that teaches kids how to react to bullies and trains students in positive behavior interventions. Hatch is participating in the University of Virginia School Turnaround Specialist Program, and uses data constantly to check their curricula’s alignment with common core.

A high percentage of Hatch students live in poverty, and immigration status is a stressor for students. Ms. Hale noted half of her teachers come from Las Cruces and the school district has vacancies in art, counseling, and health. She employs seven alternatively licensed teachers, four of whom are struggling to pass accreditation exams. Grow-your-own teacher training programs are good for retention because teachers are connected to the community, but if there are gaps in the teachers’ learning, they perpetuate those gaps in students. The school district makes its expectations very clear and uses them to guide teacher professional learning communities.

Representative Salazar asked Ms. Hale whether the grow-your-own program is meeting the need for highly qualified teachers for English learners. Ms. Hale said she had one bilingual opening and no applicants at the moment.

Senator Stewart asked about dual language learning assessment. Superintendent Hale said students take the Spanish Standards-Based Assessment (SBA) through third grade or fourth grade with a waiver, but unlike Partnership for Assessment of Readiness for College and Careers (PARCC) assessment, the Spanish SBA is a paper and pencil exam and is based on outdated standards. Dr. Ewing said students come with partial skill sets in English and Spanish but often not a full skill set in either language. In Las Cruces, because students are taught in English, their books are in English, and the Spanish materials are of poor quality, it does not make sense to test students in Spanish. He noted it is very hard to find dual language teachers. Mr. Dempsey said students would have better academic outcomes if dual language teaching could be extended from kindergarten through 12th grade. However, Gadsden struggles with fidelity to the program in sixth grade, when many families opt out of the program. Gadsden is experimenting with bringing English-only students into a bilingual program to see if they exit the program bilingual.

Representative Romero asked why teachers are struggling to pass their alternative licensure tests. Superintendent Hale said she thought teachers had two years to complete their alternative licensure, but has recently been told if teachers do not pass the basic skills test within 90 days, they are unable to continue in the alternative licensure program. Senator Stewart said staff would follow up on the issue. Representative Romero said the tests he took for alternative licensure were very different than what he learned in the college of education. There is a disconnect between what prospective teachers are learning in their programs and what the state is testing them on. Superintendent Hale said the history and early childhood tests in particular were challenging.

Senator Stewart asked about the classroom space the school districts would need to offer full-day prekindergarten to all 4-year-olds. Mr. Dempsey said GISD would need to double their space and double their staff, probably using portables. He believes Gadsden could provide full-day prekindergarten within a year. Dr. Ewing said 58 percent of eligible LCPS 4-year-olds are being served, and LCPS would need a year for planning purposes to recruit staff, find space, and purchase materials, especially for English learners, who he indicated should be taught in Spanish if that is their home language. Ms. Hale said HVPS offers full-day prekindergarten to all 4-year-olds in the school district through combined federal Head Start funding and state prekindergarten funds. However, she stated the funding should flow through the funding formula so students are not segregated by income or ability.

Senator Stewart asked how we can learn from *No Time To Lose* to redefine teaching as a profession. Dr. Ewing suggested closing PED’s teacher certification division and giving school districts local control to interview teachers and make judgments. Currently, it is difficult to hire experienced and qualified professionals if they do not have a teaching certification. Senator Stewart asked why alternative licensure is not working. Dr. Ewing said transcripts are often rejected if they are

not exactly what is required for teacher certification. Mr. Dempsey said GISD wants to use federal dollars to give stipends to “master teachers” who would create a lab classroom and open their door to other teachers for observation. Senator Stewart said that sort of collaboration is vital. Ms. Hale said HVPS is working on a “boot camp” for alternatively licensed teachers to learn the basics of how to teach. Senator Morales said most teachers get into teaching because of their personal interests and a passion to inspire students, but there are large burdens placed on teachers for licensure and certification.

New Mexico State University College of Education Preparation Programs and STEM Center. Dr. Donald Pope-Davis, Dean, College of Education, NMSU, shared how the college has responded to the needs of local communities. Dr. Pope-Davis said the college had been spending too much time talking to itself, so the college changed the conversation by engaging experts from outside the state to address the trends and opportunities in their local communities. The college is no longer telling communities what they need, but rather has created a model where educators visit and engage with communities, are informed by the needs of those communities, and bring those lessons back to college classrooms to adjust how teachers are prepared. The Kellogg foundation gave the college a \$250 thousand grant to pursue a number of initiatives. The college also made difficult decisions to cut programs that were not working and redirect resources to those that were. Dr. Pope-Davis said he envisions teacher preparation programs that build quality by specializing in certain areas. For instance, he believes NMSU should excel in early childhood education so aspiring educators will turn to NMSU to receive the best early childhood educator preparation in the state.

