

STATE OF NEW MEXICO
LEGISLATIVE EDUCATION STUDY COMMITTEE

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MINUTES
LESC MEETING
NOVEMBER 13-15, 2013

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:13 a.m., on Wednesday, November 13, 2013, in Room 322 of the State Capitol, in Santa Fe, New Mexico.

The following voting members of the LESC were present:

Senators John M. Sapien, Chair, Craig W. Brandt, Gay G. Kernan, and Howie C. Morales; and Representatives Rick Miera, Vice Chair, Jimmie C. Hall, Dennis J. Roch, Sheryl M. Williams Stapleton, and Mimi Stewart.

The following voting member of the LESC was not present:

Representative Nora Espinoza.

The following advisory members of the LESC were present:

Senators Jacob R. Candelaria, Lee S. Cotter, Daniel A. Ivey-Soto, Linda M. Lopez, John Pinto, William P. Soules, and Pat Woods; and Representatives Alonzo Baldonado, Nathan "Nate" Cote, Tomás E. Salazar, Christine Trujillo, and Bob Wooley.

The following advisory members of the LESC were not present:

Representatives George Dodge, Jr., David M. Gallegos, Stephanie Garcia Richard, Timothy D. Lewis, and James E. Smith.

Representative Luciano "Lucky" Varela was also in attendance.

On a motion by Senator Kernan, seconded by Representative Miera, the committee approved the agenda for the meeting.

EARLY LITERACY

The Chair recognized Ms. Candy Meza, LESC Intern; Ms. LaNysha Adams, LESC staff; and Dr. Marcus Winters, Senior Fellow, Manhattan Institute for Policy Research and Assistant Professor, University of Colorado, in Colorado Springs, for a presentation on early literacy.

Referring to her staff report, Ms. Meza informed the committee that in October 2013 the National Governors Association (NGA) published *A Governor's Guide to Early Literacy: Getting All Students Reading by Third Grade*, which examines the gap between research and policy as it relates to third grade literacy. She further noted that the staff report provides a summary of initiatives included in the NGA report, specifically pages 2 through 4 of the staff report, which contain a summary of the five state policy actions to ensure all children are reading by third grade:

1. adopt comprehensive language and literacy standards and curricula for early care and education programs and kindergarten through third grade;
2. expand access to high-quality child-care, pre-kindergarten, and full-day kindergarten;
3. engage and support parents as partners in early language and literacy development;
4. equip professionals providing care and education with the skills and knowledge to support early language and literacy development; and
5. develop mechanisms to promote continuous improvement and accountability.

Next, Ms. Meza directed the committee to pages 5 and 6 of the staff report and noted that Part IV of the NGA report provides two initiatives that the Governor may utilize in a birth through third grade (B-3) agenda:

1. use the bully pulpit to promote a B-3 agenda; and
2. cultivate cross-agency leadership to implement the agenda and communicate results.

Finally, Ms. Meza concluded by providing the committee with a background, from the NGA report, on the National Governors Association and the NGA Center for Best Practices.

Dr. Winters provided information relating to the impact of third grade retention in Florida. Referring to a committee handout, Dr. Winters informed the committee that, in the past, public schools tended to promote students to the next grade level even if they had very low academic proficiency. He also noted that past research has been severely limited by its inability to account for unobservable differences between retained and promoted students.

Next, Dr. Winters provided the committee with some background on Florida's policy, noting that:

- the policy was first enacted statewide in 2002;
- third grade students were required to meet the level two benchmark on the state's reading exam in order to be default promoted to the fourth grade; and
- students could receive one of a variety of exemptions and be promoted even if they scored below the threshold.

In addition, regarding intervention rather than retention, Dr. Winters informed the committee that retained students were required to:

- attend summer school;
- be placed in the classroom of a “high-performing teacher”;
- have developed academic improvement plans; and
- receive an additional 90 minutes of daily reading instruction during the school year.

Referring to several graphs in the handout, Dr. Winters summarized the findings for retained students by indicating that:

- retention had an effect that declines over time, but is still distinguishable and meaningful in size as late as seventh grade;
- the magnitude of the effect is substantial, and shows:
 - reading by seventh grade had a 0.183 standard deviation;
 - math by seventh grade had a 0.174 standard deviation; and
 - the one-year effect of teacher quality having a standard deviation between 0.1 and 0.2;
- there is a similar positive effect on fifth grade science tests; and
- results are similar on low-stakes standardized tests.

