

ISSUES FOR THE 2009 LESC INTERIM WORKPLAN

This document provides brief overviews of the issues approved for inclusion in the workplan of the Legislative Education Study Committee (LESC) for the 2009 interim, as well as the written reports that the committee will receive. The issues are arranged in alphabetical order, and the written reports are listed at the end of the document.

Issues

ADEQUATE YEARLY PROGRESS RESULTS FOR SCHOOL YEAR 2008-2009 (November)

Each year, the Secretary of Public Education provides a report to the LESC on the performance of New Mexico students and schools on the state standards-based assessments administered each spring for school accountability purposes under state and federal law. Like past reports, this one will include data about the number of schools that made adequate yearly progress (AYP) in improving the proportion of students who demonstrate academic proficiency on the assessments, as well as the status of schools in the school improvement cycle. In addition, the report will cover the progress of the various demographic subgroups and multi-year trends in achievement gaps among subgroups. Finally, the presentation will include an update on the six-year alternative accountability pilot project authorized by LESC-endorsed legislation enacted in 2009.

BEGINNING TEACHER MENTORSHIP REPORTS (October)

In 2007, LESC-endorsed legislation was enacted to require the Public Education Department (PED) to collaborate with teacher preparation programs, colleges of arts and sciences, and high schools to develop a mentorship model to provide structured supervision and feedback to graduates from New Mexico teacher preparation programs who obtain a teaching position in a public high school, including charter schools. The LESC received the final recommendations for a mentorship model during the 2008 interim.

Toward the end of the 2008 interim, the LESC sent two letters to PED requesting reports during the 2009 interim on (1) the implementation of Phase I and the plans to implement Phase II of the mentorship model recommended to the committee in 2008; and (2) a study of teacher licensure levels and mentorship services. These letters were, in part, responses to issues raised in the 2008 interim staff report, among them:

- the role and mentorship of teachers who hold an Internship license while participating in an alternative route to licensure as provided in PED rule, including how these services are funded;
- instances where teachers providing mentorship services hold less than a Level 3 license; and
- delays in the reimbursement of mentorship funds to school districts as a result of the requirement in law to fund mentorship programs according to the number of beginning teachers in the current school year.

The two related presentations will address the requests of each letter respectively and any recommendations that result. In addition, the presentations will include an update on the implementation of the new mentorship funding distribution method enacted in 2009 to require PED to distribute a portion of mentorship funds earlier in the school year based on the estimated number of teachers to be mentored, and then distribute the remainder of the funds later in the year, adjusted for any over- or under-allocation made in the first distribution.

COHORT GRADUATION RATE REPORT (August)

Beginning with the high school freshman class of fall 2004, New Mexico changed the way it calculates graduation rates to look at the success rate of groups, or cohorts, of students who enter high school at the same time. Previously, the state calculated graduation rates based on the percentage of seniors enrolled on the 40th day of the school year who graduated the following spring. Use of the new cohort method is a result of three recent policy developments:

1. As explained more fully on page 11-12, in 2004, an LESC-endorsed measure was enacted to require PED to issue a unique identification number for each public school student for entry in the Student and Teacher Accountability Reporting System, or STARS, so that administrators could track students longitudinally.
2. In 2005, the governors of all 50 states signed a compact promulgated by the National Governors' Association (NGA) establishing a uniform method of computing cohort graduation rates, based on the number of 9th graders who graduate "on time" after four years, subtracting the number who transfer out and adding the number who transfer in during that time.
3. In October 2008, after New Mexico had received permission under the federal *No Child Left Behind Act of 2001* (NCLB) to use the NGA cohort graduation rate as its "other academic indicator" for measuring AYP in high schools, the US Department of Education issued a new regulation prescribing a slightly different method that all states must now use to calculate graduation rates for AYP.

In 2006 and 2007, the LESC heard reports on the implementation of the cohort graduation rate, including an explanation of the reasons for the change and preliminary data on the first cohort. While some school districts publish four-year graduation rates, these data have not yet been published for every district or for the state as a whole. This presentation will review cohort data for the class of 2008 and explain the significance of this method of calculation. The presentation will also consider the implications of legislation enacted in 2009 to permit high schools to count a student who graduates within five years of starting 9th grade as graduating on time.

