

HOUSE MEMORIAL 58(2019):  
REQUESTING THE PUBLIC EDUCATION DEPARTMENT AND THE HIGHER  
EDUCATION DEPARTMENT TO STUDY THE NUMBER OF ADULTS IN PUBLIC  
SCHOOLS BECAUSE THERE IS NO UPPER AGE LIMIT FOR THE  
DEFINITION OF "SCHOOL-AGE PERSON" AND WHETHER THOSE ADULTS  
WOULD BE BETTER SERVED IN ADULT BASIC EDUCATION OR OTHER  
EQUIVALENCY PROGRAMS.

**LEGISLATIVE EDUCATION STUDY COMMITTEE**

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## **BACKGROUND**

While the Constitution of New Mexico provides for free public school education for all children of school age, meaning that the requirement ends at the age of majority, New Mexico laws have historically placed no upper limit on the definition of “school-age person.” (Section 22-1-2 NMSA 1978) One result of this legal divergence is that there were approximately 800 adults from age twenty-two to seventy attending public charter schools in New Mexico in 2018. In addition, each year the legislature funds an adult education system serving over 10,000 skills-deficient adults or adults who have not yet obtained a high school credential. This has raised the issue for state legislators as to whether it is appropriate to allow public school funding to flow to adults rather than to the school-aged children the New Mexico Constitution requires public schools to serve, when these adults might more appropriately be served in state-funded adult education programs.

In the 2019 legislative session the legislature responded to these issues largely by passing two bills. One placed an upper limit on the definition of “school-age person” and removed persons aged 22 and over from the purview of Section 22-1-4 NMSA 1978. The other allowed the Public Education Department to select an external diploma program as an alternative pathway to a New Mexico high school diploma.

House Memorial 58 resolved that the Public Education Department and the Higher Education Department study the issues pertaining to adults attending public school and the availability and competence of adult education and other equivalency programs. The departments gathered a diverse working group and have prepared this report for the Governor and the Legislative Education Study Committee. While recognizing that both public schools and adult education programs address the spectrum of educational functioning levels ranging from very low literacy to college readiness, this group focused on entities whose mission includes preparing adults more immediately for a high school credential, as HM 58 specified.

## **SUMMARY—Comparative Availability and Competency of Services**

It is important to note at the outset that student headcount methodology is different for the public school system than for the adult education system. For funding purposes, the Public Education Department (PED) counts students based on attendance on three specific dates during the school year.

The Higher Education Department Adult Education (HED AE) counts students for statistical and reporting purposes after 12 hours of instruction. For example, the number of students served cited below includes only those with 12 hours or more of instruction. However, the funding formula allocates headcount funding only for students who have received 40 or more hours of instruction, although it awards performance funding for students who meet only the 12-hour threshold.

## **Demographics**

HED AE serves only adults, defined as those aged 16 and over who are not enrolled in or required to be enrolled in high school (Workforce Innovation and Opportunity Act, Title II). This definition includes those who are in various institutions (including jails) and not subject to compulsory attendance laws. In 18/19 HED AE provided services for 10,960 adults in all four workforce regions. Among the students served were 1,418 in prisons that are overseen by the New Mexico Corrections Department throughout the state. Outside the corrections system, HED AE served 2,373 in the Northern Workforce Region, 3,528 in the Central, 2,279 in the Eastern, and 1,362 in the Southwestern Workforce Region. Frontier census regions are sparsely served, particularly in the southwest and northeast areas of New Mexico. Some of these providers serve students incarcerated locally while some work with Job Corps clients, Temporary Assistance for Needy Families (TANF) clients, Youth Challenge participants, drug court referrals, and other social and community service groups, depending on local need and collaborative relationships.

Both PED and HED AE have students who transfer from one of their service locations to another, and sometimes back again. For example, a student who attends a charter school in Albuquerque's Metropolitan Detention Center may be released and begin attending an HED AE program or enroll in college courses. Similarly, a refugee student attending the HED AE program at Catholic Charities may move to the CNM program to obtain job training along with their academic adult education. In both situations, instruction is designed according to common standards so that students can progress as seamlessly as possible from one environment to the next.

## **Summary of Services Offered**

- **General academic:**

Both PED high schools serving adults and HED AE offer education programs that have high school credential attainment as an objective. Both also offer specialized English language instruction to English Language Learners (ELL), using instructors trained to teach English as a second language (ESL). Statewide, HED AE programs served 4,125 ESL students in FY19 (38% of total students served). Because New Mexico's Constitution recognizes New Mexico as a bilingual state, HED AE offers high school equivalency testing (GED and HiSET) in Spanish to those students studying ESL who would prefer to take the test in their native language.

Both programs include workforce readiness instruction in their curricula. Commonly referred to as "soft skills," workforce readiness includes activities, programs, or services designed to help an individual acquire a combination of basic academic, critical thinking, digital literacy, and self-management skills. It includes competencies in utilizing resources and using information, and acquiring other skills necessary for successful transition into postsecondary education, training, or employment.

Academically, HED AE programs follow a competency model using pre- and post-testing to measure skill gains in two-grade-level increments. Assessments used are vetted by the U.S. Department of Education, Office of Career, Technical, and Adult Education, and approved by the American Institutes for Research and the National Reporting System for Adult Education. Most classes are contextualized for career readiness, and many integrate specific job skill training with basic academic skill training.

