

MINUTES
Kirtland, NM
September 7-9, 2022

Wednesday, September 7

The following voting and advisory members were present. Voting: Chair William P. Soules, Vice Chair G. Andrés Romero, Representatives T. Ryan Lane, Brian G. Baca, Derrick J. Lente and Christine Trujillo and Senators Harold Pope Jr and Mimi Stewart.

Advisory: Representatives Joanne Ferrary, Joy Garratt, D. Wonda Johnson, Tara Lujan, Debra M. Sariñana, Elizabeth "Liz" Thomson and Senator Shannon D. Pinto.

Call to Order, Introductions, and approval of July 27-29 Minutes and September Agenda. As a joint committee hearing, the role of chairing this meeting was shared between Senator Shannon Pinto, Chair of the Indian Affairs Committee (IAC), and Senator William P. Soules, Chair of the Legislative Education Study Committee. Chair Pinto presided over the first day and called the meeting to order with brief introductions of legislators, LESC staff and Legislative Council Services staff. On a motion by Senator Stewart and a second by Vice Chair Romero, the minutes were approved with no opposition. On a motion by Vice Chair Romero and second by Senator Pope the agenda was approved with no opposition.

Community welcome: Lisa Marie Byrd, Vice President of the Upper Fruitland Chapter of the Navajo Nation, provided a brief welcome and prayer for the committee members.

Local Perspectives - Superintendents. Steve Carlson, Superintendent, Central Consolidated School District (CCSD), Kim Mizell, Ph.D., Superintendent, Bloomfield School District, Kevin Summer, Superintendent, Aztec Municipal Schools, and Cody Diehl, Superintendent, Farmington Municipal Schools, presented on demographics, student performance, strategic initiatives, use of at-risk funding, and legislative priorities in each of their school districts. The school districts are all in the northwest corner of New Mexico, close to the Navajo Nation, and have relatively large proportions of Native American students. As a result, the *Martinez* and *Yazzie* consolidated lawsuit and the Legislature's responses to the lawsuit have a direct impact on each of the districts. Mr. Carlson reminded the committee that the impending closure of the San Juan Generating Station will have an impact on CCSD's tax base, decreasing the district's local revenue.

Director's Report. Gwen Perea Warniment, Ph.D., Director, LESC, reported to the committee an update on LESC staff and an update to the 2022 interim work plan. Ms. Warniment presented the policies and procedures

and called for a roll call vote. The policies and procedures were approved with no opposition. Ms. Warniment also reported the preliminary FY24 LESC budget.

Work-Based Learning and Student Internships. Jessica Hathaway, Senior Policy Analyst II, LESC, presented a staff brief to committee members that defined work-based learning, described the types of activities in schools and workplaces that constitute work-based learning, and offered policy and budget considerations for legislators. Tony Monfiletto, Director, Future Focused Education and Mike May, Director of Workforce Learning, Future Focused Education then discussed an evaluation of an internship program offered in Albuquerque. Following this presentation, LESC and IAC members heard about a hospitality focused student internship program being offered in Santa Fe Public Schools (SFPS) in partnership with local hotels. Members heard from Hilario "Larry" Chavez, Superintendent, SFPS, and Jose Villarreal, Work-Based Learning Coordinator, SFPS, about the design and operations of the program. Alvin Warren, Vice President of Career Pathways and Advocacy, LANL Foundation, also offered insights about how intermediary organizations can support work-based learning initiatives. Lutz Arnhold, Managing Director, Rosewood Inn of the Anasazi, also described the role of business entities in supporting student internships.

Member questions included inquiries about the cost of offering student internships, the role of various partners in such programs (school districts, employers, community organizations, and students), and whether work-based learning experiences can count towards current high school graduation requirements.