Dr. Karen Trujillo, Director, Alliance for the Advancement of Teaching and Learning, outlined how the research and public service partnership funded through the NMSU College of Education administers the Southwest Outreach Academic Research (SOAR) Lab and the Educators Rising New Mexico program. Outreach programs secure funding to provide professional development and other services, and undergraduate and graduate students in the SOAR Lab have a platform to research the outcomes of each program and assess strengths and weaknesses. The SOAR Lab was involved with numerous reports and presentations, including the New Mexico educator vacancy reports. The Alliance collected and analyzed data regarding educator vacancies, and found a large number of vacancies and a culture of ambivalence toward teaching as a profession. As a result, the Alliance developed “Educators Rising,” program that encourages high-school students to become teachers. Since 2015, Educators Rising has established chapters in 47 of New Mexico’s 89 school districts with 647 students registered. Educators Rising plans to continue recruitment efforts statewide, and is looking to establish dual credit partnerships with higher education institutions, but the funding for the program remains low at less than \$100 thousand per year.

Dr. Blanca Araujo, Director, Office of Teacher Education, NMSU, introduced NMSU’s teacher preparation programs. Dr. Betsy Cahill, Interim Associate Dean of the College of Education, NMSU, noted NMSU educator preparation programs require 120 hours of course work for elementary, early childhood, and secondary education and 129 hours for special education due to the requirements of Senate Bill 329 of the 2015 legislative session. Dr. Tracey Gorham Blanco, Assistant Director of Secondary Education, NMSU, highlighted characteristics of the Office of Teacher Candidate Preparation (OTCP). OTCP revamped its assessment strategies to improve the quality of exiting teachers, developed an accessible data collection system, and allocated more time to data review for continuous improvement. The college integrated course assignments with on-site student teaching at partnered public schools, and stated students take 12 credit hours of bilingual coursework and graduate with a bilingual or Teaching English to Speakers of Other Languages (TESOL) endorsement. Students in secondary education programs are required to take a course in how to use data to drive instruction. The college plans to improve its curriculum for using technology as an educational tool. The college would like to increase its student pass rate for the National Evaluation Series (NES) test for teacher certification by holding workshops and tutoring session to support students.

Dr. Susan Brown, Director of the NMSU STEM Outreach Center, explained the Scientific Connected Communities (SC2) and Mathematically Connected Communities (MC2) initiatives. SC2 provides professional development for teachers to promote inquiry-based learning to increase both their science content knowledge and their knowledge of technology. SC2 increased the number of teachers who report they use project-based learning by 70 percent and inquiry and hands-on activities by 81 percent. Dr. Wanda Bulger-Tamez, Program Director for MC2, explained how the program focuses on improving teacher's knowledge of mathematics, but also builds school capacity for math-oriented professional learning communities. Survey results for teachers in MC2 schools show teachers are more confident in math courses and have better classroom discourse and problem solving.

Rocio Benedicto, Director of the Collaborating for Outstanding Readiness in Education (CORE) program, explained how CORE is improving foundational skills for kindergarten through third grade classrooms using a results-driven accountability model. CORE is a network of strong teachers and administrators that focus on improving outcomes for the lowest quartile of students and special education students. CORE works with 80 D and F schools in 42 New Mexico school districts. Schools using CORE's results-driven accountability model have shown modest gains in PARCC English and math proficiency rates.

Senator Padilla asked whether CORE is being used in Albuquerque. Ms. Benedicto stated CORE is not being used in Albuquerque. Senator Padilla noted the three schools in Albuquerque that PED identified for more rigorous interventions, and wondered why CORE was not being made available to those schools. Ms. Benedicto stated PED approves school districts to participate in CORE.

Representative Salazar asked how the college will decide if a program is working or should be eliminated. Dr. Pope-Davis stated the college needs to review its course offerings, identify which courses are the most valuable, and eliminate and consolidate other courses to create a more effective program. He noted other colleges of education in the nation appear to be doing this.

Senator Stewart asked how the changes the college and other educators make can become more meaningful and impact student performance. Dr. Gorham Blanco noted one of the issues she has noticed is a misalignment between expectations and resources available to address the expectations. One of the biggest problems the college identified was that instructional materials are not sufficiently aligned with standards, and often teachers themselves have only a shallow understanding of the standards. Dr. Pope Davis stated the goal of policymakers should be developing an alliance that puts children first and minimizes regulations. He stated education is one of the most overregulated professions in the United States, and the regulations are coming from people who might not know very much about education. He offered to create a team to meet with members to explain which regulations are preventing progress.

Dr. Brown guided LESC to the NMSU Test Evaluation Collaboration Hub (TECH) Center to explain the work of the STEM Outreach Center. The STEM Outreach Center involves students from nearby school districts in field trips and after school programs designed to offer STEM opportunities to students outside of regular class time. Outreach activities include SC2, MC2, the Digital Media Academy, Creating Opportunities Using Numerical Thinking (COUNT), and the Science, Engineering, Mathematics, and Aerospace Academy (SEMMAA). Levon Church, program staff TECH Center, explained the offerings of the TECH Center, which engages students in team learning activities using computer simulated missions. LESC sampled the TECH Center's flight simulators and virtual reality headsets.

May 17, 2018

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Vice Chair G. Andres Romero, Senators Craig W. Brandt, Candace Gould, and William P. Soules, and

Representative Sheryl M. Williams Stapleton; Advisory: Senator Michael Padilla, and Representatives Joanne J. Ferarry, David M. Gallegos, D. Wonda Johnson, Rick Little, Tomas E. Salazar, and Elizabeth "Liz" Thomson.