Finally, Dr. Winters informed the committee that the research was not able to completely separate the effect of retention from that of other interventions tied to the policy, but did show that assignment to a “high quality” teacher in the retained year is not driving the results.

Dr. Winters concluded by stating that there is strong evidence that remediation under a policy similar to Florida’s has a large and sustained positive effect on student achievement.

Committee Discussion

In response to a committee member’s question relating to the publication of the NGA report, Ms. Adams replied that the NGA has published other literacy reports, including an adult literacy report in 2009, and informed the committee that the NGA has looked at other aspects related to early literacy, a collaboration effort from previously written reports.

In response to a committee member’s question regarding specific recommendations for New Mexico from the NGA report, Ms. Meza replied that the NGA report provides general information relating to nationwide activities and examples of what other states have done; the report is not tailored to what any individual state should do.

A committee member observed that adult-child ratio and family support are mentioned several times in the report, which reduced concern that early childhood programs would shift the burden of parenting to the government. In reference to parent engagement, another committee member noted that engagement is difficult and asked what the NGA report suggests. Ms. Meza responded that the NGA report suggests investment in programs that increase parental capacity to build children’s language and literacy skills, such as home visiting, public-private partnerships

to promote parents reading to children, building home libraries, and early literacy campaigns targeting parents.

In response to a committee member's question about requiring retained students in Florida to receive an additional 90 minutes of daily reading instruction during the school year, Dr. Winters responded that Florida spent over \$700 million on remedial instruction, but he was not sure how the 90 minutes of daily reading was implemented.

When a committee member asked for information on other states that have followed Florida's example in retention and intervention, Dr. Winters informed the committee that research showed similar results in Chicago and New York. Dr. Winters also noted that, in Chicago, retention in later grades had a positive effect, and eighth grade retention increased high school graduation.

Another committee member discussed retention at all levels, questioned whether it should be done at any grade, and suggested that the committee look at what is being done now and address the additional costs.

In regard to a committee member's question regarding the statistical significance (e.g., p-value) of the research, Dr. Winters replied that he did not have the information available, but would provide that information to the committee. He also noted that the standard deviations for the graphs in the presentation are between 0.1 and 0.2.

COLLEGE BOARD REPORT: ADVANCED PLACEMENT

The Chair recognized Mr. Travis Dulany, LESC staff, and Mr. Jeff Peterson, Senior Director, State Government Relations, The College Board, for a report on Advanced Placement (AP).

Also in attendance was Ms. Leighann Lenti, Deputy Secretary of Policy, Public Education Department (PED).

Referring to a staff report in the committee notebooks, Mr. Dulany provided an overview of AP, both nationwide and in New Mexico. He noted that the AP program offers college-level curricula and tests in 34 subject areas to high school students, which can result in postsecondary placement and credit. AP courses, he continued, are guided by *AP Course Descriptions* that inform the course content, curricular goals, and sample examination questions, although, he added, AP teachers have the flexibility to determine how the content is presented to students. Furthermore, Mr. Dulany stated, AP exams are developed and scored by college and AP high school faculty and contain free-response and multiple-choice sections. The exams, which are administered yearly in May, are intended to test AP students' abilities to perform at the college level.

In New Mexico specifically, Mr. Dulany stated, General Fund appropriations for AP since 1996 have totaled \$15.1 million and were made to two entities: PED and New Mexico Highlands University (NMHU). For FY 14, he informed the committee, PED received \$750,000, which, according to the department, will be allocated for two AP summer institutes, a contract with the College Board for professional development, and a test fee reduction program. Additionally, the Legislature appropriated \$2.0 million to PED in FY 14 for stipends to teachers of AP who

increase the proportion of students receiving college credit for their AP coursework; however, no stipends have been paid so far, he said.