COLLEGE AND CAREER READY POLICY INSTITUTE: STATE PARTICIPATION (June)

In August 2008, New Mexico was one of eight states chosen to participate in the College and Career Ready Policy Institute (CCRPI). The CCRPI is an 18 months-long effort on the part of selected states that, through the American Diploma Project, have completed aligning their K-12 academic standards with the expectations of college and careers. Funded by the Bill and Melinda Gates Foundation, the CCRPI is designed to provide structured technical assistance to participating states as they develop a strategic plan to ensure that all students leave high school college- and career-ready. The institute is focused on the following policy areas:

1. setting clear, measurable goals for improving high school graduation, college- and career-readiness, and postsecondary attainment rates;
2. building comprehensive P-20 data systems;
3. developing coherent assessment systems aligned with college- and career-ready standards that measure student progress over time;
4. establishing valid and reliable accountability systems focused on college- and career-readiness;
5. creating a system of appropriate, effective supports and interventions for low-performing districts and schools; and
6. providing multiple options, supports, and pathways to enable all students, including those from groups at high risk of dropping out, to prepare for college and careers.

Leadership and working teams from CCRPI participant states receive regular technical assistance in their planning process from five national education organizations: Achieve, Inc.; the National Governors' Association Center for Best Practices; the Data Quality Campaign; Jobs for the Future; and Education Counsel, LLC. The LESC is a partner on the state Leadership Team with PED, the Higher Education Department (HED), Department of Workforce Solutions, Office of the Governor, the Office of Education Accountability (OEA), business representatives, and others. The state has received comments on the first draft of its College and Career Readiness Policy Plan, which includes proposed outcomes and strategies for three of the six policy areas listed above; and a second draft is due in June 2009. The final plan, reflecting a full set of policy outcomes and implementation strategies in all six areas, is due in November 2009. After receiving feedback from the national partners, the state team will present the plan to governing bodies including the LESC, the secretaries of Public Education and Higher Education, and the Governor for appropriate action.

The presentation will describe the work done on the first three policy areas noted above, as well as progress in developing the state's plan. The committee can expect to hear a presentation of the state's final College and Career Readiness Policy Plan early in the 2010 interim.

DUAL CREDIT PROGRAM REPORT (September)

Enacted in 2007, LESC-endorsed legislation provided, for the first time, a statewide dual credit program authorized in statute and supported by the state. This legislation was amended in 2008, also as endorsed by the LESC, to expand the program to include state-supported schools, in addition to school districts and charter schools, and to allow dual credit courses to be taken during the summer term. School year 2008-2009 saw the full implementation of the program.

During the 2009 legislative session, the LESC endorsed other amendments to the program, as recommended by a work group formed at the direction of the Chair of the LESC, to create the Dual Credit Textbook Fund as a means of appropriating funds to help school districts and secondary schools provide their students' textbooks and course supplies, as required in law. Although the appropriation of \$1.5 million was included in the *General Appropriation Act of 2009*, the bill creating the fund and prescribing a method of allocating and distributing the money did not pass (see House Bill 139, as amended). As an alternative, on April 20, 2009, the Chair and Vice Chair of the LESC sent letters to the Secretary of Public Education, asking her to fulfill the intent of the Legislature by implementing the provisions of HB 139 in allocating and distributing the appropriation. On May 21, 2009, the Secretary replied that issues regarding funding equity and participation levels led her to seek a recommendation from the Superintendents' Advisory Council.

The presentation on the Dual Credit Program will address not only the textbook issue but also other issues that have come to the attention of the committee or its staff, among them:

- continued discrepancies in the enrollment and participation data reported by PED and HED;
- cases of incomplete forms and missing data;
- preliminary findings that most of the dual credit courses have been offered on the secondary school campus;
- questions about the kinds of courses being offered for dual credit; and
- questions regarding stipends or other compensation paid to high school teachers who teach classes for dual credit.

The presentation will also include a report on the evaluation of the program that PED and HED are required to conduct.

EDUCATOR ACCOUNTABILITY REPORTING SYSTEM (November)

In 2007, LESC-endorsed legislation was enacted to amend the *School Personnel Act* to require PED to collaborate with public teacher preparation programs and with HED to create a uniform statewide teacher education accountability reporting system (TEARS) to measure and track teacher candidates from pre-entry to post-graduation in order to benchmark the productivity and accountability of New Mexico's teacher workforce. During the 2008 interim, the LESC heard a report on the implementation of TEARS, which identified several issues related to data collection, compliance by some postsecondary institutions, and reporting TEARS data into STARS, among others.

Also during the 2008 interim, the LESC received a report in response to a 2008 LESC-endorsed memorial, which requested OEA, PED, and HED to develop a plan to enhance support for school principals and other school leaders. The recommendations included establishing a data and accountability system that could track supply and demand and various characteristics of school leadership candidates. As a result, in 2009, the LESC endorsed successful legislation to include candidates for administrative licensure in TEARS, changing the name of the system to the educator accountability reporting system (EARS).

