

Minutes
Santa Fe, NM
December 13-15, 2023

Wednesday, December 13

The following voting and advisory members were present. Voting: Chair G. Andrés Romero, Vice Chair William P. Soules, Representatives Joy Garratt, Susan K. Herrera, Raymundo Lara, Tanya Mirabal Moya, and Senators Craig W. Brandt and Mimi Stewart.

Advisory: Representatives John Block, Yanira Gurrola, Cristina Parajón, and Senators David M. Gallegos and Linda Lopez.

Call to Order, Introductions, and Approval of September Minutes and November Agenda. Representative G. Andrés Romero, Chair, Legislative Education Study Committee (LESC), called the meeting to order. Chair Romero facilitated introductions of the members of LESC, as well as LESC staff. In a motion by Senator Brandt, and a second by Senator Stewart, the agenda for the December LESC meeting was approved. The meeting minutes for the November LESC hearing were also approved with a motion by Senator Stewart and a second by Senator Brandt.

Considering a STEM Innovation Network in New Mexico. Jessica Hathaway, Senior Policy Analyst II, LESC, introduced the panelists and provided an overview of the concept of a science, technology, engineering, and mathematics (STEM) innovation network. The panelists, Jan Williams, Fellow, Society of Women Engineers, and Kersti Tyson, Ph.D., Director of Evaluation and Learning, Los Alamos National Laboratory Foundation, then provided a presentation outlining the importance of STEM education and a proposed network of innovation sites to expand access to STEM learning opportunities, educator professional development, and regional capacity building. Ms. Williams and Dr. Tyson indicated intent to propose legislation to establish this network. Numerous LESC members indicated strong support for education initiatives related to STEM education. LESC members, however, also asked several clarifying questions about how the network would be established, how it would function, how regional sites would be selected, and expressed concern about the logistics and operational details of the proposed idea.

Funding Formula Review. Daniel Estupiñan, Senior Fiscal Analyst II, LESC; Sunny Liu, Principal Fiscal Analyst, Legislative Finance Committee (LFC); Travis Dempsey, Superintendent, Gadsden Independent School District; and Sara Cordova, Director of School Budget Bureau, Public Education Department (PED), presented on the collaborative review of the public school funding formula that occurred during the 2023 interim. During their presentation, panelists provided an overview of the formula, context on each component's history and methodology, and an outline of

LESC staff's recommendation that the committee pursue a statutory revision of the formula during the 2024 interim. Members asked whether staff would focus on a theme of sufficiency in funding alongside the committee's work around revising the formula's methodology. Members also asked for additional context on the methodology of the teacher cost index, specifically whether the component is responsive to the costs of compensating federally funded positions. Staff informed the committee that a proposal for revising the formula will be composed during the 2024 interim and will be presented for committee endorsement before the 2025 legislative session.

Advancing Equity in Education: The Case of Targeted Funding for Tribal and Higher Education. Loretta Trujillo, Executive Director, Transform Education New Mexico, envisions equity attainability by building targeted investment through four main categories, including higher education around culturally and linguistically sustaining frameworks, educator workforce and school leadership development, culturally responsive health and wellness, and college access initiatives. Robert Sapien, Ph.D., Director of Division of Pediatric Emergency Medicine, Associate Dean for Admissions, School of Medicine, University of New Mexico (UNM), discussed the importance of how higher education impacts culturally responsive health and wellness. Glenabah Martinez, Ph.D., Professor, College of Education-Human Sciences, UNM, Director, Institute for American Indian Education, discussed the need for recruiting more Native American teachers to work in the K-12 setting and early childhood. J.E. Jamal Martin, Ph.D., Associate Professor of Africana Studies and Public Health, UNM, discussed the importance of diversity and inclusion in public health, higher education, and workforce development. Elmer Guy, Ph.D., President, Navajo Technical University, shared data on the barriers and deficiencies Native American students face in their educational journey. Dr. Guy expressed the need to strengthen colleges and universities in the state to support and improve Native American students' overall performance.