NMHU received \$230,300 for AP in FY 14, Mr. Dulany continued, which the university uses for a fee reduction program and professional development for New Mexico teachers. Regarding the test fee reduction program offered by NMHU, Mr. Dulany noted that the program reduced the cost per AP exam from \$89 to \$30 in academic year 2012-2013. He further noted that, although in prior years NMHU received funding from the US Department of Education (USDE) through PED, the university reported that it did not receive such funding in FY 13. Mr. Dulany stated that, USDE reported that New Mexico received \$144,500 in FY 13, and it appears that the funding was not made available by PED to NMHU as in previous years.

Mr. Dulany concluded by providing statistical information regarding AP in New Mexico, including breakdowns of the 13,365 exams administered in the state among the 110 schools that participate in the program. He also noted the postsecondary institutions, both in-state and out-of-state, that received the largest number of AP scores for New Mexico students.

Referring to a committee handout, Mr. Peterson informed the LESC that the College Board is a not-for-profit organization that was founded in 1900 in order to expand access to higher education. Among its programs, the College Board offers the PSAT, SAT, and AP, he stated. Regarding AP specifically, Mr. Peterson reported that the program began in 1955 and now offers 34 courses and exams in 18,000 schools worldwide. The goal of the AP program, he noted, is to increase rigor and critical thinking skills as well as access to higher education.

Mr. Peterson informed the committee that:

- AP participation in New Mexico has increased in the last 10 years;
- 2,496 students took an AP exam in 2002 with 1,215 earning a score of 3 or higher; and
- 4,815 took an AP exam in 2012 with 2,108 earning a score of 3 or higher.

Although New Mexico rates lower than the national average in high school graduates receiving a 3 or better on an AP exam – a 19.5 percent national average among US public school graduates versus 12.3 percent for New Mexico public school graduates – science, technology, engineering, and mathematics fields remain popular in the state, with Statistics, Calculus AB, and Biology ranking in the top 10 exams taken by New Mexico graduates, Mr. Peterson said.

Additionally, Mr. Peterson mentioned that Los Alamos Public Schools is one of 477 school districts in the US and Canada to receive the 4th Annual AP District Honor Roll award for increasing access to AP while maintaining or increasing the percentage of students earning scores of 3 or better. He added that this year's PSAT results in New Mexico identify more than 5,500 New Mexico students in grades 10 and 11 with the academic readiness necessary to successfully complete an AP course. Further, if New Mexico enabled each of its 5,500 students with high academic readiness to take at least one AP course, the state would immediately outpace most other states in the nation in achieving equity in access to AP coursework. This increased access to AP courses and exams could result in \$6.0 million in college savings for New Mexico students and allow New Mexico to compete directly with top-ranked states – Maryland, Massachusetts, New York, and Virginia – for college-readiness, Mr. Peterson added.

Referring to an appropriation in the *2013 General Appropriation Act*, Mr. Peterson informed the committee that the College Board has made \$1.0 million available in New Mexico for AP in addition to the \$750,000 appropriated by the Legislature. He noted that the funding will be used to accomplish the mutual goals of the College Board and the State of New Mexico to ensure AP course access and expansion of diversity among participants.

Finally, Ms. Lenti informed the committee that PED is distributing informational materials regarding AP to parents in English, Spanish, and Navajo in order to increase AP involvement in New Mexico. She stated that over 40 regional training sessions have been provided for professional development for teachers and that the department is using data from tests such as the PSAT to inform its decisions in order to target efforts.

Committee Discussion

In response to a committee member's question relating to AP testing accountability, Mr. Peterson noted that the AP courses and exams are administered by teachers; however, the tests are sent to another entity for grading which helps to control for grade inflation. He further noted that the University of Wisconsin conducted an independent study showing that students who score a 3 or higher on an AP exam are in fact ready for college.

In response to a question regarding federal funding for AP in New Mexico, Ms. Lenti and Mr. Peterson stated that the recent shutdown of the federal government has impacted the distribution of federal dollars for AP in New Mexico. Ms. Lenti further noted that PED has set aside funds for low-income students in order to assist with test-taker fees.

READING RETENTION AND INTERVENTION: BACKGROUND

The Chair recognized Ms. LaNysha Adams, LESC staff, for background on reading retention and intervention.