The presentation will address the addition of administrative licensure candidates to the reporting system and will include an overview of the 2009 EARS report from PED and teacher preparation programs.

HIGH SCHOOL REDESIGN: IMPLEMENTATION OF PROVISIONS IN LAW (August)

In 2007, LESC-endorsed legislation was enacted to establish high school redesign measures recommended to the LESC during the 2006 interim by the 60-member LESC Work Group on College/Workplace Readiness and High School Redesign. These measures may be classified into five categories:

- **Increased graduation requirements:** students entering grade 9 in school year 2009-2010 are required to take 24 units to graduate (rather than 23) including:
 - four units in mathematics (rather than three), one of which shall be the equivalent to Algebra II or higher, unless the parent submits written, signed permission for the student to complete a lesser mathematics unit; and
 - three units in science, two of which shall have a laboratory component (rather than one laboratory component).
- **Required course offerings:** the high school redesign legislation also included a number of provisions requiring schools to offer certain subjects or types of courses, among them:
 - effective school year 2008-2009, schools must offer Algebra I to all eighth graders, and school districts must offer dual credit and distance learning courses;
 - effective school year 2009-2010, high schools must offer at least two years of a language other than English; and

- effective June 15, 2007, schools had to offer financial literacy for elective credit, in addition to the existing requirement to offer service learning.
- **Assessment and testing:** among other changes to assessment and testing, new college/workplace readiness assessments in grades 9-11 became effective in school year 2008-2009, and PED must have a new graduation assessment or portfolio in place by school year 2010-2011.
- **Minimum instructional areas:** effective June 15, 2007, all first, second, and third grade classes were required to provide instruction in science and social studies in addition to existing requirements.
- **Compulsory school attendance:** the high school redesign legislation also changed the compulsory school attendance age from 17 to 18 years of age.

Other legislation enacted in 2007 also required that school districts align curricula to state standards by school year 2008-2009 for mathematics and by school year 2009-2010 for language arts and science.

The LESC has heard separate reports on the implementation of some of these measures during the 2007 and 2008 interims, but the committee has not yet heard a comprehensive overview of their implementation. The presentation will identify and discuss which measures have already been implemented and which measures have yet to be implemented, including any obstacles preventing their implementation. The presentation will also review the recent interest of legislators in amending or adding graduation requirements and required course offerings.

HIGHER EDUCATION IMPLEMENTATION OF P-20 PROVISIONS IN LAW (October)

Since at least 2001, the LESC has studied how well the state serves New Mexican students as they move from public pre-school through post-graduate programs in an effort to eliminate barriers in the continuity of the P-20 educational system. Committee-endorsed legislation that has been enacted to track student progress and identify obstacles to their transitions from secondary to postsecondary education includes the following:

- **Postsecondary alignment (2003):** PED was required to collaborate with HED to align high school curricula and end-of-course tests with the placement tests administered by two- and four-year public postsecondary institutions.
- **Common postsecondary course name, numbering and content (2005):** postsecondary institutions were required to develop a common course name, numbering, and content system for all their lower-division courses; to develop and accept course modules for transfer; and to reimburse students for the cost of courses not accepted for transfer.

- **Common student ID number and educator accountability system (2007 and 2009):** As explained more fully on page 5, PED was required to collaborate with HED and with teacher preparation programs to create a uniform statewide educator accountability reporting system; and HED was required to use the PED-issued student ID number for all students enrolled in postsecondary education.
- **Student ID number on high school transcripts (2009):** high schools were required to include each student's unique ID number on high school transcripts so that those numbers are available to postsecondary institutions.
- **Postsecondary institution reports to high schools (2009):** upon request from high schools or superintendents, postsecondary institutions were required to provide reports of first-year outcomes of their enrollees from those schools or districts.

As it has with the components of high school redesign, the committee has received occasional reports on the implementation of some of these requirements. In the 2009 interim, in addition to separate reviews of the implementation of the Dual Credit Program, the P-20 data system, and the educator accountability reporting system described elsewhere in this document, the committee will hear a more comprehensive account of the implementation of all of these provisions as components of the P-20 education system, with particular attention to barriers, if any, to their implementation.

IMPLEMENTATION OF ASSESSMENT REQUIREMENTS IN LAW (August)

The comprehensive school reforms of 2003 re-shaped the system of student assessments used for school accountability purposes to match the requirements of the federal NCLB. In 2007 and 2008, as part of the high school redesign initiative, the Legislature further modified the assessment system by eliminating the 9th grade standards-based test, adding college and workplace readiness assessments, and changing the test required for graduation.