Derrick Lente, State Representative, District 65, and Regis Pecos, Chair, Tribal Education Alliance, presented on advancing equity in education through targeted funding for tribal education by introducing two bills. The first bill discussed was the Tribal Education Trust Fund bill that will strengthen the capacity of New Mexico's nations, tribes, and pueblos for their students. Representative Lente stated long-term investment will generate stable and consistent funding for tribal education for years to come. The second bill, Amendments to the Indian Education Act, will make the funding mechanism more efficient and more effective. This bill will help distribute funds in a timely manner including an automatic upfront disbursement based on intergovernmental agreements allowing carryover of funds to prevent reversions. Representative Lente stated both bills will help the state comply with the *Martinez-Yazzie* ruling and implement the Indian Education Act. Last session LESC endorsed

previous versions of these two bills, since then some improvements have been made based on tribal feedback.

High School Start Times: House Memorial 56 Study and Considerations.

Jessica Hathaway, Senior Policy Analyst II, LESC and Daniyal Hussain, Summer 2023 Intern, LESC, co-presented an update on LESC staff's work on House Memorial 56 during the 2023 interim, which requested LESC to study and make a recommendation about high school start times. Ms. Hathaway and Mr. Hussain shared information about national research, local high school start times, and legislative and policy trends nationwide. The presentation included information about how several national organizations, particularly in public and physical health focused organizations, indicate the importance of adolescence sleep needs and recommend high school start times no earlier than 8:30 a.m. Despite this recommendation, many schools, families, and communities also express that changing school start times can create implications related to transportation, school scheduling, family schedules, and extracurricular activities. LESC staff recommended that in considering changes to high school start times, local education agencies should consult with their communities directly to study what is feasible—for example, Albuquerque Public Schools changed its school start times in 2023 to accommodate later starts for high school students.

Thursday, December 14

The following voting and advisory members were present. Voting: Chair G. Andrés Romero, Vice Chair William P. Soules, Representatives Brian G. Baca, Joy Garratt, Susan K. Herrera, Raymundo Lara, Tanya Mirabal Moya, and Senators Craig W. Brandt and Mimi Stewart.

Advisory: Representatives John Block, Yanira Gurrola, D. Wonda Johnson, Cristina Parajón, and Senators David M. Gallegos, Linda Lopez, and Shannon Pinto.

2024 Legislative Budget and Policy Priorities. New Mexico education partners and stakeholders presented their 2024 budget and policy priorities to the committee. Presenters included the New Mexico School Board Association, the New Mexico Coalition of Educational Leaders and New Mexico School Superintendents' Association, the National Education Association of New Mexico, the Albuquerque Teachers Federation and American Federation of Teacher New Mexico, the New Mexico Parent Teacher Association, the Public Charter Schools of New Mexico, Teach Plus New Mexico, NewMexicoKidsCAN, and Public Charter Schools of New Mexico. Common priorities included adequate, equitable, and recurring funding with increased flexibility for local decision-making to address staff recruitment and retention, provide safe learning environments, support community schools, and meet school transportation needs.

Senator Stewart expressed support for teacher leadership initiatives and asked Hope Morales, Executive Director, Teach Plus New Mexico, about what programs exist. Ms. Morales replied that existing initiatives vary substantially in terms of their structure and incentives for teachers. She recommended local flexibility in approaching teacher leadership initiatives, allowing districts to tailor programs to local needs. Representative Herrera asked Mary Parr-Sánchez, President, NEA-NM, if students in community schools had better scores in math and reading than students in other schools. Ms. Parr-Sánchez replied that the scores are not better, but that community schools have seen improvements in teacher retention and in student absenteeism rates. Senator Brandt questioned the efficacy of community schools and suggested investing in the development of high-quality teachers and quality literacy curriculum. Senator Lopez asked how the state can ensure school administrators and board members are trained to have a good understanding of special education. Joe Guillen, Executive Director, New Mexico School Board Association, replied that special education content is covered in its annual school law conference for school board members.

LESC Budget Considerations. John Sena, Deputy Director, LESC; and Daniel Estupiñan, Senior Fiscal Analyst II, LESC provided an overview of the LESC's budget considerations for Fiscal Year 2025 (FY25). During their presentation, panelists provided an overview of potential increases in the appropriation to the state equalization guarantee (SEG), proposals for increases to the transportation distribution, and considerations for below-the-line programs. Members asked for additional context on the committee's recommendations for school security, recurring funding for the K-12 Plus Program, and increases in recurring funding for health insurance. Staff informed the committee that a final staff proposal for public school support in FY25 will be presented for committee endorsement at the committee's final meeting before the 2024 legislative session.

