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November 14, 2005

MEMORANDUM

TO: Legislative Education Study Committee

FR: Pamela Herman

RE: STAFF BRIEF: TEACHER PROFESSIONAL DEVELOPMENT FUND

The 2005 Interim Workplan for the Legislative Education Study Committee (LESC) includes a presentation from the Public Education Department (PED) and the Department of Finance and Administration (DFA) concerning the process used by PED to fund projects from the Teacher Professional Development Fund.

The recent school reform initiatives of the New Mexico Legislature have been premised on the understanding that the single most important factor in improving student academic achievement is ensuring that there is a well-qualified, competent teacher in every classroom. This principle was articulated by the Education Initiatives and Accountability Task Force in its final report in the 2000 interim and by the LESC Ad Hoc Subcommittee for Education Reform in the 2002 interim among other occasions; and the LESC regularly examines the funding and delivery of teacher professional development in New Mexico.

Issues:

In 2003, in conjunction with the comprehensive school reforms enacted in HB 212, *Public School Reforms*, the LESC endorsed and the Legislature passed bills in both houses to create the Teacher Professional Development Fund to provide funding for professional development programs and projects for public school teachers. The fund is administered by PED and is non-reverting. Statute requires PED to evaluate the success of each professional development program or project funded, and to report its findings to the LESC each year.

The Legislature has appropriated \$4.8 million for the last two years, FY 05 and FY 06, in the *General Appropriation Act* to the Teacher Professional Development Fund:

- For FY 05, \$2.4 million including language that \$900,000 go to Re:Learning, \$500,000 to Strengthening Quality in Schools (SQS), and the balance for other professional development programs. PED documents indicate that pursuant to contracts executed between August 2004 and March 2005, the department allocated the FY 05 Teacher Professional Development Fund appropriation as follows (see Attachment 1):
 - \$900,000 to Re:Learning via a joint powers agreement (JPA) to Eastern New Mexico University (ENMU);
 - \$500,000 to SQS via a JPA to Portales Municipal Schools;
 - \$85,000 for an Educational Plan for Student Success (EPSS) technical assistance conference via a JPA to the Pecos Valley Regional Education Cooperative (REC #8);
 - \$580,000 to the Regional Educational Technology Assistance (RETA) program via a JPA to New Mexico State University (NMSU);
 - \$85,000 to the Center for Education and the Study of Diverse Populations (CESDP) via a professional services contract with New Mexico Highlands University (NMHU); and
 - \$250,000 for the Transitions to Teaching/Northwest New Mexico Technical Assistance Program via a professional services contract to Farmington Municipal Schools.

- For FY 06, \$2.4 million including language that the appropriation be used to fund Re:Learning; RETA; SQS; service learning; Golden Apple; closing the achievement gap; Leadership Academy, and other professional development programs. PED documents indicate that the FY 06 Teacher Professional Development Fund appropriation will be allocated via contracts currently not yet executed, except as noted (see Attachment 2):
 - \$800,000 to Re:Learning via a JPA to ENMU;
 - \$500,000 to RETA via a JPA to NMSU;
 - \$600,000 to SQS via a JPA to Portales Municipal Schools;
 - \$70,000 to the Children, Youth and Families Department (CYFD) for a contract with a service learning provider;
 - \$280,000 to the Golden Apple Foundation of New Mexico via a professional services contract executed October 18, 2005; and
 - \$150,000 to NMSU via a JPA for leadership academies.

In prior years, the professional development programs and projects now designated for funding from the Teacher Professional Development Fund received separate legislative appropriations, as follows:

- For Re:Learning, a total of approximately \$12.0 million between FY 90 to FY 04;
- For SQS, a total of \$2.0 million in FY 00, FY 01, FY 02, and FY 04;
- For RETA, \$500,000 in FY 03 and again in FY 04; previously, RETA was supported by federal grants; and
- For service learning, \$100,000 in FY 04 and again in FY 05. In FY 00 and FY 01, the Legislature appropriated \$100,000 for service learning each year; however, the appropriations were vetoed by the Governor.

