

Minutes
Santa Fe, NM
November 15-17, 2023

Wednesday, November 15

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, Natalie Figueroa, Tara L. Lujan, Willie Madrid, Patricia Roybal Caballero, and Senators David M. Gallegos, Antonio Maestas, Shannon Pinto, and Joshua Sanchez.

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 November LESC meeting was approved. The meeting minutes for the October LESC hearing were also approved with a motion by Senator Stewart and a second by Senator Brandt.

Construction Costs. Tim Bedeaux, Senior Policy Analyst II, LESC, and Cally Carswell, Fiscal Analyst, LFC, presented trends in construction costs for school buildings and other state capital outlay projects. Construction costs have risen significantly across the state, especially in rural New Mexico. Two public school capital outlay projects awarded this year had an estimated cost per sq. ft. over \$1,000. Rising construction costs can be explained by a combination of supply and demand levers. On the demand side, the state is facing unprecedented demand for new construction in both the public and private sectors. On the supply side, the state is facing a shortage of construction laborers and a shortage of contractors bidding on public school projects. The shortage of laborers is also tied to a wage rate for construction jobs in New Mexico that is lower than the rates paid in neighboring states.

Teacher workforce data and strong educator pipelines. Shannon Holston, Chief of Policy and Programs, National Council on Teacher Quality (NCTQ), presented to the committee on how teacher workforce data and strong teacher pipelines can be used to strengthen the teacher workforce. While New Mexico produces some teacher supply data, the state lacks data on teacher demand, teacher shortages, and teacher mobility. Ms. Holston presented examples of how other states use data to ensure quality and drive continuous improvements in the teacher workforce. In learning from these states, New Mexico could consider enacting legislation to require collection and reporting of workforce data, and funding data system improvements. Senator Soules suggested the data should be made available

on the Sunshine Portal for public access. Ms. Holston also presented best practices to strengthen teacher pipelines. Senator Soules and Senator Stewart both commented that New Mexico has already implemented many of the best practices and noted it's helpful to know the Committee is on the correct path. Ms. Holston noted possibilities to build on this progress include continuing to invest in preparation programs with strong clinical practices and evaluating the implementation and outcomes of state investments in educator preparation initiatives.

Project ECHO & the College of Education and Human Sciences: Supporting New Mexico Educators. Marit Andrews, Senior Policy Analyst II, LESC, began by providing context for the presentation, explaining the University of New Mexico's (UNM's) Project ECHO and College of Human Sciences have submitted a combined proposal through the Research and Public Service Project request process for FY25 for a joint initiative to support teachers. Sanjeev Arora, MD, Founder and Director, Project ECHO explained the ECHO model that uses technology to leverage scarce resources, applies case-based learning to master complexity, shares best practices to reduce disparities, and evaluates and monitors outcomes. Soraya Gollop, Ph.D., Director of Education, Project ECHO explained how ECHO for Education NM grew out of the ECHO model from a pilot project to where it is today, with 27 education programs to help upskill frontline education workers. Kristopher Goodrich, Ph.D., Dean, UNM College of Education and Human Sciences, explained how the partnership with Project ECHO to build a system of career-long support for educators in New Mexico began, the work of the COEHS OUTCOMES Office, and their goal of training the next generation of education researchers in the methods, analysis, and ethics of applied educational research. Members asked questions regarding partnerships with tribal education departments, tracking of attendees at Project ECHO sessions, Project ECHO's annual budget and current funding, and work regarding structured literacy.