Review of Potential LESC Endorsed Legislation. Gwen Perea Warniment, Ph.D., Director, LESC, presented bills for potential endorsement by LESC, including a bill to create and fund a career development success pilot program; a bill to fix a technical issue regarding public school capital outlay waiver criteria; a bill specifying hourly training requirements for school board and charter governing council members; a bill to establish a minimum hourly rate of \$15 per hour, or a minimum annual salary of \$30 thousand for all public school personnel; and a bill to establish requirements for standards-based, paid residency preparation program for administrators. The committee voted to endorse all five bills.

PED Public School Support Request. Arsenio Romero, Ph.D., PED, and Gregory Frostad, Assistant Secretary of Education, PED, presented the department's FY25 public school support recommendation. The department identified seven priority areas for investment, including structured

literacy; special education; teacher recruitment and retention; instruction; closing the learning gap; improved data systems; and student health, well-being, and safety. For structured literacy reading interventions, professional development, and instructional materials the department requested \$50.1 million. For special education salary differentials and various special education initiatives, the department requested \$32 million and \$11 million, respectively. For staff recruitment and retention, the department requested \$131.2 million for staff salary increases (4 percent increases for all staff, except transportation staff who would receive a 10 percent increase), \$51.7 million for educator clinical experiences, and \$1 million for a media campaign. To improve instruction, the department requested over \$160 million for a variety of initiatives, including K-12 plus; school improvement, transformation, and turnaround; CTE, innovation zones, work-based learning, early college high schools, and dual-credit programs, among others. To close the learning gap, the department requested over \$174 million, including \$107.1 million for out of school learning time and tutoring. The department requested \$9.8 million for data system improvements. To promote student health, well-being, and safety, the department requested \$85.5 million, including \$43.5 million for universal free meals. Supplemental requests included \$63 million to fund current year uptake of K-12 plus and \$14.7 million for current year expenditures on universal free meals.

Senator Soules asked why requests for math supports are below those for literacy. Gregory Frostad, Assistant Secretary of Policy, Research and Technology, PED, stated the department did not feel it could match its literacy efforts for math simultaneously. Senator Soules asked when the Department would complete a plan for addressing the *Yazzie-Martinez* consolidated lawsuit. The Secretary stated the department was days away from completing the plan. Senator Soules asked why the proposed PED rule to require 180 days of school counters the legislative intent of HB130. The Secretary stated one-third of districts reduced instructional time after implementation of HB130 and the rule intends to increase student time in front of teachers. Senator Soules stated legislative intent was to preserve four-day school weeks by requiring hours rather than days. Chair Romero, Representative Herrera, and Representative Baca all expressed PED's proposed rule requiring 180 days opposes legislative intent. Representative Baca asked if the department's structured literacy institute will be centrally located and will it require additional FTE. Secretary Romero replied that a centrally located physical structure will be a hub for literacy in New Mexico. However, the department plans to partner with universities around the state to expand the reach of the institute, perhaps through satellite offices. Representative Moya expressed desire to work with PED to allow more funds to flow directly to school districts to avoid delays in PED distribution of funds. Representative Garratt asked how the department is addressing the efficacy of RECs. The Secretary replied the department is having

conversations to encourage improvements. Representative Garratt noted many items in the PED budget request require more context. Chair Romero asked who the requested \$32 million in pay differentials would go to. Mr. Frostad replied that school districts would submit applications to the department detailing how they would allocate the differential pay for hard-to-fill positions, noting those positions would vary by district. Representative Gurrola expressed concern the requested funding for universal gifted screening may not adequately identify multilingual students.

Friday, December 15

The following voting and advisory members were present. Voting: Chair G. Andrés Romero, Vice Chair William P. Soules, Representatives Brian G. Baca, Joy Garratt, Susan K. Herrera, Raymundo Lara, Tanya Mirabal Moya, and Senators Craig W. Brandt and Mimi Stewart.

Advisory: Representatives John Block and Yanira Gurrola, and Senators Linda Lopez and Shannon Pinto.

Director's Report. Gwen Perea Warniment, Ph.D., Director, LESC, provided an update to LESC members about four items: the LESC newsletter, a memorandum regarding teacher preparation clinical experience evaluation, the LESC audit and budget, and a potential opposition letter to the PED.