Public School Facilities Authority Issues. Martica Casias, Executive Director, Public School Facilities Authority (PSFA) and Alyce Ramos, Programs Manager, PSFA, presented an overview of the public school capital outlay system, explaining the differences between PSFA, the Public School Capital Outlay Council (PSCOC), and the Public School Capital Outlay Oversight Task Force (PSCOOTF). PSFA staff explained each of the initiatives the agency oversees and gave a typical timeline of a PSCOC-funded project. Tim Bedeaux, Senior Policy Analyst II, presented ongoing issues in the capital outlay system, including a trend of increasing construction costs, increasing local responsibility to pay for projects, and decreasing demand for PSCOC-funded projects. Mr. Bedeaux presented a set of legislative recommendations for the upcoming session, including options to decrease local match requirements as well as options to increase career-technical education funding, school security funding, and prekindergarten classroom funding.

Kirtland Schools Tour. LESC members and staff attended a tour of Kirtland Central High School, led by Candice Thompson, Director of Operations for Central Consolidated School District and Rebecca Benedict, principal of Kirtland Central High School. Committee members inquired about the schools capital outlay needs.

Thursday, September 8

The following voting and advisory members were present. Voting: Chair William P. Soules, Vice Chair G. Andrés Romero, Representatives T. Ryan Lane, Brian G. Baca, Derrick J. Lente and Christine Trujillo and Senators Harold Pope Jr and Mimi Stewart.

Advisory: Representatives Joanne Ferrary, Joy Garratt, D. Wonda Johnson, Tara Lujan, Roger Montoya, Debra M. Sariñana, Elizabeth "Liz" Thomson and Senator Shannon D. Pinto.

Martinez and Yazzie Lawsuit Update. John Sena, Deputy Director, LESC, provided an overview of the court's findings, how the legislature has responded to the lawsuit, and whether the impact of additional funding can be adequately assessed.

Kurt Steinhaus, Secretary, PED, provided an overview of the growth in assessment results among some English learners, Native American students, economically disadvantaged students, and students with disabilities. Secretary Steinhaus also referenced how the legislature and PED have supported initiatives for each of those student subgroups, including the development of the Draft Action Plan for responding to the *Martinez-Yazzie* lawsuit.

Vicki Bannerman, Deputy Secretary of Identity, Equity, and Transformation, PED, spoke of the process the department followed in composing the Draft Action Plan and how PED will incorporate stakeholder feedback in its next iteration of the Draft Action Plan. Melissa Candelaria, Education Director, New Mexico Center on Law and Poverty, summarized the status of the *Martinez-Yazzie* lawsuit and spoke of the need for collaboration in creating a high-quality education system that meets the needs of all students.

Alisa Diehl, Senior Education Attorney, New Mexico Center on Law and Poverty, spoke of the how the Draft Action Plan lacks short- and long-term action steps, necessary statutory and regulatory changes, estimated increases to staff, a multi-year cost and budget analysis to implement specific goals, and a description of how PED will measure whether its actions prepare students for college or careers.

Members asked whether school districts have local plans for distributing monies to programs for students with disabilities, how much money is deposited in teacher's class wallets, how schools can improve student attendance, how many vacancies for special education and TESOL endorsed teachers there currently are, what is being done to implement the Hispanic Education Act and support Spanish Language learners, how PED is collaborating with tribes, pueblos, and nations, how teacher preparation programs can implement literacy instruction, how federal monies are being utilized to sustain non-instructional staff, whether Pre-K programs are also reducing administrative burdens, what is being done to improve student performance in mathematics, and what measures will be used to define sufficiency.

Indian Education Update. Charles Wollmann, Director, Communications, Legislative and Client Relations, New Mexico State Investment Council, provided an overview of endowment funds in New Mexico and how a similar model could be used to support programs and services for Native American students. Rebecca Reyes, Interim Assistant Secretary, Indian Education, PED, discussed the various appropriations to programs and services for Native American students, how the Indian Education Division has issued grants through the Indian Education Act, and how the Division will assess the impact those funds will have on students. Mark Mitchell, Chairman, All Pueblo Council of Governors, Former Governor of Tesuque Pueblo, spoke of the importance of language preservation and how additional legislative appropriations are needed to support capacity-building initiatives.