PED Rules Review. John Sena, Deputy Director, LESC provided an overview of two new rules the Public Education Department (PED) proposed: School Instructional Time Requirements, 6.10.5 NMAC, and Accreditation Procedures, 6.19.4 NMAC. Mr. Sena explained PED proposed the School Instructional Time Requirements rule to align more closely with Laws 2023, Chapter 19 (House Bill 130), however, Mr. Sena said some of the provisions of the new rule appear to be directly or indirectly in contradiction to the statutory learning time provisions and legislative intent. Mr. Sena said the proposed Accreditation Procedures rule outlines annual accreditation requirements for school districts and charter schools, and the education programs of state institutions, Bureau of Indian Education schools, and private schools, but, like PED's proposed instructional time rule, the proposal appears contradictory to current statute. Members discussed the years of work and deliberate stakeholder engagement undertaken to produce House Bill 130, and several noted they

felt the proposed instructional time rule undermined the legislative intent of the law. Discussion also included member questions on the potential impact of the proposed instructional time rule on four-day week school districts, school district calendars, and staff and students.

Mobile Unit Tour: Be Pro, Be Proud - A Statewide Career Technical Education Engagement Program. LESC members heard an introduction from Rob Leming, Director of Programs, New Mexico Chamber of Commerce, before touring the NMCC's career and technical education (CTE) mobile unit. Mr. Leming described the mobile unit—which is a semi-truck equipped with trailer that expands to offer a variety of virtual reality experiences and simulators—and noted the purpose of the mobile unit tour is to better provide students across the state with access to experiences and information about various professions. The mobile unit offers experiences and information about roles such as heavy equipment operation, semi-truck driving, healthcare professions, and more. As LESC members toured the mobile unit, they participated in hands-on experiences such as driving the semi-truck simulator or participating in virtual reality experiences in healthcare. LESC members noted the importance of exposure to career options for students and noted the legislature has made significant investments in CTE, such as a \$40 million appropriation from the General Appropriation Act (GAA) of 2023 to support CTE initiatives.

Thursday, November 16

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, and Senators Craig W. Brandt and Mimi Stewart.

Advisory: Representatives John Block, Ambrose Castellano, Yanira Gurrola, Willie D. Madrid, Patricia Roybal Caballero, Debra Sariñana, and Senators Antonio Maestas, Michael Padilla, Shannon Pinto, and Joshua A. Sanchez.

Long Term Vision. John Sena, Deputy Director, LESC began his presentation on the long term vision for LESC by explaining the work LESC has done so far under the current leadership of Director Gwen Perea Warniment, Ph.D., including 2022 interim work, the 2023 legislative session, and the 2023 interim research agenda and work plan. Mr. Sena explained how highly relevant and effective legislation, including both education policy and budget, will result from the research agenda, aligned to a legislative long-term vision and plan. Mr. Sena concluded his presentation by explaining how LESC will leverage current work, based off the LESC roadmap, to develop a 3-5 year plan. Member discussion included thanks to staff for the work so far, items members would like

added to the long-term plan, and questions regarding the approach to specific items on the work plan.

School Attendance and Chronic Absence: A Review of Statute, School Experiences and Considerations. Jessica Hathaway, Senior Policy Analyst II, LESC, presented findings from a months-long study of school attendance and chronic absenteeism. The state made significant changes to its statutory attendance approach in 2019 with the enactment of the Attendance for Success Act (AFSA) and is struggling with a high chronic absence rate of about 40 percent statewide. Ms. Hathaway noted the LESC study included a statutory review of the AFSA, case study visits to 10 school districts and charter schools, and a data review of attendance plans statewide. The AFSA, which moved the state to a more support-oriented approach to attendance, has helped to establish data collection processes in schools, standardize a definition of chronic absence, and spur the creation of attendance plans. Compliance with plans is increasing, but many communities lack the resources to connect families to supportive services that may help support attendance. While the study found plans are in alignment with the law, it also found the state may be missing community-driven and locally-informed approaches to support attendance.