Dr. Perea Warniment noted the newsletter contains articles about the funding formula review and the intention to continue to work on the revision of the funding formula in the next interim. Dr. Perea Warniment also reflected on Representative G. Andrés Romero, Chair, LESC, letter highlighting budget items including a \$45 million investment for career technical education, a \$30 thousand minimum salary for all school personnel, and the 6 percent overall increase for educators and school personnel. The newsletter also covers the LESC's research in terms of House Memorial 56 and special education spending. On the memorandum regarding teacher preparation clinical experience evaluation, Dr. Perea Warniment noted LESC's plan for the next interim and how teacher preparation clinical experience evaluation relates to retention and student outcomes, including the Grow Your Own program. LESC plans to have some work products delivered in the fall or winter of 2025, with the goal to continue to study teacher preparation clinical experience evaluation. The LESC yearly audit was completed by Baldwin Accounting and Consulting. The audit did not find any material weakness but did find three areas for improvement in purchases and receipts including internal processes, voucher authorization, and personnel. For the final item, Dr. Perea Warniment read a draft letter meant for the Public Education Department, signaling some level of opposition to the proposed rule 6.10.5 NMAC, School Calendar Requirements.

In a motion by Representative Baca, and a second by Representative Herrera, the proposed letter to PED with the signatures of the members who wish to be added was approved. Seven members voted to sign the letter and two members opposed. Representative G. Andrés Romero, Chair, LESC, welcomed advisory members to sign the letter who wish to convey their opposition to the proposed rule.

Special Education in New Mexico: A Landscape Analysis from Communities and Stakeholders. Marit Andrews, Senior Policy Analyst II, LESC, began by explaining that this presentation and accompanying report updates the committee on the progress of a special education working group, how special education revenues and expenditures are currently being used to meet student needs, and next steps for future work. Ms. Andrews said the special education stakeholder working group was convened to provide feedback on policy suggestions that emerged from the listening sessions and to ensure proposals reflect both research and community voice. The working group determined they wanted to revise the policy suggestion buckets from the listening sessions to focus on the following: resources for teachers/training, funding, accountability, and a new bucket—behavior. Ms. Andrews walked the committee through all of the special education policy suggestions that LESC will approach on a five-year strategic rollout. Next, Ms. Andrews said the special education stakeholder working group requested LESC staff to analyze whether school districts are spending funds generated by students with disabilities on special education services. Ms. Andrews began by explaining in FY23, of the \$709 million generated by special education students in both state and federal funds, school districts and charter schools reported spending \$673.6 million, or 95 percent, on special education services. Despite an average statewide spending ratio of 95 percent, there is wide variation in the proportion of special education funds spent among school districts and charter schools. Because of the disparities in reporting spending, staff assume some reporting errors and identified the need to investigate reporting practices more closely. Ms. Andrews concluded the presentation by saying LESC staff will focus on supporting members with the following recommendations for the 2024 legislative session: \$10 thousand pay differentials for special education teachers, support PED in the development of a statewide individualized education plan (IEP)/behavior intervention plan (BIP), and ensure data on special education revenues and expenditures is accurate. Committee members asked questions regarding the statewide IEP/BIP infrastructure, how the state is currently funding the office of special education, the graduation rate for special education students, the need to examine suspension and expulsion data for special education students, and the special education teacher shortage including the need for inclusion teachers.

Expanding Electric School Buses in New Mexico. Tim Bedeaux, Senior Policy Analyst II, LESC, presented considerations for electric school buses in New Mexico. Mr. Bedeaux explained the state is on a twelve-year school

bus replacement cycle for diesel buses, but has not yet provided funds for electric school bus replacement. School districts have begun requesting and receiving funds from the federal government for electric school buses, most notably the Environmental Protection Agency's Clean School Bus program. Only one school district, Las Cruces, was awarded funds through the program, but several other New Mexico school districts and charter schools were placed on a waiting list. Charles Goodmacher, Board Member, NMVC Action Fund, presented a number of environmental, health, and behavior management benefits associated with electric school buses. Mr. Goodmacher also presented draft legislation known as the "School Bus Modernization Act," which would expand existing school bus replacement practices to cover electric school buses. Hilario "Larry" Chavez, Superintendent, and Carmen Gonzales, Board Member, Santa Fe Public Schools, presented their experience with purchasing an electric school bus. The school district used funds from the Volkswagen Environmental Mitigation settlement to purchase one electric bus, but also purchased and installed charging infrastructure for three additional electric school buses. LESC members were generally supportive of the proposed legislation, provided that the use of electric school buses remained optional rather than mandatory.