Derrick J. Lente, State Representative, District 65, spoke of the importance of the Tribal Remedy Framework and how additional appropriations could be leveraged in implementing the Indian Education Act. Regis Pecos, Former Governor of Cochiti Pueblo, spoke of the lack of Native American representation in the governance of public schools, the importance of building local capacity for responding to ongoing academic challenges, and the need for more teachers who identify as Native American.

Members asked about distributions from the Rural Libraries Endowment fund, whether staff has laid the groundwork for potentially establishing a Native American education endowment model, and for elaboration on the loss of language and culture in historically marginalized communities.

FY23 and FY24 General Fund Revenue Estimates. Ismael Torres, Chief Economist, Legislative Finance Committee; Leo Delgado, Chief Economist, Department of Finance and Administration; and Stephanie Schardin Clarke, Secretary, Taxation and Revenue Department, provided an overview of the consensus revenue and reserve estimates for FY24 and how economic conditions may impact those estimates.

Members asked about the potential fiscal impact of a transition to renewable energy, why general fund reserves have grown beyond recent historical levels, the potential impact of a decline in oil and gas prices on consensus revenue estimates, and whether some portion of the general fund reserves could be leveraged in promoting economic development.

Tribally Authorized Charter Schools. Lenaya Montoya, Staff Attorney, Legislative Council Services and Kevin Shendo, Director of Tribal Education for the Jemez Pueblo presented to the committee about tribally authorized charter schools. Ms. Montoya provided the committee with information on constitutional considerations, including the potential challenges that arise from the Anti-Donation clause if public school funding is provided to a non-state entity. Ms. Montoya also discussed the Indian Education Act and previous attempts by the Legislature to divert funding directly to Native American tribes, nations, and pueblos through tribal education departments. Mr. Shendo provided an overview of the cultural and academic significance of native language immersion schools and tribally-run school models in New Mexico. Mr. Shendo also discussed the importance of redefining education. Both Ms. Montoya and Mr. Shendo informed the committee about potential models for creating tribally authorized charter schools in New Mexico, including state-tribal compacts and establishing language immersion schools.

Friday, September 9

The following voting and advisory members were present. Voting: Chair William P. Soules, Representatives T. Ryan Lane, Brian G. Baca, Christine Trujillo and Senators Harold Pope Jr and Mimi Stewart.

Advisory: Representatives Joanne Ferrary, Joy Garratt, D. Wonda Johnson, Tara Lujan, Roger Montoya, Debra M. Sariñana, Elizabeth "Liz" Thomson and Senator Shannon D. Pinto.

Student and Teacher Panel. Holly Duffy, Senior Policy Analyst II, LESC, facilitated a panel of current New Mexico educators and students for LESC members to hear about current student needs, concerns, and suggestions. The panel included one student, Yazzmine Lee, Student, Farmington High School, and three educators: Guila Curley, College and Career Readiness Coordinator, Newcomb High School; Amanda Akers, Teacher, Blanco Elementary, and Jarrell Botello, Teacher, CV Koogler Middle School. In a dialogue alongside members from both the LESC and the Indian Affairs Committee, the student and teachers answered questions and offered insights about supports needed for educational success, their experiences in the classroom, and what suggestions they would offer to legislators.

Dream Dine and Navajo Prep Presentations. Andrea K. Thomas, teacher at Dream Diné, Shawna Becenti, Head of School, Navajo Preparatory School, Watson Whitford, student, Navajo Preparatory School, Devin Lansing, student, Navajo Preparatory School, and Yitnazbah Wauneka-Yellowhorse, student, Navajo Preparatory School presented about their school models to the committee. Ms. Thomas presented first, discussing Dream Diné's mission and emphasized the culturally relevant practices elevated by the daily schedule, curriculum, and high-quality academics. Ms. Thomas also shared about how the design of Dream Diné is structured around Diné culture and provides students with access to a language and Diné history based school. Students from Navajo Preparatory School shared their experience as students at Navajo Preparatory School. Additionally, students shared the connections between their learning at Navajo Preparatory School and their future plans. Ms. Becenti shared appreciation for the work of the Legislature and invited committee members to visit Navajo Preparatory School.