

**MINUTES**  
**Legislative Education Study Committee**  
**State Capitol, Room 307**  
**Santa Fe, New Mexico**  
**January 16, 2017**

Representative Dennis J. Roch, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 1:30 p.m., on Monday, January 16, 2017, in Room 307 of the State Capitol in Santa Fe, New Mexico.

**Monday, January 16**

The following voting and advisory members were present: Voting: Representatives Dennis J. Roch, Chair, Tomás E. Salazar, James E. Smith, Sheryl M. Williams Stapleton, Christine Trujillo, and Monica Youngblood; and Senators John M. Sapien, Vice Chair, Craig W. Brandt, and Gay G. Kernan; Advisory: Representatives Alonzo Baldonado, Jim Dines, David M. Gallegos, Stephanie Garcia Richard, Jimmie C. Hall, Timothy D. Lewis, G. Andrés Romero, and James G. Townsend; and Senators Daniel A. Ivey-Soto, Linda M. Lopez, Michael Padilla, John Pinto, William P. Soules, Mimi Stewart, and Pat Woods.

The following voting and advisory members were not present: Voting: Senator Howie C. Morales; Advisory: Representatives Nora Espinoza, D. Wonda Johnson, and Patricia Roybal Caballero; and Senators Jacob R. Candelaria, Carlos R. Cisneros, and Lee S. Cotter.

On a motion by Representative Smith, seconded by Representative Trujillo, the committee approved the agenda for the January 2017 interim meeting. On a motion by Representative Smith, seconded by Representative Trujillo, the committee approved the minutes for the December 2016 interim meeting.

**Potential Committee Sponsored Legislation.** Rachel S. Gudgel, Director, and Kevin Force, Senior Research Analyst II, Legislative Education Study Committee (LESC), presented a number of bills for the committee's possible endorsement for the 2017 legislative session that are the result of the committee's interim work. The committee endorsed the following five pieces of legislation:

- A bill directing the Public Education Department (PED) to adopt physical education and performance and visual arts content standards;
- A bill excluding substitute teachers employed by school districts and other state agencies from membership in the educational retirement fund and providing a definition of "substitute";
- A bill giving school districts and state-chartered charter schools the option of using state transportation funds to provide high school students with public transportation passes to get to and from school;
- A bill allowing a school district or non-charter school that achieves a grade of A or B for two consecutive years to have the same waiver flexibility as charter schools, including accreditation review, length of school day, individual class load, teaching load, and staffing patterns, and instructional materials purchases; and

- A bill limiting overall charter school enrollment within school districts with fewer than 1,300 enrolled students to no more than 10 percent of the school district's total students.

The committee declined to endorse:

- A bill requiring PED to transfer one-quarter of the 2 percent of school generated program costs withheld by PED for the administrative support of state-chartered charter schools to the Public Education Commission (PEC). The bill also required the Charter Schools Division to provide PEC with all information related to approval, denial, revocation, and suspension of state-chartered charter schools needed for PEC to carry out its duties;
- A bill addressing an apparent contradiction in statute that grants state-chartered charter schools transportation funding from the public school fund, but does not explicitly allow state-chartered charter schools to contract student transportation services or set bus routes;
- A bill amending the Charter Schools Act to include performance-based parameters for both expedited charter renewal and automatic closure for charter schools using student academic growth measures established by the A-B-C-D-F Schools Rating Act; and
- A bill addressing issues related to virtual charter schools, including definitions of terms and a requirement that virtual charter schools provide only synchronous instruction for students in kindergarten through fifth grade. The bill would also disallow fine arts and physical education program units, as well as transportation distributions, and require any virtual charter schools that would operate statewide to be commissioned by PEC. Finally, the bill excludes virtual charter schools from eligibility to receive property tax distributions under the Public School Capital Improvements Act and the Public School Buildings Act.

**Efficiency Evaluation: A Review of Public Education Reporting.** Christi Martin, Principal Consultant, Martin Consulting Group, LLC, was engaged by the Thornburg Foundation to identify opportunities for greater efficiency in public education reporting in New Mexico. Ms. Martin began by noting that she had partnered with the Public Education Department (PED) to review both statutory and administrative reporting requirements, as well as PED processes for data collection and validation. They concluded that schools in New Mexico spend 20 percent to 55 percent more time on required reporting than other states, which consolidate, automate, and coordinate required report submissions. In New Mexico, schools submit approximately 140 data sets per year to PED, many of which are redundant, and could be consolidated with other reports. Further, school personnel do not see the value of the data submitted, especially in relation to the substantial burden these reporting requirements place on local school districts and charter schools. Noting the state's use of the Student Teacher Accountability Reporting System (STARS), Ms. Martin suggested revamping and modernizing the STARS system so schools may report required data through that system at one time.

Ms. Martin noted the update of state data systems has generally been federally funded through the Statewide Longitudinal Data System (SLDS) grant program. Though New

Mexico has not yet received a SLDS grant, PED may take advantage of the next request for proposals, expected in 2018. Ms. Martin also suggested PED should continue work on data coordination by formalizing a data governance program with one set of definitions of data elements to satisfy all related programs. Additionally, while New Mexico has a data systems council, it would be wise to include the departments of Higher Education and Workforce Solutions in reworking data and reporting system.