Background:

- In 1999, the Legislature passed legislation to require the State Board of Education (SBE, now PED) to develop a systemic professional development framework “that provides training to ensure quality teachers and principals and that improves and enhances student achievement.” PED is to work with public school educators, the Commission on Higher Education (CHE, now the Higher Education Department [HED]) and institutions of higher education to establish the framework.
- PED states that this framework is established by rule in state standards for the EPSS required for each school district and public school within a district. Among other requirements, the rule states that each of the goals/focus areas of the EPSS must contain an action plan with a professional development component focused on increased student achievement and directly correlated to implementing state content standards with benchmarks.
- In 2003, in HB 212, the Legislature amended the provision for the PED professional development framework to require increased specificity regarding guidelines for district professional development activities to ensure that they:
 - improve teachers’ knowledge of the subjects they teach and the ability to teach those subjects to all of their students;
 - are an integral part of plans for improving student achievement;
 - provide teachers, administrators and instructional support providers with the strategies, support, knowledge and skills to help all students meet New Mexico academic standards;
 - are high quality, sustained, intensive, and focused on the classroom; and
 - are developed and evaluated regularly with extensive participation of school employees and parents.
- PED states that a work group is completing work on a new professional development framework to address the amendment, to be promulgated in rule in late FY 06.
- Between FY 99 and FY 02, the Legislature appropriated approximately \$10.5 million for statewide professional development, which has remained in the base of the Public School Funding Formula, and is distributed through the unit value to all public school districts. In addition, the Legislature may make separate special appropriations to specific school districts for professional development. PED states that it also administers grant programs available by application that are funded by federal and other sources to support professional development activities in school districts and public schools.
- The programs and projects designated by the Legislature for funding by the Teacher Professional Development Fund represent a variety of public and private nonprofit initiatives, briefly described as follows:

- Re:Learning New Mexico is a project of ENMU and has offices in Santa Fe, Ruidoso, and Las Cruces. Re:Learning states that it is an affiliate of the Coalition of Essential Schools, a national school reform network that promotes common principles emphasizing equity, personalization and intellectual vibrancy as a guide to creating schools that are models for systemic reform.
- SQS is an initiative of the Governor’s Business Executives for Education housed at Sandia National Laboratories that uses Portales Municipal Schools as its fiscal agent. SQS states that its mission is to accelerate the improvement of student achievement and systems performance in New Mexico public schools and school districts by promoting the use of Baldrige criteria and quality concepts.
- RETA is a project of NMSU College of Education initiated in 1995 and expanded in 1998 with five-year funding from a federal Technology Innovation Challenge Grant to Gadsden Independent Schools. Online and on-site at one of its three regional centers, in consortium with school districts, regional education cooperatives and other partners, RETA states that it provides professional development in technology integration to K-12 educators statewide.
- The Center for Service Learning Opportunities in Education, contractor for a special appropriation in FY 05 for service learning, states that as of November 1, 2005 it has merged its work with the Forum for Youth and Community, whose fiscal agent is the New Mexico Community Foundation.
- The Golden Apple Foundation of New Mexico is a 501(c)(3) nonprofit organization established in 1994 that states its mission is to recognize excellent teachers and improve the quality of teaching. It makes Golden Apple Awards to outstanding teachers and recruits future teachers through the Golden Apple Scholars program.
- Leadership academies are professional development opportunities for school administrators provided by New Mexico public institutions of higher education. PED states that leadership academies address a requirement in the *School Personnel Act* that at least every two years, school principals attend a training program approved by PED to improve their evaluation, administrative and instructional leadership skills.
- The Teacher Professional Development Fund, like all state funds, must be expended in compliance with provisions of the New Mexico Constitution, the *Procurement Code*, and the DFA rule. Two sections of the Constitution, both known as the “anti-donation clause,” limit the manner in which public funds are paid to private entities:
 - Article IV, Section 31 states that “[n]o appropriation shall be made for charitable, educational or other benevolent purposes to any person, corporation, association, institution or community, not under the absolute control of the state. . .”
 - Article IX, Section 14 states that “[n]either the state nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation. . .”

Presenters:

Mr. Don Moya, Deputy Secretary, Finance and Operations, PED, and Mr. Willie Brown, General Counsel, PED; and Mr. Scott Spencer, General Counsel, DFA, will provide a presentation on the process used by PED to fund projects from the Teacher Professional Development Fund.