The following voting and advisory members were not present: Voting: Representatives Alonzo Baldonado, Dennis J. Roch, Christine Trujillo, and Monica Youngblood; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Gay G. Kernan, Linda M. Lopez, Howie C. Morales, and John Pinto, and Representatives Stephanie Garcia Richard, Jimmie C. Hall, Tim D. Lewis, Patricia Roybal Caballero, Angelica Rubio, Patricio Ruiloba, Debra M. Sarinana, Jim R. Trujillo, and Linda M. Trujillo.

Fiscal Year 2019 Preliminary Unit Value. Joseph Simon, Senior Fiscal Analyst, LESC, reviewed PED's process for setting the preliminary unit value, important factors in the funding formula, and key assumptions made by PED when setting the unit value. Mr. Simon said for FY19, the preliminary unit value was set 1.8 percent higher than the final FY18 unit value, but that estimates by legislative staff appear to indicate PED has applied lower estimates of funding formula credits and higher estimates of total program units, meaning some of the state equalization guarantee (SEG) appropriation is likely still available to increase the unit value. Mr. Simon said that this was not different from previous years, when PED had used conservative estimates to ensure the department would not need to reduce the final unit value. While conservative estimates help avoid a mid-year budget cut for schools, full annual funding is not able to be budgeted at the beginning of a school year, which is particularly important when the school district or charter school must meet state mandates, as with the salary increases appropriated by the Legislature this year. Mr. Simon said the Legislature may wish to consider strategies that encourage PED to use less conservative assumptions when setting the initial unit value so more of the SEG appropriation is available for school districts and charter schools to budget at the beginning of the fiscal year, such as providing PED with access to a limited amount of general fund reserves, appropriating additional dollars to the state support reserve fund, or exploring the possibility of taking credit for federal revenue and the local half mill levy based on prior year receipts.

Senator Soules asked what happens when PED overestimates the number of program units and Mr. Simon said a portion of the funding that is not allocated at the beginning of the fiscal year is allocated in January through a unit value increase when the final unit value is set. It is also possible that some SEG dollars will revert to the general fund. In response to Representative David Gallegos' question, Mr. Simon confirmed school districts keep their year-end cash balances, but any portion of the SEG appropriation that is not distributed to school districts and charter schools will revert to the general fund. Senator Soules asked if PED had ever underestimated the number of program units and Mr. Simon said they had in the past.

Senator Soules asked why there are special program units for elementary physical education (PE) and elementary fine arts and if all elementary students are counted for those program units. Mr. Simon said those factors had been included to provide additional funding for specific programs, which complicates the funding formula. He said elementary PE programs are not fully funded, so not all school districts and charter schools receive elementary PE program units. Senator Stewart said both elementary fine arts and PE were phased-in programs and when the economic downturn occurred, the Legislature stopped funding the phase-in of elementary PE. She said the elementary PE statute does not work anymore.

Representative Little said the superintendents have told him they need funds at the beginning of the year so they know what they have to spend, and asked if other states have figured out a way to do this, and Mr. Simon said that while most states have some sort of funding formula, New Mexico is different because it provides more funding at the state level. Senator Stewart added that the New Mexico funding formula is considered one of the best in the country. The main difference is that most states use local property tax revenue for school funding. Other states'

funding formulas are designed to augment and supplement what a school district receives in property tax revenue. In New Mexico, all money is distributed equitably through the formula.

Representative Thompson noted that special education program units have dropped and that she did not believe that was based on need. She said that looking at autism alone, identification has increased since 2008.

Representative Salazar asked if LESC and the Legislative Finance Committee should look at the public school funding formula. Senator Stewart said the formula has been amended more than 80 times since 1974, most recently during the 2018 session. If formula changes are not funded adequately, every change to the formula shrinks someone's share of funding; if the Legislature provides more funding, it is easier to change the formula. She noted the 2008 American Institutes of Research study recommended simplifying the formula, but that the state was underfunding schools by about 15 percent.

Virtual Charter Schools – Authorization, Performance, and Accountability. Veronica Brooks-Uy, Director of Policy, National Association of Charter School Authorizers (NACSA), noted her presentation would draw on research conducted by a number of national education and education reform organizations, including NACSA, the National Association of Public Charter Schools (NAPCS), 50Can, the Center for Reinventing Public Education, Mathematica Policy Research Institute, and the Center for Research on Education Options (CREDO).

Ms. Brooks-Uy said fulltime virtual charter schools tend to serve more white students and fewer Hispanic students and English learners than traditional schools; the number of African American students tends to be on par with traditional brick and mortar schools. Fulltime virtual schools tend to serve more impoverished students; however, Ms. Katie Poulos, Director, Options for Parents and Families Division, Public Education Department (PED), said enrollment of economically disadvantaged students in full time virtual schools in New Mexico is considerably lower than national averages, at about half that of traditional brick and mortar schools.

