



State of New Mexico
House of Representatives
STATE CAPITOL
Santa Fe

July 6, 2020

The Honorable Michelle Lujan Grisham
Governor, State of New Mexico
State Capitol
490 Old Santa Fe Trail Room 400
Santa Fe, New Mexico 87501

The Honorable Ryan Stewart, Ed. L.D.
Secretary of Education, State of New Mexico
Public Education Department
300 Don Gaspar Avenue
Santa Fe, New Mexico 87501

Dear Governor and Mr. Secretary:

Providing a great education for New Mexico's children must be one of the most important priorities of state government. This standard is even more important now during the COVID-19 pandemic as New Mexico's public education system is struggling to increase student achievement through remote learning. According to a Legislative Finance Committee's (LFC) analysis dated June 10, 2020, recent school closures and issues with remote learning will likely result in New Mexico's children losing the equivalent of three months to an entire year of learning. Further, LFC's study determined that more than half of our state's students did not regularly participate in distance learning by year's end. Clearly, the need to reopen New Mexico's public schools this August is absolutely necessary to avoid having our students fall further behind.

More than 20 European countries have reopened their schools and the results have been highly encouraging. In addition, these experiences and the scientific data accumulated by these countries provide both the United States and New Mexico with valuable insights as to how best to reopen educational institutions during the pandemic. As it has been stated many times before, we cannot have a successful economy without a successful educational system. Based on various reports in the U.S. media, the following findings by international and national researchers related to the pandemic provide a strong rationale for why students should be allowed to return to the classroom as soon as possible:

- Due to the lack of any notable clusters of infection in reopened elementary schools so far, data suggests that children are not significant spreaders of COVID-19.
- The pandemic rarely strikes school-age children and children between the ages of 5 - 14 account for less than 0.15 percent of all COVID-19 cases in the U.S.
- It appears children-to-adult infection is also rare as a study in Iceland (which never shut down its elementary schools) did not find a single instance of a child infecting parents. In addition, the British Columbia Ministry of Health has stated there is no documented evidence of child-to-adult transmission as there are no documented cases of children bringing an infection into the home from school or otherwise.

Therefore, we are writing to express concerns regarding the New Mexico Public Education Department's (PED) recently released document outlining guidance and recommendations for a hybrid public school calendar for the 2020-2021 school year. Our concerns are related to the possible negative impact on children and families resulting from these proposed guidelines. We have many questions regarding the scientific research that was consulted in creating these reentry guidance and policies, and who is going to pay for the higher costs associated with implementing these recommendations.

Specifically, our questions are as follows:

1. Based on the experiences of other countries who have never closed their schools or have recently reopened them, what scientific evidence was used to justify the hybrid school schedule and why were immediate full-day classes not provided as an option to local school districts? Recent European statistics indicate that children are not "super spreaders" as originally believed back in March.
2. Why is congregating students in classrooms acceptable for two days per week or every other week, as recommended, but somehow poses a greater risk when the students are in the classroom full-time?
3. We understand that your office has been contact tracing from the beginning of the pandemic. What percentage of New Mexico's positive infections derive from contact with school age children?
4. Since the recent LFC study showed that less than half of our state's children participated in remote learning, what steps or actions will be implemented to ensure a significantly higher proportion of students will actually fulfill their remote educational requirements?
5. The guidance and requirements mandated by PED --- such as a surveillance and rapid response testing for all staff, required face coverings for all students and staff, screening all staff and maybe students on a daily basis, devoting staff time to working with local and state health officials on a contact tracing plan, etc. --- will certainly increase costs to public schools. Are there any statewide or local school district estimates available to indicate how much those additional costs may be? What guidance or assistance is PED giving to local school districts as to how or where additional financial resources can be obtained to pay for these higher costs?
6. What happens if a staff member or student tests positive for COVID-19? Will the whole school be closed or will only that individual classroom be closed? Will other parents and students be notified immediately if someone at a school tests positive?
7. What financial liability does a local school district face if a staff member or a student contracts COVID-19 while at school? Who is ultimately responsible for paying any litigated or settled financial damages?
8. If New Mexico's schools may be starting the school year under hybrid guidelines, what standard or requirement will be established to allow a school district to operate at "full reentry"? Will "full reentry" only be permitted when there are no statewide COVID-19 cases being detected or when a vaccine is available?
9. What flexibility will local school districts be given in determining which guidelines and recommendations make sense for their community based on their current number of COVID-19 cases? Will local school districts ever be given the authority to reopen fully without PED approval?