Ms. Adams reported that during the 2013 legislative session, four bills and two memorials were introduced, but did not pass. Referring the committee to Attachment 1 of the LESC report, *Side-by-Side Comparison of Current Law & 2013 Senate Bills*, Ms. Adams explained that this matrix provides a comparison of current law and the senate bills most closely related to the topic of reading retention and intervention.

According to retention data received from the Public Education Department (PED) during the 2013 legislative session, for school year 2011-2012, Ms. Adams reported the number or percent of students who were retained:

- 844 (3.2 percent) of first-graders;
- 516 (2.0 percent) of second-graders;
- 287 (1.12 percent) of third-graders;
- less than 1.0 percent of students in grades 4-7;
- 3,084 (11.76 percent) of ninth-graders;
- 2,761 (11.58 percent) of tenth-graders;

- 1,527 (7.41 percent) of eleventh-graders; and
- 1,445 (6.91 percent) of twelfth-graders.

Ms. Adams explained it is important to note that after middle school promotion from grade to grade is not governed by provisions in current law. Ms. Adams testified that once students enter high school, PED indicates that promotion depends on earning the number of course credits required by the school for graduation, divided roughly by four. She also mentioned that not all districts, however, have the same graduation requirements.

Referring the committee to “Retention and Academic Proficiency Data in New Mexico,” on page 4 of the LESC staff report, Ms. Adams stated that retention rates at grade 9 are much higher than in earlier grades, in part because staying on track for on-time graduation in high school is a matter of course-by-course credit accumulation rather than the diagnostic assessment of a student’s academic proficiency established in law and employed through grade 8. Ms. Adams, reading from current statute, stated that academic proficiency means mastery of the subject-matter, knowledge, and skills specified in state academic content and performance standards for a student’s grade level.

Referring the committee to tables 1 through 3 of the LESC staff report, Ms. Adams explained that the data, which was retrieved from the PED website, provides academic proficiency rates on the New Mexico Standards-based Assessment for reading and math for students in grades 3 through 11 between 2011 and 2013. Ms. Adams indicated that the data were disaggregated by grade level and are statewide results, even though the data on PED’s website allows for district-wide and school-specific results to be generated.

Again, referring the committee to an attachment in the LESC staff report, Ms. Adams summarized the information in current statute regarding parental waivers for retention by explaining that:

- a parent or guardian may waive the school recommendation to retain the student in the same grade one time in grades 1 through 8;
- in this event, a student assistance team is required to develop an academic improvement plan to ensure mastery of grade-level material;
- the student assistance team includes the student’s teacher, school counselor, school administrator, and parent or guardian; and
- after remediation, a student must enter the next higher grade if she or he has mastered the essential competencies.

Ms. Adams reported that current law does not allow the parents’ rights to sign a waiver for eighth grade students who have failed to attain proficiency of standards and requires an appropriate remediation plan for those students.

At the end of eighth grade, a student must be retained for no more than one year if he or she fails to attain proficiency of standards, Ms. Adams explained. If the student assistance team determines that retention in the eighth grade will not assist the student in achieving proficiency of standards, Ms. Adams stated, the team will design a high school graduation plan to meet the student’s need for entry into the workforce or a postsecondary educational institution. She explained that if a student is retained in the eighth grade, the student assistance team is required

to develop a specific plan that addresses the student's academic deficiencies and to prescribe a specific remediation plan to address those deficiencies.

In terms of research on the issues of reading retention and intervention, Ms. Adams referred the committee to the LESC staff report, highlighting a few key studies. She explained that a national survey, *Passing on Failure: District Promotion Policies and Practices*, conducted in 1997, concluded that "neither social promotion nor retention is an adequate response to student underachievement." Ms. Adams reported that the study suggested that school districts establish performance standards for each grade level and institute policies that prevent early school failure, such as all-day kindergarten, class-size reduction, and ensuring that at-risk students have excellent reading instruction in the early grades.

Ms. Adams testified that according to findings from *Double Jeopardy: How Poverty and Third Grade Reading Skills Influence High School Graduation*, a report published by the Annie E. Casey Foundation in 2012, one in six children who are not reading proficiently in third grade do not graduate from high school on time, a rate four times greater than that of proficient readers.