Dr. Lisa Grover, Senior Director of State Advocacy, NAPCS, outlined academic results for virtual charter schools, noting they tend to have weaker academic growth overall for all student subgroups. Students attending fulltime virtual charter schools experience the equivalent of 180 fewer learning days of math and 72 fewer days of reading compared with peers at other public schools. The student-teacher ratio in fulltime virtual charter schools averages 30:1, compared with 17:1 in traditional schools. She noted most fulltime virtual charter schools spend only an average of three to four hours per week on direct, real-time student-teacher interaction, significantly less time than the average traditional student receives in a week.

Dr. Grover and Ms. Brooks-Uy reviewed a number of policy recommendations for fulltime virtual charter schools. Ms. Brooks-Uy suggested only authorizers with statewide or regional authority should authorize virtual schools that draw students from across a state. If a local school district is permitted to authorize a virtual charter school, it should only be permitted to enroll students from that school district. She noted virtual charter schools should serve all students, although some families might benefit from some orientation before enrolling their children, so that they might understand the large role parent involvement necessarily plays in online education. Dr. Grover suggested capping enrollment until data demonstrates the school is having positive impacts on students.

Dr. Grover indicated virtual charter school-specific goals should be part of the charter contract in addition to other legal requirements. Performance data should inform renewal decisions, and intentions to contract with a for-profit management company should be noted in the initial charter application. Finally, she suggested applicants should propose and justify their student funding levels in their charter application, given their decreased facility costs and higher student-teacher ratios.

Ms. Poulos reviewed the virtual charter school landscape in New Mexico, noting there are currently three virtual charter schools in the state: New Mexico Virtual Academy, which was authorized by Farmington Municipal Schools to open in 2012 and serves sixth through 12th grade students; New Mexico Connections Academy, which was authorized by the Public Education Commission (PEC) to open in 2013 and serves fourth through 12th grade students; and Pecos Connections Academy, which was authorized by Carlsbad Municipal Schools to open in 2016 and serves kindergarten through ninth grade students. PEC voted to close New Mexico Connections Academy, a decision upheld by the PED on administrative appeal; the school appealed the decision to district court. Farmington Municipal Schools, after granting New Mexico Virtual Academy a limited three-year renewal, has indicated it is not inclined to renew the school again; the academy is reviewing its options.

Ms. Poulos agreed school expansion tied to performance should be considered. After authorization and commencement of operations, evaluation and oversight of virtual charter schools is largely identical to that of other charter schools, and PEC recently passed policies indicating it will not agree to enrollment increases unless schools meet performance targets. Still, she said, PEC should consider incorporating virtual charter schools' out-of-state partners and their performance into the application process, along with application criteria specific to virtual schools. Academic performance at all three virtual schools fails to meet expectations, and attendance is a problem, with all three virtual schools seeing high habitual truancy rates, as well as high turnover rates both within and between school years.

Representative Thomson asked about the for-profit organizations running virtual charter school. She questioned how virtual charter schools are able to provide the same education to students as traditional public schools when they contract with for-profit management companies that take a profit off the top. Dr. Grover noted cost-comparisons between brick and mortar and virtual schools are problematic. Virtual charter schools are so different they should be pulled out of the charter school law and addressed under separate statutes that consider actual costs. In New Mexico, 50 percent of revenue received by virtual charter schools is sent out of state.

Senator Brandt said he has brought up accountability measures for all schools, including traditional school district-run schools, and those not achieving a school grade of at least a C should be shut down.

When Senator Padilla asked about charter schools that serve middle school students, Dr. Grover said nationally, most charter schools serve elementary school students and there are not many standalone charter schools that serve middle school students.

Veronica Brooks-Uy said virtual schools that are held accountable for their performance tend to perform at a higher level. She emphasized the difference between merely having performance measures and holding schools accountable for them. Senator Padilla agreed there should be additional performance standards for virtual charter schools. Ms. Poulos noted there has been an increase in the number of poor performing charter schools that have been closed, prompting greater interest in support from struggling charter schools.

Senator Gould asked if there is a plan for replacing Connections Academy for the students for whom the school is working, to which Ms. Poulos replied there are two other virtual charter schools in New Mexico, and that charter school that is closing is required to communicate with families about the closure and other educational options.

Senator Soules asked about the high mobility rate of students in virtual charter schools, wondering what happens to those students. Ms. Poulos said PEC does not consider the mobility rate of students in their review and reauthorization of charter schools.

Senator Soules said 180 fewer days of learning means students are regressing in math, which Dr. Grover noted is correct and NAPCS and NACSA are calling for states to be proactive and strategic around virtual education, in the face of parental demand. Senator Soules, however, said the existence of demand for something is not necessarily sufficient justification to offer it, and asked which students are performing well in virtual charter schools. Ms. Poulos said she would follow up on the Senator's questions.

Senator Soules asked about truancy problems in virtual schools, concerned the state may be enabling parents who are not sending their kids to school by allowing them to enroll their children in a virtual school. He has received letters from teachers at Pecos Connections Academy noting their students were not getting what they need. Ms. Poulos said if a licensed individual is violating their ethical obligations, a licensure complaint should be made.