The cost to the state of legally mandated assessments includes both recurring and non-recurring funds. In 2009, the Legislature appropriated \$1.0 million from the General Fund and \$3.0 million from Instructional Material Fund cash balances in non-recurring funds to PED for development of required assessments. The Legislature also added slightly over \$1.0 million in recurring dollars in the Public School Funding Formula to be distributed through the state equalization guarantee so school districts could pay the annual costs of test administration. These amounts are in addition to approximately \$6.3 million in recurring dollars added to the funding formula and \$21.0 million in non-recurring funds appropriated to PED since 2003.

In August 2008, the Secretary of Public Education made a presentation to the LESC about the implementation of the college and workplace readiness assessment system. She indicated that the short-cycle diagnostic assessments required for students in grades 9 and 10 would be implemented by school districts statewide in school year 2008-2009, and that the 11th grade college and workplace readiness assessment would be selected based on a request for proposal (RFP) process and administered for the first time in fall 2009. The secretary also indicated that

the department planned to designate the current 11th grade standards-based assessment as the new high school graduation test, as permitted by statute.

The 2009 presentation will focus on:

- the new graduation assessment, which, beginning in school year 2010-2011, will require students to demonstrate competence on a standards-based assessment or a portfolio of standards-based indicators in required subject areas, rather than on the current non-standards-based test;
- the alignment with New Mexico academic standards of the short-cycle assessments administered to all students in grades 9 and 10 three times a year; and
- the selection by PED, in response to RFPs issued in spring 2009, of a new testing company for New Mexico that will develop or modify and implement the assessments required by state and federal law.

INNOVATE-EDUCATE NEW MEXICO (June)

In late April and early May 2009, nearly 700 technology industry executives, educators, and government officials met in Albuquerque to participate in the inaugural conference of Innovate-Educate New Mexico (IENM), a nonprofit, industry-led coalition of technology-oriented firms and government leaders that seek to encourage students to pursue careers in the engineering and science fields by engaging with the P-20 education system statewide.

According to the IENM web site, the mission of the organization is to:

- prioritize high-tech skill sets for New Mexico's P-20 education by building collaborative partnerships among education, business, community, and government leaders;
- partner with STEM (science, technology, engineering and math) programs and leadership from P-20 education to advance best practices and create mentoring and internship opportunities;
- promote economic development by bringing national partners to the state to advance both STEM and New Mexico's workforce; and
- collaborate with community and government leaders to advance economic development in all regions of the state, with a focus on rural and underserved areas. Cyber infrastructure and eLearning will be a focus of IENM in an effort to create equitable access for all students.

The presentation will outline the work done by IENM at its inaugural conference; report progress in the development of a statewide strategy to prepare young people for the demands of the high-tech labor market; and discuss the future work of IENM.

LEGISLATIVE FINANCE COMMITTEE (LFC) PROGRAM EVALUATIONS

The LFC's program evaluation unit, formerly the performance audit unit, reviews the costs, efficiency, and effectiveness of activities of state agencies and political subdivisions and recommends changes to the Legislature. The program evaluation unit's 2009 workplan includes several education-related program reviews. During the 2009 interim, the LFC staff will present to the LESC the findings and recommendations resulting from the following program evaluations:

- Investments in Early Childhood Programs (June);
- Achievement Gap and the Three-tier System (August);
- Federal Fund Reimbursements (August); and
- 2009 Interim Reviews of Selected Public School Districts (November).

NEW MEXICO PREK AND K-3 PLUS EXTERNAL PROGRAM EVALUATION (August)

During the 2008 interim, the LESC heard reports of external evaluations of New Mexico PreK and K-3 Plus.

The external evaluator of New Mexico PreK is the National Institute for Early Education Research (NIEER), at Rutgers University, which in 2005 had been awarded a contract renewable for up to three additional years to conduct a longitudinal study. During the 2008 Interim, NIEER testified that the most recent evaluation had focused on two dimensions of the PreK program: the benefits to children in terms of language development, math skills, and literacy skills; and the overall quality of the PreK classrooms. On the first point, NIEER testified that New Mexico PreK had produced statistically significant gains in children's vocabulary knowledge, math skills, and print awareness. Comparing the PED-administered programs with the CYFD-administered programs, NIEER found larger gains in vocabulary and early literacy among the children in the PED programs and a larger gain in math among the children in the CYFD programs. However, based on the assessment instruments used, the evaluators found the overall classroom quality of New Mexico PreK programs to be limited or mediocre.

The presentation during the 2009 interim will reveal the findings of NIEER's fourth-year evaluation of New Mexico PreK and provide an update on the status of the new contract for subsequent evaluations.