Ms. Adams explained that according to data released by the US Department of Education's Office of Civil Rights (OCR), in its 2009-2010 Civil Rights Data Collection (CRDC), OCR included the number of students retained at each grade level as an element of the data it collects at regular intervals from a large percentage of school districts nationwide. Referring the committee to Attachment 3 of the LESC report, *CRDC Retention Data*, Ms. Adams stated that the attachment presented visuals of CRDC data collected and shows that, in most grade levels, black and Hispanic students make up a large and disproportionate number of those retained.

Ms. Adams reported that the OCR data also indicate that 2.3 percent of all students in approximately 7,000 school districts and 72,000 schools sampled were retained at the end of school year 2009-2010. According to the CRDC data, Ms. Adams stated, approximately 1.0 percent of students were retained in kindergarten through eighth grade, with the largest numbers repeating kindergarten or the first grade. She indicated that the remaining 1.3 percent of students were retained at the high school level, when many students fail to accumulate enough credits to advance their academic standing but often repeat only specific courses to make progress toward graduation.

Ms. Adams explained that in 2010, HM 46a, *Study Reading & Math Scores & Dropout Rates*, was passed to study fourth and eighth grade reading and mathematics proficiency scores by requesting PED to:

- tabulate and compare the fourth and eighth grade reading and mathematics proficiency scores for graduating and non-graduating students for the past two years, with breakdowns by school district; tabulations and comparisons that take into account contributing factors to non-graduation, such as transfers out of the school district, pregnancies, dropouts, and other factors; and
- provide a final report of the study to the Governor, the LESC, the Higher Education Department, and the Workforce Solutions Department.

To conclude, Ms. Adams stated that the memorial did not specify a date for completion of the study and no report has been provided to date.

Committee Discussion

Expressing concerns about students who start in a particular school and do not graduate from that school but transfer to another school, a committee member asked if that student is counted as a dropout. Ms. Annjenette Torres, Director of Constituent Services & Strategic Initiatives, PED, reported that the department would provide a written response answering this question.

Referring to Attachment 3 of the LESC staff report, a committee member asked if the data were representative of the entire country. Ms. Adams reported that the visual is from the CRDC data collection, which is a sample of 72,000 schools in the country and is representative of 85 percent of the nation's schools. The committee member remarked that the trends of retention in New Mexico are very similar to the national data from OCR.

Referring to the retention data in the LESC staff report, a committee member asked why there might be an increase in the later grades. Ms. Adams explained that, after the primary years, a certain number of course credits must be met for each discipline, while at the lower grades students' academic proficiency is based on the standards-based assessments for the grade levels that are tested. Another committee member stated that, in the lower grades, the highest levels of retention occur in grades 1 and 2 and asked why the focus on third grade. Ms. Adams replied that, based on most of the reading research, children are learning the mechanics of how to read up until the third grade, after that, children are reading to learn and reading for information.

LOCAL DISTRICT INTERVENTIONS

To present on local district interventions, the Chair recognized:

- Ms. LaNysha Adams, LESC staff;
- from Regional Education Cooperative (REC) #6:
 - Ms. Patti Harrelson, Director;
 - Ms. Christi Richards, Regional Reading Specialist; and
 - Ms. Alicia Hatch, Regional Reading Specialist;
- from Dulce Independent Schools (DIS):
 - Mr. James Leshner, Superintendent;
 - Ms. Pamela Montoya, Principal, Dulce Elementary School;
 - Ms. Ferlinda Pesata, Instructional Coach; and
 - Ms. Cindy Julian, Instructional Coach;
- from Clovis Municipal Schools (CMS):
 - Mr. Terry Myers, Superintendent;
 - Ms. Cindy Martin, Deputy Superintendent, Instruction; and
 - Ms. Carrie Bunce, Accountability Coordinator; and

- from Albuquerque Public Schools (APS):
 - Ms. Janea Menicucci, Reading Specialist; and
 - Ms. Zoe Ann Alvarez, Reading Specialist.

Referring to the LESC staff brief, Ms. Adams informed committee members that the presenters for this item would provide oral presentations to the LESC. In addition, she directed the committee to correspondence included in the committee notebooks from other district representatives who were unable to attend the November LESC meeting, including:

- Vaughn Municipal Schools;
- Dexter Consolidated Schools; and
- Chama Valley Independent Schools.