House Joint Resolution 10: Permanent Emergency Education Fund. Representative Doreen Gallegos said she introduced House Joint Resolution 10 (HJR10) during the 2018 legislative session to start a conversation about the impact economic downturns have on education. She brought the idea to the committee to get input from LESC members. Carrie Robin Brunder, Zia Strategies, said the resolution sought to create a constitutionally protected permanent fund, so legislators could avoid cuts to education budgets during economic downturns. The seed money would be invested by the State Investment Council so it could grow over time. Ms. Brunder said the bill would have allowed the Legislature to appropriate from the emergency fund only when state revenues declined 5 percent; however, that number could be changed. Ms. Brunder said HJR10 proposed using a small investment from the land grant permanent fund; however, revenue could be stronger next year and she suggested considering using \$50 million of nonrecurring revenue to provide seed money for the permanent emergency education fund. The proposal would still have to go before voters to constitutionally protect the funds use for education only.

Senator Soules asked if the Legislature could sweep the permanent fund, similar to what was done with school district cash balances and the tobacco settlement permanent fund, rather than trying to raise revenue to fully fund education. Ms. Brunder said the proposal is a constitutional amendment to protect the fund from sweeps. Representative Gallegos said the fund could not be accessed two years in row, providing further protections. Senator Soules suggested the resolution specify that the Legislature be required to repay what was taken from the land grant permanent fund when revenues begin to grow. He asked if the fund would only protect schools from cuts of over 5 percent, and Ms. Brunder said that would be up to the Legislature; however, in a year where the trigger was met, the Legislature would know how much money from the fund it would have to protect schools from funding cuts.

Senator Stewart said she does not like the idea of permanent fund and that the fund would likely have very little money when the state reaches another revenue downturn. She said New Mexico should be diversifying the economy so the state is not so reliant on oil and gas revenue. She said the Legislature should also look at the tax structure to ensure the state has continued funding for education.

The Career Technical Education Advantage – Filling the Gap. Dr. Arsenio Romero, Superintendent, Deming Public Schools (DPS), presented an overview of career technical education (CTE) programs at Deming High School (DHS). He introduced David Velez, Hector Espino, and Briana Escarcega, students enrolled in CTE programs at DHS. Mr. Velez said he began CTE programs in seventh grade and noted the importance of offering CTE programs, rather than individual CTE classes not aligned as part of a program. Mr. Velez and Ms. Escarcega noted their CTE programs led to participation in regional and national competitions. All three students said CTE programs were influential in leading them to select a particular field at university or as a career. Gaspar Lauzano, Assistant Principal, DHS, said CTE programs help increase the graduation rate and make education relevant for students. Dr. Romero said DPS is interested in providing

CTE programs as early as sixth grade. DPS's goal is for students to be ready for college or to move into the workforce with professional certifications

Senator Stewart asked if CTE courses help students meet graduation requirements and Dr. Romero said CTE programs were currently electives, which poses challenges for the school district. Of the 26 credits required, about 12 are available for CTE programs. As an example, he said math of carpentry, which applies math to the real world, does not count as a math credit. The opportunity to apply skills is particularly important for students in their freshman year, which is often a year for exploration. If given more flexibility, school districts could give students time in the freshman year to explore applying different skills and then narrow their focus later on to skills that they found interesting. Representative Little asked who establishes graduation requirements. Senator Stewart said the Legislature has required more courses be taken, which has created some problems. In response to Representative David Gallegos, Mr. Lauzano said there is flexibility in course scheduling, based on teacher feedback, and some CTE courses currently have double blocks.

Senator Stewart asked about program funding and Michael Chavez, Director of Federal Programs, DPS, said DPS CTE programs are funded through federal Perkins grant funding. George Wertz, carpentry teacher, DHS, said carpentry equipment was purchased with \$45 thousand in seed money. Initially, the program raised funds by building and selling homes in Deming; however, school schedule changes and the current housing market no longer allow this. He said the program receives \$8,000 a year from rent on a home they build and were unable to sell. Mr. Wertz said the program covers the cost of student certification. Mr. Wertz noted the school has partnered with the carpenters' union, which he said is providing an excellent curriculum.

Senator Soules asked how many students are enrolled in DPS CTE programs and if there are waiting lists for these programs. Mr. Chavez said 950 students are enrolled in CTE classes. DPS does not know how many students are following the program pathways, but the district is working to improve the sequence system to better track students and help them meet industry standards. Mr. Wertz said only half of the students interested in the culinary program are able to participate in the program, but it is unclear how many students are serious about culinary arts.

Representative David Gallegos asked if the community had input into which CTE programs were offered by DPS and Dr. Romero said the school regularly speaks to community partners about economic development and the needs of large employers. As an example, he said the school district is partnering with the local hospital, which is expected to expand and will require qualified workers in the coming years.

Representative Salazar asked about the WorkKeys assessment and Mr. Lauzano said the assessment was offered as a pilot and the school district was considering using it as an alternative assessment for high school graduation. He noted these are the same assessments that some businesses require. Representative Stapleton asked if PED allowed students to take WorkKeys in lieu of the PARCC and a school official said that students must take the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment, but it could be used as part of an alternative demonstration of competency for students who are not able to pass PARCC or end-of-course examinations. He said this impacts a small number of students and is generally a portfolio process. WorkKeys could be part of that process. In response to Senator Soules, Dr. Romero said the successes of the CTE programs at DHS are not factored into the school's grade.