Gregory Frostad, Assistant Secretary for Policy, Research, and Technology, Public Education Department (PED), and Denise Terrazas, Policy Director, PED, presented on the department's role in overseeing attendance plans and sharing attendance data; the department also provided a demo of the PED attendance report, which offers chronic absence data statewide. Three local school leaders also participated in a panel to answer questions about implementation of the AFSA: Nichole Burgin, Superintendent, Truth or Consequences Municipal School District; Steve Carlson, Superintendent, Central Consolidated School District; and Lynette Deuel, Manager of Strategy, Innovation, and Performance Outcomes, Bernalillo Public Schools. LESC members expressed concern about attendance, asked clarifying questions about the law, inquired about school and district level approaches to supporting attendance, and asked questions about how the state can better incentivize and support students coming to school.

Educator differentials. Annie Armatage, Senior Policy Analyst, LESC, presented a brief proposing salary differential pay for bilingual teachers and special education teachers and assistants serving students with extensive to maximum special education needs. The *Martinez-Yazzie* consolidated lawsuit ruled effective teachers are key to improving proficiency and the quality of teaching for at-risk students is inadequate. Two groups of at-risk students highlighted in the lawsuit, special education students and English learners, have consistently suffered from a lack of certified teachers, affecting the quality of education these students receive. Statewide academic achievement

outcomes for these students continue to lag far behind those of their peers. To address teacher shortages likely contributing to these lagging outcomes, research suggests teacher pay differentials could be an effective lever.

Differentials have proven effective in incentivizing teachers in shortage areas to teach in their license area. This is of particular interest to New Mexico, given the state's 1,344 teachers with special education licenses teaching in general education settings. Likewise, the state has over 4,000 bilingual-endorsed teachers, around 80 percent of whom do not teach in a bilingual and multicultural education program. LESC staff surveyed a sample of school districts around New Mexico and found widely variable practices in hard-to-staff stipend policies. Some districts offered stipends as large as \$5 thousand for bilingual or special education teachers, while others offer none. Research suggests stipends must be sufficiently large and implemented in the long term to be successful in addressing recruitment and retention. LESC staff recommended the Legislature consider funding annual teacher stipends of \$10 thousand for special education teachers who serve students with extensive to maximum special education needs (an estimated cost of \$20.4 million), \$10 thousand for bilingual teachers (an estimated cost of \$8.9 million), and \$4 thousand for special education assistants serving students with extensive to maximum needs (an estimated cost of \$6.3 million).

Senator Soules voiced concern that legislating stipends may not have an equalizing effect among districts, as some districts may continue to offer higher stipends than others. Representative Garratt expressed concern that providing stipends for certain teaching areas is unfair to other teachers. Chair Romero noted the stipends would not address the extra work required of inclusion teachers and proposed finding alternative ways to alleviate the administrative burdens of special education teachers. Representative Herrera expressed support for the stipends, emphasizing the difficulties of teachers and assistants serving special education students with the greatest need. Representative Gurrola supported valuing the extra work of all bilingual and special education teachers in the state through stipends, as is done for NBCT-certified teachers.

Analysis of Spring 2023 Standardized Assessment Results. Arsenio Romero, Ph.D., Secretary, Public Education Department (PED), and Greg Frostad, Assistant Secretary for Policy, Research, and Technology, PED, presented the department's initial analysis of Spring 2023 assessment results. Overall, reading proficiency grew four percentage points statewide, from 34 percent to 38 percent proficient. Math and science achievement was flat, with no growth in either subject. PED noted school leadership and district-level systems changes resulted in positive growth for some school districts. Mr. Bedeaux presented LESC staff analysis of the Spring

2023 test results, showing some schools experienced significant growth compared with last year, while others fell behind. Despite some growth in reading scores, the achievement gap between economically disadvantaged students and non-economically disadvantaged students remains wide. Mr. Bedeaux also noted issues with NM Vistas as an accountability tool; while the tool provides parents and communities with information on school performance, it does not provide the legislature with the data it needs to make informed decisions, and falls short of many of the requirements of the state School Support and Accountability Act.