Ms. Martin reviewed several recommendations from the report. She said she is committed to working with LESC to determine the value in the six reporting requirements noted, and working with the Legislature to remove or modify them if it is determined they have no value. Second, she indicated PED has a reporting pilot project comprised of eight school districts and two charter schools with the aim of streamlining reporting requirements. She stated there is a lot of time spent ensuring data accuracy and PED is attempting to identify ways to automate some of the systems to eliminate this administrative burden. She noted the pilot project may assist PED in drafting a successful application for a federal SLDS grant. Matt Pahl, Director of Policy, PED, indicated the department is generally supportive of Ms. Martin's report.

Representative Dines asked several questions related to the three other states that were cited in Ms. Martin's report – Texas, Nevada, and Delaware – noting they have better student performance than New Mexico, including graduation and other academic measures. The representative inquired about how much more New Mexico spent on reporting than Texas or Delaware. Mr. Pahl noted New Mexico spends approximately \$14 million more than Texas and \$25 million more than Delaware. When asked about the difference in those states' operations, Ms. Martin noted that their reporting systems are much more centralized than New Mexico's; they employ consistent definitions of data elements; and the data has been mapped to their state repositories, to be drawn on to configure reports, rather than relying on school districts to deliver multiple reports. These systems have been in place in Texas and Delaware since the 1980s, and have received federal funding over the past 10 years. Ms. Martin indicated PED probably has not received SLDS grant money to date due to its smaller size and fewer resources than other states.

Representative Townsend asked whether Ms. Martin had any more information on the three cited states as compared with New Mexico, to which she replied the report seemed to indicate that New Mexico school administrative staff seemed to spend much more time on reporting than states with better data competency. Mr. Pahl noted the cost of this administrative time was somewhat surprising, and should inform the department's work in this area moving forward.

Senator Stewart noted local school districts were well acquainted with the costs of required reporting, but this report may help to provide a way to move forward on reducing administrative burdens. The senator suggested LESC look at the reports in the coming interim to see if there are too many so that New Mexico may avoid unnecessarily spending, at least \$14 million extra annually.

Representative Garcia Richard asked if PED is planning on making changes to STARS to address these issues, and Mr. Pahl noted the department would like to leverage STARS to consolidate repetitive reporting to eliminate some administrative burden on school

districts and charter schools. The representative asked if there are any concerns vis-à-vis the federal Family Educational Rights and Privacy Act (FERPA), and Mr. Pahl replied PED intends to ensure STARS complies with FERPA moving forward, and data is shared only in ways approved by federal law.

In response to Senator Sapien, Mr. Pahl noted PED has unsuccessfully applied for the SLDS grant in the past but hopes Ms. Martin's review will provide information that helps the department to identify issues that will make a federal SLDS grant application more successful in the next round. The senator then asked Ms. Martin about the large amount the state spends on reporting, particularly in relation to the three other states. Ms. Martin reviewed the differences in how the three states fund their schools, as compared with New Mexico. Ms. Martin noted revenue had little impact on the findings, which were focused on staff salaries and work hours devoted to reporting. Senator Sapien emphasized the differences in how states fund schools and how that might impact projected savings. Mr. Pahl noted the figures in the other states were a projection representing the amount of administrative capacity that could be assigned elsewhere, freeing up teachers and administrators for more student-oriented work. When asked if these figures consider the costs of changing systems and technology, Ms. Martin noted they did not, although those costs are likely to be one-time, while the cost-savings will be long term.

Senator Sapien asked how often the Data Systems Council meets, and when they last met. Mr. Pahl acknowledged that the council had not met in some time and that much of the data work has been cross-departmental and supported by the Race to the Top Early Learning Challenge Grant.

In response to a question from Representative Salazar, Ms. Martin noted the state may exploit opportunities to get greater value from the aggregate data collected through STARS, and that school districts or charter schools may have a chance to access data in a way relevant to instruction which had not previously been available to them. She noted, generally, states are only now reaching a point where they are proficient enough in data collection to send that data back to schools in ways that are useful to them. Representative Salazar asked whether New Mexico has the appropriate data integration technology to effectively collect, aggregate, and analyze data, to which Mr. Pahl replied the biggest challenge is making the data usable and readily available, a consideration that has more to do with human processes; Mr. Pahl stated PED likely has the necessary personnel, but acknowledged that some software issues remain that may be addressed through a potential award from the SLDS grant program.

### **Director's Report.**

#### **Informational Items**

Rachel S. Gudgel, Director, LESC, informed the committee the Public Education Department (PED) is considering the following rule changes:

- procedural rule changes that deal with special education to come into compliance with the Every Student Succeeds Act (ESSA);
- changes to health education content standards in ninth through 12th grade to comply with statutory changes; and

- changes to content standards for Spanish language arts and bilingual multicultural education programs.

Additionally, Ms. Gudgel noted PED adopted the instructional materials rule changes the committee was briefed on earlier in the interim. The Chair noted PED modified the instructional materials adoption cycle, delaying the upcoming science adoption by a year. Ms. Gudgel noted staff would brief the committee on other adoption cycle changes.

Ms. Gudgel said the following annual reports have been received from PED and are available upon request: Math and Science Annual Report, the K-3 Plus Annual Report, Prekindergarten Annual Report, School Athletics Equity Act Annual Report, and the Tribal Education Status.

### **Action Items**

- a. Approval of Draft LESC Annual Report for the 2016 Interim

Ms. Gudgel highlighted the draft LESC annual report, noting sections on education, finance, capital outlay, charter schools (including virtual schools), early learning, the federal Every Student Succeeds Act, educator quality, and accountability. On a motion by Senator Stewart, seconded by Representative Trujillo, the committee approved the draft annual report subject to editing.

There being no further business, the Chair adjourned the LESC meeting at 4:08 p.m.