Representative Romero asked how the DHS teachers design and implement the curriculum and Mr. Wertz said he has never been given a curriculum but that he developed his own. He noted problems with purchasing textbooks, which are often written at the college and industry level and are not appropriate for ninth or 10th grade students. He said the carpenters union provides books that are written based on how kids think. They are graphically designed for kids, project-based, and give students information they need.

Senator Soules asked if the state is preparing more teachers to offer CTE programs and Genevieve Wertz, teacher, DHS, said the school participates in the Educators Rising program but that non-traditional teachers play a role. She said many people do not want to stay in the industry and that those individuals may want to teach. Mr. Wertz said industry partners are a key resource as future teachers but individuals that achieve a teaching license through an alternative licensure pathway often leave the teaching profession. He said students do not want to be teachers because of low pay. Senator Soules agreed that pedagogy and content are equally important.

More Rigorous Interventions School Designation and Turnaround Plans. Tim Bedeaux, Fiscal Analyst, LESC, presented the framework in state and federal law for more rigorous interventions. The federal Every Student Succeeds Act (ESSA) created the targeted support and improvement (TSI) designation for schools with an underperforming subgroup of students and the comprehensive support and improvement (CSI) designation for schools that are underperforming overall. ESSA creates an expectation of comprehensive support for underperforming schools for a state determined number of years – three in New Mexico – before schools are designated for more rigorous intervention. Pursuant to New Mexico’s ESSA plan, the Public Education Department (PED) identified four schools for more rigorous interventions in the 2018-2019 school year: Hawthorne, Los Padillas, and Whittier elementary schools in Albuquerque and Dulce Elementary School in Dulce.

Mr. Bedeaux explained state law has to enable PED to intervene in schools and outlined the state laws that enable PED to intervene in schools. The Constitution of the State of New Mexico gives the secretary of public education general authority over all the functions related to the distribution of school funds and financial accounting for the public schools to be performed as provided by law. There are three sections of statute that give PED general authority to intervene in schools, but all of those require some sort of violation of law or department regulation or standard. In 2015, LESC endorsed and the Legislature almost unanimously voted to pass House Bill 165, which repealed a section of statute that laid out school improvement plans, including corrective action PED would be authorized to take in schools that failed to improve. Mr. Bedeaux stated the Legislature should think about reestablishing a legal framework to qualify and allow the enforcement of school improvement plans.

Dr. Raquel Reedy, Superintendent, Albuquerque Public Schools (APS), explained the development of APS’s plans for more rigorous interventions. The original plans were detailed reorganization plans that reflected stakeholders within the community, ensured curricula would be research-based and vertically aligned, ensured turnaround principals, teachers, and staff would receive higher compensation, and added more instructional time in the form of a community-based “genius hour.” APS welcomed community partnerships that enhanced learning. The plans were submitted mid-February, but PED denied the plans in March and significantly changed the application criteria. APS updated and resubmitted the plans in April 2018. At the end of April, the Los Padillas and Whittier plans were conditionally approved, but the Hawthorne plan was denied without a justification from PED.

Dr. Antonio Gonzales, Associate Superintendent for Leadership and Learning – Zone 2, APS, explained the application process was like working with a moving target. During the development of the plan, APS received little guidance from PED about their expectations. The original request for applications called for teachers to be rated effective, highly effective, or exemplary, but in March, PED changed that target to require all teachers to be rated highly effective or exemplary. In April, the conditional approval letter changed it to a *multi-year track record* of highly effective or exemplary. In May, it was changed back to the original guidance, effective or higher.

Dr. Gabriella Blakey, Associate Superintendent for Leadership and Learning – Zone 1, APS, stated the plans for all three schools had the same framework and core commitments, but PED said APS must “champion and provide choice” at Hawthorne rather than restructure the school pursuant

to APS's plan. The champion and provide choice intervention involves ensuring students and families know they can transfer to other schools and giving those students priority in the transfer process. Dr. Blakey stated PED's Priority Schools Bureau has worked with Hawthorne for the past four years and has commended the school for being one of the first schools to adopt the NM DASH 90-day plan. APS was confused when PED denied Hawthorne's plan.

Senator Stewart said she attended the community meetings and was excited about the plans, and so was the community. Students were excited for the genius hour, and many teachers wanted to teach at Hawthorne to be a part of the plan. She stated the community does not believe the schools are failing schools; Hawthorne is a high-poverty school with a large population of English learners.

Representative Romero referenced the Constitution of the State of New Mexico, and asked about circumstances that would allow PED to assume control of a school. Mr. Bedeaux said LESC has not identified any state laws or PED regulations that have been violated that would allow PED to take over the schools, but there is a grey area about "department standards," which is a term that is not defined in statute. This might refer to academic content standards or a PED department standard. Rachel S. Gudgel, Director, LESC, said PED is relying on New Mexico's ESSA plan as the authorization for implementing turnaround plans, but the ESSA plans are not law. ESSA plans are required for receiving Title I dollars and allocating them. While she noted it is not good policy to have low-performing schools, it is not a violation of law. Representative Romero expressed concern that PED is operating in a gray area and did not communicate with APS or send department staff to APS community engagement meetings when they were invited to attend.