Ms. Harrelson began by directing the committee to a handout with an overview of retention and prevention for REC #6. She stated that interventions are based on data collected from the Dynamic Indicators of Basic Early Literacy Skills (DIBELS), short-cycle assessments, and development intervention groups. In addition, she outlined the following framework used by REC #6:

- a 90 minute, uninterrupted reading block that is based on a scientifically based reading program;
- 45-60 minute interventions, including a:
 - scientific research-based reading intervention program;
 - grade level intervention model; and
 - walk to intervention model;
- scheduled time for collaboration across grade level;
- Professional Learning Communities;
- grade level meetings;
- data analysis;
- group for interventions;
- review of instructional strategies; and
- Student Assistance Team development.

Ms. Richards provided the committee with an overview of best practices and reading strategies based on research, including:

- foundational skills:
 - phonemic awareness;
 - phonics;
 - fluency;
 - comprehension; and
 - vocabulary; and

- instructional strategies:
 - on-set rhyme;
 - syllabication;
 - close reading;
 - text complexity;
 - vocabulary;
 - differentiated instruction; and
 - classroom management.

In addition, Ms. Richards explained composite scores, the short-cycle assessment, and benchmarks used to monitor progress and student success every two weeks. Ms. Richards further informed the committee on parent involvement and efforts made by the school, such as family literacy nights, parent/teacher conferences, and parent volunteers.

Finally, referring to the New Mexico Real Results PowerPoint in committee notebooks, Ms. Hatch discussed how to improve reading results for students with disabilities. She noted that the US Department of Education is moving away from a one-size-fits-all compliance model and that federal policies have been more concerned with basic access to education and not enough with critical achievement indicators. Ms. Hatch also indicated that over a two-year period, the Real Results project will be looking at academic performance and student growth rates for students with disabilities at the following pilot schools:

- Mesa Elementary, Central Consolidated Schools;
- Santo Domingo Elementary, Bernalillo Public Schools;
- Ranchos de Taos Elementary, Taos Municipal Schools; and
- Moriarty Elementary, Moriarty-Edgewood Schools.

Superintendent Leshner introduced Mr. Adrian Notsinneh, Vice President of the Dulce Independent Schools Board of Education. He then referred to Ms. Montoya, Ms. Pesata, and Ms. Julian to provide the committee members with a presentation regarding reform initiatives for Dulce Elementary School for school year 2013-2014.

Ms. Montoya informed the committee of the proactive steps taken by Dulce Elementary School toward school reform initiatives through the collection of data and data analysis to improve reading and explained that they are aimed at the strategic goal to improve instructional practices and student outcomes, including reading and math scores. She then referred to data collected from the short-cycle assessments done at the beginning of year, middle of year, and end of year, in order to provide an in-depth study of the data in all core areas. In addition, Ms. Pesata directed the committee to the slide on Dulce Elementary School demographics, noting that:

- the school is located in the small community of Dulce on the Jicarilla Apache Reservation;
- four buses transport students from the communities of Dulce and Lumberton;
- Dulce Elementary School is 82 percent free and reduced-price meal eligible, with 18 percent subsidized with Provision 2 of the *National School Lunch Act*;

- the Dulce Elementary School population is:
 - 98 percent Native American;
 - 1.0 percent Hispanic; and
 - 1.0 percent Caucasian; and
- 32 percent of students at Dulce Elementary School are English language learners (ELL).

Ms. Pesata discussed the various reform steps taken, such as:

- building into this year's schedule an oral language development time for all students in kindergarten through second grade;
- implementation of Jicarilla languages and culture classes;
- implementation of reading interventions in grades kindergarten through 4; and
- creating a language-rich learning environment.

In addition, she informed the committee that Dulce Elementary School has a high population of special education students (7.0) percent and noted several reform steps taken, including:

- implementation of small group instruction and differentiated instruction;
- implementation of an inclusion model focused on the least restrictive environment for other course subject areas; and
- recommendations for additional funding to:
 - add educational assistant support;
 - conduct Sheltered Instruction Observation Protocol training and implementation for both special education and ELL; and
 - real-life and cultural experiences with enhanced career-readiness opportunities outside of the regular curriculum.