- **Beyond high school credentialing:**

As with PED high schools serving adults, the program model for HED AE is holistic. However, funding limitations have necessitated a partnership approach as the means for delivering “wraparound services.” Local HED AE providers develop relationships with community based organizations, various social service providers, and employers in their service areas to ensure scope and continuity of service and opportunity for their students as they advance through the respective systems they each may be navigating—education, justice, economic—through their varied constellations of barriers. In addition, HED AE leverages state funding with federal funding through the Workforce Innovation and Opportunity Act (WIOA) (\$4,425,516 in FY19) which requires collaboration with local workforce training providers and employers so that the students can be enabled to enter career pathways with family-supporting wages in in-demand industry sectors. No federal funding may be used to support “wraparound services.”

Because all community colleges in New Mexico currently have an HED AE program, most students who transition to postsecondary training or education from those programs tend to transition within their own institution. In FY19, 1,706 HED AE students transitioned to college or vocational training. In addition, eight of the college HED AE programs offer Integrated Basic Education and Skills Training (I-BEST) in their Career Technical Education (CTE) programs. I-BEST courses are specifically team-taught and do not require a high school credential for entry. The type of training offered is responsive to employer need. Examples have included Pharmacy Technician, EMT, Early Childhood Education (including one with bilingual certification), Home Health Care Assistant, Wind Energy, and Farrier Science. While HED AE funding makes the adult education and workforce readiness instruction free of charge to the student, the college tuition, fees, and supplies associated with CTE are problematic; if the student has a new high school credential they may be eligible for a lottery scholarship after the first semester, but if they are uncredentialed (like dual credit students in high schools or students at GBCS who might be enrolled at CNM prior to obtaining a diploma) they encounter a financial barrier. In the past, some costs have been covered by braiding other grant funding—including a Jobs for the Future grant through NMHED which supported the initial design and implementation of five I-BEST programs and a subsequent U.S. Department of Labor TAACCCT grant through Santa Fe Community College through FY18.

## **FINDINGS AND RECOMMENDATIONS**

Data and other information supporting the working group’s findings are attached as an appendix.

### **1. Findings:**

The House Memorial 58 working group was necessarily composed of volunteers with limited time and other resources to address the issues meaningfully. There are numerous additional issues that require further investigation. These range from enrollment trends influenced by a variety of factors to funding fluctuation to the individual policies and practices implemented in specific school districts and institutions of higher education.

### **Recommendations:**

The LESC should commission a formal study of the availability and competence of adult education and other high school equivalency programs whether overseen by PED, HED or any other New Mexico educational organization, including charter schools and nonprofit education organizations.

### **2. Findings:**

The issue of providing funding for adult students transcends the concerns of charter administrators and presents much more wide-ranging issues. The mission of adult education is broader than just high school credential attainment. Key areas of concern for HED Adult Education Division include:

- Successful student transition to lifelong learning and careers, including postsecondary education and training for students throughout the entire state.
- Measurable outcomes for Adult Education in New Mexico center on student achievement measured each year by:
  - Educational functioning level gains based on American Institutes for Research-approved assessments;
  - Students employed after exiting from the program;
  - Students who transition to postsecondary education and/or training;
  - Students who attain a high school credential;

This is in contrast to measuring hours of attendance or course completion success based on teacher evaluations in a high school oriented program.

- a. The concerns with the age cap passed during the 2019 legislative session ending PED funding for students over the age of 21 in public schools affected a limited number of New Mexico charter school students (estimated to be fewer than 800).
- b. In addition, the Legislature appropriates just over \$5 million annually to HED to support an Adult Education system serving more than 10,000 students each year. Based on our meetings and limited study, the task force concludes that Adult Education in NM is underfunded, although HED leverages this funding using an annual federal grant of just over \$4 million.

### **Recommendations:**

- a. The Legislature should appropriate funding adequate to permit public schools affected by the age cap to secure other funding sources and facilitate a smooth transition to an appropriate adult education system. This could also provide time for the affected schools to gather data so that they may qualify to be considered for funding under the existing adult education system under the next grant cycle to begin July 1, 2021.
- b. The legislature should increase the recurring funding appropriated to HED for statewide adult education services to a level that can better support services. The study conducted as Recommendation 1, above, could help determine the appropriate funding level. The amount should take into account that the current system is especially underfunded to serve the needs in rural and frontier areas of New Mexico.

**3. Findings:**

A high school credential is a minimum stepping stone for preparing New Mexicans to be contributing members of their communities rather than clients. The working group agrees that New Mexico needs to provide more pathways to a meaningful high school credential that will facilitate advancement to family sustaining career pathways and the lifelong learning skills necessary to adapt to a changing world.

**Recommendations:**

New Mexico needs to increase the number of pathways to achieving high school credentials and learn from other states who have implemented innovative but rigorous approaches to resolving this challenge. Legislation in 2019 to permit external diploma programs will help move New Mexico forward, as will the PED rule (6.30.3 NMAC) setting forth standards and processes for accepting alternative pathways to high school credentialing that ensure that high school credentials maintain their reliability as a guarantor of certain fundamental and necessary skills.