Tour of New Mexico School for the Arts. Staff from the New Mexico School for the Arts provided a tour for LESC members and staff. LESC toured the school's dormitories under construction and heard a presentation from the school's staff about the school's residential program. The New Mexico School for the Arts is the only public school in New Mexico with a residential program, allowing students from anywhere in the state to reside on campus and receive a specialized arts-based education. The school has high engagement and achievement, and attributes much of its success to the integration of arts across its curriculum. The school plans to seek legislative support for recurring funding to support the residential program.

Friday, November 17

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 Senator Craig W. Brandt.

Advisory: Representatives John Block, Tara L. Lujan, Willie D. Madrid, Patricia Roybal Caballero, Debra Sariñana, and Senators David M. Gallegos, Antonio Maestas, Shannon Pinto, Joshua A. Sanchez.

Executive Session. In a motion by Senator Soules, and a second by Representative Garratt, the committee moved into executive session.

Artificial intelligence in schools panel. Enrico Pontelli, Ph.D., Dean of Arts & Sciences, NMSU; Irene Lee, Research Scientist, Massachusetts Institute of Technology; and Paige Prescott, Executive Director, Computer Science Alliance presented to the Committee about how a statewide artificial intelligence alliance in New Mexico could benefit students and teachers. Artificial intelligence (AI) has already begun to have a profound impact on workforce, and presents both opportunities to improve student learning, as well as potential dangers. The presenters suggested a statewide organization focused on teacher professional development and student training would help schools tackle these technological changes and prepare students to effectively and ethically

utilize new technologies both in classrooms and in the labor market. NMSU requested \$660 thousand recurring to the Higher Education Department (HED) as a new Research and Public Service Project. However, HED has not recommended any new RPSPs for any institution. Thus, NMSU submitted a special appropriation request to DFA, LFC and HED for \$1.98 million nonrecurring to fund an artificial intelligence alliance for three years. Senator Soules asked if NMSU is working with other partners around the state and Dr. Pontelli confirmed they plan to. Representative Sarinana emphasized the importance of AI training for teachers and the critical thinking opportunities it represents for students, but asked if the professional development opportunities would include ethics trainings. Dr. Pontelli confirmed creating a culture of ethical and responsible use of AI will be key. Representative Lara asked how AI would effect everyday workers. Dr. Pontelli emphasized AI will transform workforce opportunities, with some jobs disappearing and new jobs being created, making it important for all students to know how to use AI to access new job opportunities.

Developments in the Science of Reading: Exploring Local and National Models to Support Literacy Outcomes for All Students. Julia Gonzales, Vice President of Government Relations, Amplify introduced two experts and practitioners in the science of reading: Karla Steinhart, Director of Literacy Arts & Humanities, Roswell Independent School District (RISD) and Lillian Durán, Ph.D., Professor, Department of Special Education and Clinical Sciences, University of Oregon. Ms. Steinhart shared data and information about RISD's approach to literacy instruction and current student outcomes, focusing on how the state's structured literacy approach and investments have been implemented by RISD. Dr. Durán shared information on best practices in the science of reading for multilingual students and how to assess these students effectively. Members voiced support for findings ways to ensure science of reading approaches are helping all students to gain proficiency, as well as the importance of multilingualism.

Positive Mental and Behavioral Health Supports. Natasha Davalos, Policy Analyst, LESC, shared the historical efforts for child mental and behavioral health and the current efforts that support students positive mental and behavioral health in New Mexico. Becky Bailey, Ph.D., Chief Knowledge Officer and Founder of Conscious Discipline, presented to the committee the implementation and effectiveness of conscious discipline. Conscious Discipline has improved self-regulation in classrooms settings by using social and emotional learning as the foundation across all grade levels and ages. Restorative practices have the same philosophical idea but lacks skills in early childhood which can be supplemented with Conscious Discipline. Members asked about the cost to implement Conscious Discipline in a district of 4,000. Dr. Bailey will provide an estimate after consulting with her team. However, there are several New Mexico programs that are currently practicing Conscious Discipline.