The external evaluator of K-3 Plus is the Early Intervention Research Institute (EIRI), at Utah State University. Because the contract was awarded in June 2008, the evaluator had no results to present during the 2008 interim. Rather, the EIRI testimony at the time addressed the components to be included in the study, among them: community demographics; family awareness and engagement; teacher qualifications and experience; assessments; and student demographics, including grade, ethnicity, economic status, and academic data. The presentation during the 2009 interim will report the findings related to these components as applied to the five

school districts in the study: Albuquerque Public Schools, Gadsden Independent Schools, Gallup-McKinley County Schools, Roswell Independent Schools, and Taos Municipal Schools.

**NEW MEXICO PUBLIC SCHOOL INSURANCE AUTHORITY/ALBUQUERQUE PUBLIC SCHOOLS:
PROJECTED FY 11 INSURANCE REQUESTS (September)**

Each year, the Legislature appropriates dollars to the state equalization guarantee (SEG) distribution (Public School Funding Formula) to provide for projected increases in the employer's group health and risk insurance contribution rates of the state's charter schools and member school districts participating in the New Mexico Public School Insurance Authority (NMPSIA) and the Albuquerque Public Schools (APS).

The dollars appropriated are based on an appropriation request by NMPSIA and APS based on projected contribution rates considered to be adequate to provide for anticipated insurance claims, administrative costs, and reserves in the next fiscal year. These increases may be offset by NMPSIA or APS board action that allows the agencies to use insurance reserve fund balances to reduce the projected increases for both the employer and the employee.

The presentation to the committee of the FY 11 budget requests for NMPSIA and APS will include projected insurance increases; plan changes; and potential use of insurance reserve fund balances.

OFFICE OF EDUCATION ACCOUNTABILITY (OEA) INTERIM INITIATIVES (June)

As part of the comprehensive public education reforms of 2003, the OEA was created in the Department of Finance and Administration to provide independent evaluations of the *Assessment and Accountability Act* and the *School Personnel Act*. The OEA is statutorily charged with:

- monitoring the implementation of those acts;
- periodically reviewing school district and school-based decision-making policies relating to the recruitment and retention of school employees;
- verifying the accuracy of reports of public school, school district, and state performance;
- conducting studies of other states' efforts at assessment and accountability and other educational reforms; and
- reporting its findings to the LESC and the LFC.

In May 2009, the LESC requested that the director of OEA present the agency's 2009 interim topics of study to the committee, with a particular focus on the projects that may involve LESC staff.

OEA REPORT ON SCHOOL PRINCIPAL LEADERSHIP INITIATIVES (October)

During the 2008 interim, the LESC received a report from OEA, in collaboration with PED and HED, that described these agencies' study, in collaboration with school districts and institutions of higher education, in response to Senate Joint Memorial 3 (2008), which had requested that these entities develop a plan to enhance the recruitment, preparation, mentoring, evaluation, professional development, and support for school principals and other school leaders. The report in response to SJM 3 made six recommendations to address the issues identified in the joint memorial. The 2009 Legislature enacted LESC-endorsed legislation to implement some of the recommendations, while others were to be implemented through administrative actions of state agencies, institutions of higher education, and public schools.

To ensure that all the recommendations are implemented, the Chair of the LESC sent a letter to the Director of OEA asking that office to collaborate with the entities noted above to address such issues as school principal competencies, recruitment and working conditions of principals, financial incentives, a core educational leadership curriculum, and other aspects of school leadership preparation programs.

The presentation will report the implementation status of these recommendations and note any benefits or outcomes thus far. The presentation will also note the progress toward creating and implementing the school leadership institute, one of the SJM 3 recommendations that had been addressed through legislation. Although the bill itself did not pass, the appropriation of \$200,000 was included in the *General Appropriation Act*; and, in response to letters from the Chair of the Senate Education Committee and the Chair of the House Education Committee, the Interim Cabinet Secretary of Higher Education said that HED was working closely with OEA "to carry out the intent" of that legislation.

P-20 LONGITUDINAL DATA SYSTEM UPDATE (September)

In 2005 the Legislature began to include language and to appropriate dollars in the *General Appropriation Act* to establish a K-12 data system at PED, known as the Student Teacher Accountability Reporting System (STARS). Since 2005, the Legislature has appropriated a total of approximately \$14.0 million to PED to design, develop, and implement STARS. An integral part of this system is the PED-issued student identification (ID) number for all students, which has been required in law since 2004.