10. What (if any) analysis was undertaken to determine the feasibility of single parents or two-wage earner families having the time and/or resources to conduct at-home schooling? During the period of March - May, families were more able to help their children conduct remote learning exercises as the economy was shut down, but now that the economy is slowly reopening, how can working parents provide educational assistance when their children are at home but they are at work?
11. For single parents or two-wage earning families, are there sufficient child care facilities and services available in every community throughout the state to permit families to find a safe and suitable location for their children when they are not in school?
12. If single parents or families that depend on two wages to provide for their household expenses are unable to work around the hybrid school schedule, has the administration considered a stipend or tax refund to defer the costs that they will incur from lost wages? A similar model already exists in healthcare when a family member stays home to care for an elderly or disabled relative.
13. It has become clear that the definition of "classroom" is going to be broadened to include the student's home under a hybrid model. We often talk of putting more resources directly into the classroom. With that, have funding formula changes been discussed to address this new classroom? And how specifically do we address directing resources to this new classroom to accommodate a hybrid model?
14. For low-income families and/or rural households who cannot afford or have poor or no access to internet service, how will disadvantaged students be able to utilize remote education programming? Large portions of rural New Mexico and Native Reservations do not have internet services. Many households on the Navajo Reservation do not have electricity even if internet service was available in the area. With the Martinez/Yazzie lawsuit still being litigated, it seems that the hybrid school model will make the state further liable.
15. Since the hybrid model now requires households to have an internet connection capable of video conferencing, does the state plan to reimburse parents for what is now a required expense for their children's education?
16. What steps or actions are being planned to help New Mexico's students recapture the three months to one year of lost learning? Are additional instructional days during the 2020-2021 school year being considered? If yes, how much will those additional instructional days cost?
17. Has PED sought guidance from home school and/or internet based school providers to help improve upon the remote learning outcomes that parents and children recently experienced?
18. For special needs children who require more personalized instruction, how will remote learning programs affect these students' educational success?
19. For at-risk students, what additional programs or services are going to be needed to account for the likelihood that their families or households may not have access to internet services and will not benefit from remote education?
20. For children 8 years old and under, how are teachers going to make sure their students remain six feet apart and keep a facemask on for the entire school day? These students have a hard time keeping their shoes on all day long.
21. What are the health risks on developing brains of breathing carbon dioxide rich or oxygen deficient air for several hours at a time? Including nausea and headaches, do we have any idea what the unintended side effects or long term consequences are?
22. Are schools allowed to make any exceptions for children who have asthma or other health related conditions? Do school districts have any discretion or input on any decisions at all?

23. With the recent poor experience of remote learning in New Mexico, why are PED and other policymakers insisting that continuing remote learning mandates are an effective means of teaching children? Considering the current administrations ongoing resistance to alternative primary education, such as home schooling, on-line and charter schools, this seems rather inconsistent.
24. If the hybrid model is implemented, what will happen to programs like music, art, band, athletics, social clubs and other non-scholastic activities?
25. It seems to make much more sense, and be much less disruptive, to bring all children back to school and allow parents to make different arrangements if their children have an underlying health condition or substantive interaction with an elderly or immune deficient family member. Has this even been considered? If not, why not?
26. Finally, do school districts have to comply with the same teacher to student ratio that churches, non-profits and summer camps have to operate under according to current health orders?

We are increasingly concerned that the proposed hybrid model may be simply unworkable for many New Mexican families. A recent report from the American Academy of Pediatrics noted that the school closures last spring have resulted in negative impacts on children, and this was when most parents were at home and were able to assist with the online learning environment. We fear that moving forward with a similar hybrid option and with parents likely going back to work, it will be much more problematic and could lead thousands of families with no other option but to choose alternative learning models outside of the public education system.

As our questions indicate, constituents have been reaching out to legislators for answers that have not been addressed in your weekly press conferences. Since your administration has been making decisions without any legislative input whatsoever, our only option is to write this letter on behalf of New Mexico parents and school children.

At a time when many people have become distrustful of government and health policy officials, it is imperative that your offices make every effort possible to further explain this proposed hybrid educational model and address every concern parents may have about how New Mexico's public schools will reopen in August. Simply dictating this approach without much needed additional vetting will further shake New Mexico's confidence in state government, provoke public dissension, exacerbate inequity between those who can afford educational alternatives and those who cannot, and cause New Mexico's school children to fall even further behind their peers across the country.

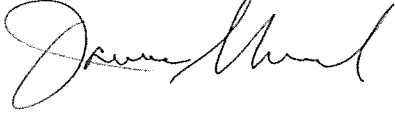
Unfortunately, House Democrats were unwilling to vote on an amendment introduced in the recent Special Session that would require your administration to involve legislators in the decision making process after 30 days of implementing a public health order. No law currently requires you to involve legislators in these very important decisions, however, no law requires you to exclude legislators either. Our constituents would be much more comfortable if their local elected officials had more input than we are currently being afforded.

It is our hope that before this proposed hybrid plan is implemented, there will be much discussion and sharing of ideas between the executive and legislative branches as well parents across the state. The future of New Mexico's public school system may well depend upon developing a reopening plan that is based on consensus and fully addresses the educational needs of every New Mexican student.

As we have mentioned before, House Republicans realize that the decisions your administration is making are a very heavy lift and we are more than willing to help you carry the load.

Until then, thank you for your responses to these questions, we look forward to a prompt reply.


Sincerely yours,



James G. Townsend
House Republican Leader
House District 54



Rod Montoya
House Republican Whip
House District 1



Candy Spence Ezzell
House Republican Caucus Chair
House District 58

Cc. All New Mexico Public School Superintendents