Senator Padilla was disappointed PED did not appear at the LESC meeting. He said it seems like PED has given up on the schools, and asked what the final outcome for the schools will be. Dr. Blakey said the only way to exit the plan is earning a school grade of C or better for three years, but raising the grades will be a challenge because of the high mobility rates at the schools.

Representative Little asked why the schools had so many consecutive school grades of F. Dr. Blakey said the school grades are complicated, but Whittier and Hawthorne have mobility rates higher than the state average. Using a growth model from year to year is misleading because they are measuring growth on different sets of students. Representative Little said many schools are complaining about the grading system and wondered if LESC should look into the exact criteria being used for school grades. He also expressed disappointment that PED failed to attend the LESC meeting.

Senator Brandt referred to the school grades on PED's website, which shows only 10 percent of Hawthorne students achieving proficiency. Only 3 percent of students at Whittier achieve proficiency in math and 21 percent in reading. He wondered why there was a discrepancy in the proficiency on the website and the proficiency APS reported. He believes the system is too complicated. Senator Stewart stated APS's number likely accounted for students achieving a level three, four, or five on the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment, while the school grade only includes levels four and five as proficient.

Representative Thompson asked how implementation of PED's more rigorous interventions interact with the legal injunction placed on the teacher evaluation system. Arthur Melendres, attorney for APS, said the injunction would prohibit using the teacher evaluation system to make adverse decisions against teachers, but the judge has not finalized the injunction. To force that decision, someone who is a party to the lawsuit would have to request action from the judge.

Representative Thompson noted there will be a new administration in several months, which might take a different approach than this administration. Ms. Gudgel agreed and said a new administration could amend New Mexico's ESSA state plan, and LESC also has an opportunity to put school improvement processes and procedures back into law during the 2019 legislative

session. Dr. Reedy said APS is committed to the plans for the three schools. APS is frustrated with the lack of communication and the inconsistent expectations, however.

Senator Soules said school grades often miss important aspects of a quality education. For example, Deming High School's career technical education program is very effective, but those efforts are not measured in school grades, and the school received a grade of D. Additionally, New Mexico struggles with poverty, adverse childhood experiences, and trauma, all of which impact school grades. Affluent schools get higher scores than poorer schools. The system labels students and schools as failures instead of supporting the schools. Societal issues cause mobility and trauma, but the system is blaming the people who are working with the kids. In response, Dr. Blakey said Hawthorne had five "shelter in place" drills during the most recent PARCC testing window because of events in the neighborhood. The school also had four proximate homicides this year, one of which occurred at a nearby park during the testing window. The students experience trauma daily.

May 18, 2018

The following voting and advisory members were present: Voting: Chair Mimi Stewart, Vice Chair G. Andres Romero, Senators Craig W. Brandt, Candace Gould, and William P. Soules, and Representative Sheryl M. Williams Stapleton; Advisory: Senator Michael Padilla, and Representatives Joanne J. Ferarry, D. Wonda Johnson, Rick Little, Tomas E. Salazar, and Elizabeth "Liz" Thomson.

The following voting and advisory members were not present: Voting: Representatives Alonzo Baldonado, Dennis J. Roch, Christine Trujillo, and Monica Youngblood; Advisory: Senators Carlos Cisneros, Daniel A. Ivey-Soto, Gay G. Kernan, Linda M. Lopez, Howie C. Morales, and John Pinto, and Representatives David M. Gallegos, Stephanie Garcia Richard, Jimmie C. Hall, Tim D. Lewis, Patricia Roybal Caballero, Angelica Rubio, Patricio Ruiloba, Debra M. Sarinana, Jim R. Trujillo, and Linda M. Trujillo.

A Business Plan for Early Childhood in New Mexico. Dr. Michael Weinberg, Early Childhood Policy Officer, Thornburg Foundation, said a group of private and public foundations created a business plan for early childhood education in New Mexico that is focused on creating high quality programs, expanding existing programs, reducing cost, and improving accountability. Stakeholder engagement revealed a need for deeper engagement from tribal and rural communities, which have greater needs and larger learning gaps. The plan is viewed as a living document that can and should be adjusted with further stakeholder engagement.

Katherine Freeman, Chief Executive Officer, United Way of Santa Fe County, highlighted the landscape of early childhood education in New Mexico. The state is ranked 50th in the nation for childhood poverty, with 36 percent of children living in poverty. Eighteen percent of students have three or more adverse childhood experience, and only 24 percent are proficient in reading based on last year's Partnership for Assessment of Readiness for College and Careers (PARCC) assessment results. The state has invested heavily in early childhood education, even during economic downturns. Dr. Weinberg said in FY19, the state will spend approximately \$265 million on early childhood program aligned with their report.