In 2007, to facilitate the establishment of a pre-kindergarten through post-graduate (P-20) longitudinal data system, LESC-endorsed legislation was enacted to require HED to use the PED student ID number for students enrolled in higher education, thereby creating a common PED/HED student ID number. However, in the 2008 interim, an LESC staff report outlined several issues delaying the extension of the PED student ID into higher education. To address some of these issues:

- in 2008, the Legislature reauthorized a 2007 appropriation for \$1.0 million to allow postsecondary institutions to upgrade their student information databases to a newer version; and
- in 2009, LESC-endorsed legislation was enacted to require high schools and PED to add the PED-issued student ID to all student transcripts and General Education Development (GED) diplomas.

In addition to state funding already appropriated for STARS, in 2009 New Mexico will have an opportunity to apply for federal funds to continue the implementation of the P-20 data system. The source of these funds is the federal *American Recovery and Reinvestment Act of 2009* (ARRA), which makes available \$250.0 million to expand the Statewide Longitudinal Data System (SLDS) grant program administered by the US Department of Education (USDE).

One of the assurances that states must provide to qualify for State Fiscal Stabilization Funds (SFSF) under the ARRA is progress toward the implementation of a longitudinal P-20 data system. New Mexico anticipates receiving approximately \$360 million in SFSF funds. In 2009, LESC-endorsed legislation (SB 581) was introduced to codify the management structure and reporting requirements of the P-20 data system. Among its provisions, the legislation would have created a P-20 governance council comprising representatives from PED, HED, the Children, Youth and Families Department, the Workforce Solutions Department, the Department of Information Technology, public postsecondary educational institutions, and public school districts. While the legislation did not pass, on June 8, 2009, the Governor issued an executive order creating the New Mexico Data Warehouse Council. Among its duties, the council is charged with:

- developing a proposal to submit to USDE for an SLDS grant once the deadline for proposals is announced by USDE in summer 2009;
- by September 31, 2009:
 - creating a management plan for the P-20 data system that assigns authority and responsibility for the operation of the data system;
 - assisting agencies whose data is included in the system in creating interagency agreements;
 - developing a strategic plan to ensure effective and timely use of data and safeguard confidentiality; and
 - providing a schedule of reports that will be made available from the P-20 data system, including publication dates; and
- by December 31, 2009, establishing a longitudinal P-20 data system that meets the requirements of ARRA.

The presentation to the LESC will address the continued implementation of the P-20 data system and the results of applications for federal funds, if available.

READY FOR COLLEGE 2009 REPORT (June)

The LESC has received OEA's *Ready for College* annual report each interim since the report was first issued in 2006. Published in collaboration with PED and HED, the report focuses each year on the percentage of New Mexico high school graduates who take remedial courses in New Mexico colleges and universities during the previous fall semester.

The 2009 presentation to the LESC will provide the committee with the data gathered from the fall 2008 semester.

RESPONSE TO INTERVENTION (September)

Response to Intervention (RtI), as defined in a publication by the Center for Evaluation & Education Policy, is "an integrated, school wide method of service delivery across general and special education that promotes successful school outcomes for all students...[and that] involves systematically evaluating the cause-effect relationship between an academic or behavioral intervention and a student's response to the intervention." RtI has received considerable attention since the reauthorization of the *Individuals with Disabilities Education Improvement Act of 2004* (IDEA), which encourages but does not mandate the use of the RtI framework. In New Mexico, PED has adopted an RtI framework known as the three-tier model of student intervention, which was set forth in state rule in 2004. In the three-tier model, academic or behavioral interventions change or intensify as student needs are addressed in each tier:

- Tier 1, general education, consists of appropriate, research-based instruction in a standard curriculum, together with universal screening of students;
- Tier 2, involving student assistance teams, provides targeted interventions and small-group instruction for students identified in Tier 1 as needing additional assistance; and
- Tier 3, special education, provides specialized instruction according to a student's Individualized Education Plan, or IEP.

In November 2008, the committee received a written report by the PED Quality Assurance Bureau in response to Senate Joint Memorial 9, *Monitor Response to Intervention Program*. SJM 9 requested that PED monitor school districts' implementation of RtI and evaluate the impact that the approach has on the academic progress of students and on the identification of students needing special education and related services. Among other findings, the report stated that PED will likely need more support and funding in order to achieve capacity to support districts and charter schools in implementing the RtI framework. In addition, PED reported that:

- full implementation is likely to require a period of years; and
- because data collection is new, the impact on the number of children receiving coordinated early intervention services who are subsequently identified as needing special education is not yet known.

The presentation during the 2009 interim will report the progress toward statewide implementation of RtI, identify any barriers to implementation, and examine the impact on educational services and student achievement. The presentation will also consider the extent to which federal stimulus funds may be available to assist the implementation of RtI.