Questions the committee may wish to consider:

1. What processes must PED use to execute contracts or JPAs with the various entities that operate projects and programs funded by the Teacher Professional Development Fund?
2. What determines the effective date of a contract or JPA?
3. When were funds distributed and/or available for projects in FY 05? When will funds be available in FY 06?
4. When contracts and JPAs are executed well into the fiscal year, how does this affect the ability of contractors to meet contract goals and scopes of work?
5. May a contractor be reimbursed for costs incurred prior to the effective date of the contract or JPA? If so, under what circumstances?
6. How do contractors meet their expenses during the time it takes for contracts or JPAs to be executed?
7. What process does PED use to evaluate projects funded by the Teacher Professional Development Fund?

ATTACHMENT 1

FY 05 Teacher Professional Development Fund Agreements					
Program/ Project	Contracting Organization	Amt.	Type of Agreemt	Effective Date/ DFA Sig.	Activity
Re:Learning	Eastern New Mexico University	900,000	Joint Powers Agreement (JPA)	August 31, 2004	Provide support for comprehensive systemic reform and implementation of state standards and benchmarks at 60-70 school sites through staff and leadership development; coaching and technical assistance.
Strengthening Quality Schools (SQS)	Portales Municipal Schools	500,000	JPA	September 7, 2004	Provide training, support services and coordination on Total Quality Management, Baldrige criteria, the EPSS process, and related processes and strategies for approximately 100 school/district teams.
EPSS Technical Assistance Conference	Pecos Valley Regional Education Cooperative (REC) #8	85,000	JPA	March 17, 2005	Organize and oversee "All Kids Can," a statewide technical assistance conference for school administrators.
Regional Education Technology Assistance (RETA) Program	New Mexico State University	580,000	JPA	September 7, 2004	Provide professional development activities and supporting regional services to enhance teaching and learning through the use of technology at NMSU and two regional centers, including on-site and online professional development for teachers and administrators regarding licensure; closing the achievement gap; core performance measures and benchmarks; the laptop learning initiative.
Center for Education and the Study of Diverse Populations (CESDP)	New Mexico Highlands University	85,000	Professional Services Contract (RFP)	January 19, 2005	Provide model cultural/multicultural competency training for 10 teachers in four school improvement schools.
Transition to Teaching/North-west New Mexico Technical Assistance Program	Farmington Municipal Schools	250,000	Professional Services Contract (RFP)	February 2, 2005	Provide supplemental mentoring, mentor training, and technical assistance regarding professional development dossiers and annual evaluation process to support licensure advancement for approx 187 Level I teachers in Aztec, Bloomfield, Central, Cuba, Dulce, Farmington, and Raton.

ATTACHMENT 2

FY 06 Teacher Professional Development Fund Agreements					
Program/ Project	Contracting Organization	Amt.	Type of Agreemt	Effective Date/ DFA Sig.	Activity
Re:Learning	Eastern New Mexico University	800,000	JPA		Provide professional development to support the implementation of state standards and benchmarks with at least 110 NM schools, emph. on priority schools; participate on diagnostic teams; provide 10 regional workshops on instructional topics; provide training in year-long principals' leadership institute for 50-60 principals.
Regional Education Technology Assistance (RETA) Program	New Mexico State University	500,000	JPA		Support NM schools in educational technology, esp. schools in need of improvement; participate on diagnostic teams; provide professional development for technology integration to K-12 educators; provide workshops and technical assistance on licensure and professional development dossiers; provide online workshop on assessment and evaluation.
Strengthening Quality in Schools (SQS)	Portales Municipal Schools	600,000	JPA		Provide professional development, coaching and consulting in Baldrige criteria for approx 500 educators at approx 80 SQS sites; provide same to priority schools; participate in diagnostic teams.
Service Learning	Children, Youth and Families Department	70,000	JPA		Contract with a service learning provider to provide professional development on integration of service learning principles into the state curriculum; align with state standards; support statewide service learning network; support priority schools.
Golden Apple Scholars and Summer Institute	Golden Apple Foundation of New Mexico	280,000	Professional Services Contract (sole source)	October 18, 2005	Develop a detailed plan for Golden Apple Scholars program in New Mexico; provide summer institute, mentoring and field experience for 24 college juniors in teacher education programs; ensure that program increases teacher retention and classroom effectiveness.
Leadership Academy	New Mexico State University	150,000	Professional Services Contract		Three academies to be held in June 2006

LESC 11/08/05