Ms. Freeman said the plan involves five strategic levers. First, the plan needs to combine state and tribal systems to be greater than the sum of their parts. This includes building an integrated data system that meets the needs of multiple users. Second, the plan should improve local capacity to implement programs by passing authority to the regional level. This should also include assessing regional needs and creating networks to better support providers. Third, the plan should build a highly-effective early childhood workforce, including improving salaries and incentives for early childhood educators. Fourth, the state should conduct outreach and engagement to provide families with tools and information. And finally, the plan should improve access to early

childhood programs, including leveraging federal dollars, expanding prekindergarten for three- and four-year-olds, expanding home visiting, and allocating increases in childcare funding using contracted slots

Dr. Weinberg said the plan is designed with a five-year implementation timeline. The timeline recognizes the need to frontload some of the activities to grow responsibly. For example, the state can begin by focusing on leadership and investing in workforce. By 2024, the state should be able to serve 11.5 thousand families in home visiting, up from approximately 7,500 in 2018. The state is currently serving approximately 10 thousand students in half- and full-day prekindergarten programs, but should be able to grow to 12.6 thousand students in full-day programs. The most expensive elements of the plan are workforce development and program expansion. In year one, the plan would cost \$19.8 million, plus about \$16 million per year after that. After five years, the cost of full implementation of the plan would be \$84.7 million. However, the costs would be partially offset by some of the benefits of early childhood education.

Senator Padilla asked about including a senior cabinet position to administer early childhood education programs. Dr. Weinberg said the plan recommends a cabinet-level position, but the idea of creating an early childhood education department was also considered. Senator Padilla said he would like to unite Public Education Department and Children, Youth and Families Department programs under one authority to make them more effective.

Senator Gould works with foster children and wants to make sure the system helps parents become involved in children's growth and development. Dr. Weinberg has also seen that families need more support and that services may need to be blended to support parents. Senator Gould asked if public schools could offer those wrap around systems. Ms. Freeman said the plan does not recommend funneling everything through the public schools; parental engagement is better coached through home visiting programs.

Representative Thompson asked about the percentage of children that will be served with early childhood services by 2024 if the plan was implemented. Dr. Weinberg estimated 80 percent of all 4-year-olds would be receiving high quality full-day prekindergarten. More 1-, 2-, and 3-year-olds would receive home visiting and childcare assistance. Representative Thompson struggles with the phrase "childcare" because it should be more about education not babysitting. Dr. Weinberg added they are expecting \$20 million in new federal money for childhood care, and are hearing from stakeholders there is a great need for quality infant care.

Representative Johnson mentioned the membership of tribal nations during the stakeholder consultation seemed to be light. There are 23 tribes and pueblos in New Mexico, including both rural and urban chapters, that have community needs and should have a seat at the table. She asked to be a part of the tribal group as the plan continues to be developed.

Senator Stewart said she appreciated that the early childhood funders group came together with a wide stakeholder group to build a strong foundation. She stressed that educators need high-quality materials, and it is crucial to have materials in English and Spanish. She also cautioned that New Mexico began phasing-in physical education funding for elementary students and was supposed to phase in fine arts, but when funds became scarce, implementation came to a halt. Dr. Weinberg said the funders group is still working on outreach and engaging communities and would like to present updates to LESC in the fall.

The Bridge of Southern New Mexico and Career Technical Education Programs. Tracey Bryan, President/CEO, The Bridge of Southern New Mexico, explained how the Bridge is pursuing poverty alleviation through education. The Bridge is an alliance of education and business professionals in Doña Ana County. The community came together when 50 percent of high school students were not graduating because it began hurting businesses and slowing economic development.

Dr. Michael Morehead, Vice-Chair, The Bridge of Southern New Mexico, said about 10 years ago, the Las Cruces Chamber of Commerce reached out to business, industry, and education groups, which came up with three projects to implement. The community developed an early college high school, asked for increased access to dual credit courses, and recommended creating an organization like the Bridge to promote ongoing communication between the business and education communities. The Bridge has helped build educational pathways and create a diverse and highly skilled workforce. Graduation rates in Las Cruces have improved from 50 percent to upwards of 80 percent, with this year's graduation rate at 85 percent.

Ms. Bryan said higher education institutions do not have an incentive to participate in dual credit programs because it costs them disproportionately more than public schools. The Bridge looked at the return on investment for dual credit programs, noting students who participate decrease their time in college by two years on average and become a part of the workforce two years earlier. Increased high school students completing a postsecondary degree results in increased high-skills, high-wage jobs. The Bridge identified eight local industries poised for growth and created workforce development pathways in those industries. Additionally, the business community can provide internships for students and externships for teachers, which help students develop soft skills. Ms. Bryan noted the requirement that students must maintain a 3.0 grade point average (GPA) to participate in dual credit courses is a barrier to student participation. She has seen early college high schools and dual credit courses create motivation for students with lower GPAs to complete a postsecondary degree.

Debbie Moore, President/CEO, Greater Las Cruces Chamber of Commerce, has served in four different chambers of commerce, and believes chambers of commerce can help provide a pipeline for students to earn certificates and college degrees. Chambers of commerce create a framework for entrepreneurship and industry to make sure there are high-skills jobs in the community for students when they complete their programs

Senator Gould commended the work of the Bridge, stating the partnership is helping students climb out of poverty rather than managing the effects of poverty. Dr. Morehead stated additional funds for higher education institutions for dual credit programs would help the Bridge continue this work.

Representative Little stated he supports dual credit and career pathways, and said it would be good to start exposing students to careers earlier than high school. Ms. Moore said students should have opportunities related to real world jobs, and the Bridge is discussing how to introduce elementary school students to these opportunities.