RESTRAINT AND SECLUSION OF STUDENTS (September)

Since 2006, attention to issues of physical restraint and seclusion of students has risen across the United States through published accounts of alleged abuse, which prompted an investigation by the Government Accountability Office (GAO) at the request of the US House Education and Labor Committee. The GAO report, published May 19, 2009, found “no federal laws restricting the use of seclusion and restraint in public and private schools and widely divergent laws at the state level.”

In New Mexico, a March 2006 memorandum from PED provided written guidance to superintendents, special education directors, charter schools, and regional education cooperatives. The guidance states that physical restraint may be justified in certain instances, but it also recognizes that this type of intervention can pose a serious risk to the student, as well as to the person(s) applying the restraint. Among the points addressed in the memorandum are regulatory requirements, types of physical restraints, authorization for physical restraint, recommendations for implementing policy and procedures, documentation and reporting, and local policy. In addition, a May 27, 2009 news release from PED states that New Mexico leads many states in providing guidance, training, and procedural safeguards for students with disabilities. Even so, there have been reported abuses from the use of restraints and seclusion in recent months here in New Mexico.

The presentation during the 2009 interim will provide the committee with an overview of the issues pertaining to restraint and seclusion of students including:

- the adequacy of specific laws and rules at both the federal and state levels;
- the history of such interventions; and
- training and professional development of staff on the application of these measures.

RESIDENTIAL TREATMENT CENTERS: IMPLEMENTATION OF LEGISLATION (September)

In 2007, the LESC heard testimony about issues related to providing educational services to school-age children in residential treatment centers (RTCs), who are entitled to receive a free and appropriate education (FAPE) under the federal IDEA. The committee was told that federal guidance requires a state educational agency to ensure that agreements are in place between local school districts, other agencies, and other states to specify who is obligated by federal or state law to provide or pay for any special education services necessary so children with disabilities receive FAPE. However, the committee learned that PED was unable to provide clear guidance designating responsibility for the education of school-age children in RTCs in New Mexico because the students' residency status was unclear under state law. In addition, the committee heard the results of a survey of school districts indicating disparities around the state in the existence and contents of negotiated agreements between RTCs and school districts, as well as

the educational resources that RTCs were making available to districts such as classroom space, equipment, and student information, including access to students' IEPs.

In 2009, LESC-endorsed legislation was enacted to address the issues raised in the 2007 presentation. Among its provisions, the new law clarifies which school-age RTC residents are entitled to educational services at state expense and how the responsibility for providing and paying for these services should be determined. The law also sets out what must be included in agreements between school districts and RTCs and requires that the agreements be approved by PED. The presentation in 2009 will report progress in implementing the law and identify any issues that may have arisen at the state or local levels.

STATEWIDE CYBER ACADEMY/INNOVATIVE DIGITAL EDUCATION AND LEARNING (IDEAL-NM) (JUNE)

Created by LESC-endorsed legislation enacted in 2007, IDEAL-NM is a cooperative effort between PED and HED that, when fully implemented, will offer a range of online services for students from kindergarten to postsecondary institutions and for employees of school districts and state agencies. Through the Statewide Cyber Academy operated by PED, public schools may acquire eLearning courses for their students. Other components of IDEAL-NM, operated by HED, will offer eLearning services that focus on higher education, workforce development, and the provision of professional development for employees of public school districts and state agencies. To support the initiative, the Legislature has appropriated approximately \$10.1 million since FY 08, including approximately \$2.7 million to PED and \$7.4 million to HED.

During the 2008 interim, the LESC heard a presentation on the status of the implementation of IDEAL-NM and the Statewide Cyber Academy. The presentation reported progress in procuring a learning management system, developing courses, and training online teachers. LESC staff will continue to monitor and review the two departments' implementation of IDEAL-NM and the Statewide Cyber Academy.

The presentation to the committee during the 2009 interim will include findings and recommendations regarding the following issues:

- the department's expenditure of FY 10 funding for the project;
- the number of courses available for students of the Statewide Cyber Academy;
- the number of additional courses under development;
- the training of teachers to teach in an online environment; and
- the number of students enrolled in Cyber Academy courses.

WRITTEN REPORTS

In addition to the presentations described above, the committee will receive a number of written reports in response to memorials, statutory requirements, or legislative requests.

MEMORIALS

Include Dyslexia in Disabilities, HJM 43a – requests that PED: adopt a specific definition of dyslexia; include dyslexia in the state definition of disabilities for the purpose of interpreting the federal IDEA; provide technical assistance to school districts on developing effective interventions for students with dyslexia; begin to establish certification criteria for specialists to carry out public school education programs to assist students with dyslexia; and report findings and recommendations to the LESC by August 2009.

Study White Sands Missile Range Size Increase, HM 3 – requests that the New Mexico Legislative Council assemble a task force to study the impact of an expected doubling of the size of White Sands Missile Range on local school districts, transportation corridors, and other state services; and requests a report to the appropriate interim committee by October 2009.

Prevention of Teen Dating Violence, HM 53 – requests that PED and the Department of Health convene a work group to study and develop recommendations regarding prevention of teen dating violence in New Mexico, and report to the Governor, Lieutenant Governor, and the LESC by October 1, 2009.

Breastfeeding Student Mother Needs, HM 58 – requests that the Governor's Women's Health Advisory Council convene a task force to assess the level of support for breastfeeding student-mothers and make recommendations; and requests that the advisory council collaborate with PED and others and report its findings to the LESC and the Legislative Health and Human Services Committee by December 1, 2009.

Financial Literacy School Curricula, HM 70a – requests that the Indian Education Division of PED review financial literacy content standards and benchmarks and model curricula; that PED consult with school districts, financial institutions, and other experts; and that PED report to the LESC by October 31, 2009.

Study Education Access in Ramah, CS/HM 75 – requests that, no later than July 1, 2009, the Indian Education Division of PED convene a task force to study access to public education in the Ramah area of New Mexico; and that the task force report its findings to the appropriate interim legislative committees and the Governor no later than December 1, 2009.

Allen & Virginia Crane's Reading Techniques, HM 98 – requests that PED evaluate and consider the adoption of the vision and reading techniques developed by Allen and Virginia Crane to improve reading for students in grades K-12, and provide a report to the LESC by November 1, 2009.

Teaching License Gifted Education Endorsement, HM 103 and SM 81 – request that PED collaborate with state postsecondary educational institutions, gifted education organizations, and the LESC to determine the requirements for a gifted education endorsement on teaching licenses.

Study Health Education School Requirement, CS/HM 127 – requests that PED convene a work group to determine whether there is a need to include health education as a requirement for graduation from public schools; to consider creative alternatives for the delivery of health education content standards; and to report the work group’s findings and recommendations to the LESC by January 2010.

School Size Study, HM 131 – requests that the Public School Capital Outlay Oversight Task Force study the relationship between school size and student success and determine the impact of reducing school size on capital and operational costs; and requests a report to the LESC, the LFC, and the Governor prior to the 2nd Session of the 49th Legislature.

Evaluate Drug Policy Approaches, SM 71 – requests that the New Mexico Health Policy Commission create a task force: (1) to evaluate New Mexico’s current approaches to drug policy through the use of law enforcement, treatment, prevention, and harm reduction, including drug prevention strategies used by New Mexico teachers, prevention specialists, and school districts; (2) to develop strategies for effective change; and (3) to present findings and recommendations to the interim Legislative Health and Human Services Committee and other appropriate interim committees by November 1, 2009.

Tolerance Curriculum in Schools, SM 83 – requests that PED provide suggestions for interweaving a tolerance and diversity curriculum into the existing content standards for K-12; prepare and disseminate to all school districts a guide for inclusion of tolerance and diversity teaching; and present its report and guide to the LESC during the 2009 interim.

OTHER WRITTEN REPORTS

PED/OEA School Staff Shortage Report – In response to a 2008 memorial, the LESC received a written report during the 2008 interim from PED and OEA concerning the issues that arise as a result of shortages of counselors and nurses, including data on student-to-counselor and student-to-nurse ratios in New Mexico and potential shortages of counselors and nurses. Among the issues raised, the report recommended forming a work group to conduct further study.

In January 2009, the Chair sent a letter to PED and OEA requesting that they convene a new work group to consider the issues identified by the School Staff Shortage Work Group study:

1. the alignment between PED’s competencies for school counselors and nurses and those of the national counseling and nursing associations;
2. PED’s career pathway requirements for school counselors and nurses;
3. accountability measures for school counseling programs;

4. working conditions of school counselors and nurses; and
5. the creation of a systematic plan to reduce student-to-counselor and student-to-nurse ratios.

The letter also requested a report of findings and recommendations to the LESC during the 2009 interim.

Public School Capital Outlay Awards Annual Report – As provided in the *Public School Capital Outlay Act*, the Public School Capital Outlay Council (PSCOC) determines grant awards for all New Mexico school districts through a standards-based process. The act requires the PSCOC, by December 15 of each year, to provide the LESC with a written report that includes a summary of its activities from the previous year, including projects funded and the criteria used to prioritize them.