Ms. Julian discussed reform initiatives taken by Dulce Elementary School, such as:

- instructional coaches – on-site professional developers that establish a professional partnership with all educators to help students meet Common Core State Standards (CCSS) and help teachers meet the required evaluation domains;
- goal, leadership, and grade level teams;
- classroom dashboards and student data binders;
- school year schedule alignment with CCSS subjects;
- redevelopment of lesson plans for each individual grade level teacher;
- revised grading scale criteria;
- implementation of power teachers; and
- implementation of research-based programs, such as:
 - math and reading;
 - mastery/corrective reading;
 - Read 180/System 44;
 - oral language; and
 - test prep.

CMS Superintendent Myers gave the committee an overview of the SuccessMaker Reading/Math intervention software program and introduced Ms. Martin and Ms. Bunce, who referred to a presentation in the committee notebooks. Superintendent Myers noted that the initial placement of SuccessMaker was designed to adjust a student's course level to one that more accurately reflects the student's ability. The scope of sequence of SuccessMaker Reading, she said, incorporates six strands of reading instruction for grades kindergarten through 5 and four strands for grades 6 to 8, as outlined by the National Reading Panel. Superintendent Myers also noted that SuccessMaker Math provides content and reports aligned to the National Council of Treatment of Mathematics standards and state standards, with seven strands of instruction to include:

- number sense and operations;
- data analysis;
- probability;
- geometry;
- measurements;
- patterns, algebra, and functions; and
- fluency.

Ms. Martin discussed the adaptive standard motion and monitoring of students through reports, such as:

- cumulative performance;
- student performance;
- areas of difficulty;
- last session; and
- prescriptive scheduling.

Finally, Ms. Bunce gave the committee details on a sample report and explained the SuccessMaker Reading and Math interventions.

Next, Ms. Menicucci and Ms. Alvarez from APS informed the committee that the district provides professional development and materials for general education classrooms from kindergarten through grade 2. Ms. Menicucci also explained that professional development and tools to implement the Wilson Foundation's prevention/early intervention model have been provided to 86 out of 90 elementary schools in APS. She concluded by noting how the Wilson Foundation intervention model aligns with CCSS by:

- thoroughly teaching the foundational skills of the CCSS;
- directing foundational skills toward fostering students understanding and working knowledge of basic conventions of the English writing system; and
- teaching or significantly supporting other CCSS standards in reading, writing, speaking, listening, and languages.

To conclude, Ms. Alvarez described the Wilson Foundation instruction as a two-tiered system that includes 30 minute daily standard lessons and grade level training for all new teachers and instructional coaches, including:

- Tier 1 Prevention:
 - 30 minute daily lessons;
 - whole group direct instruction;
 - four to five daily activities that integrate the five essential components;
 - how to address different learning styles with a multisensory approach;
 - targeted, diagnostic instruction; and
 - instruction to meet the CCSS skills; and

- Tier 2 Intervention:
 - for at-risk students, an additional 30 minute lesson three to five times a week;
 - classroom teacher or interventionist provides small group instruction;
 - strategic intervention;
 - data-driven instruction;
 - curricula-based measures for progress monitoring; and
 - beginning-to-mid-year probes and mid-to-end-year probes.

Committee Discussion

Responding to a committee member’s question relating to retained students who transfer to another school district, Ms. Harrelson replied that the school does progress monitoring for each transferred student.

In reply to a committee member who asked about using a combination of retention and intervention and the appropriateness of retention, Ms. Harrelson replied that everything that can be done should be done to help the child, but ultimately some students fall behind and do have to be retained.

When a committee member asked about the starting point of intervention, Ms. Menicucci replied that intervention begins in kindergarten by training teachers to deliver strong instruction. Another committee member suggested increasing the “pressure point” of retention beyond third grade so that students are ready to complete requirements in the next grade level.

POTENTIAL INTERVENTION/RETENTION LEGISLATIVE INITIATIVES

At the request of the Chair, presentations by the following legislators were moved to the December meeting:

- Senators John M. Sapien, Linda M. Lopez, and Gay G. Kernan; and
- Representative Mary Helen Garcia.

The Chair recognized Ms. Barbara Nelson, President, and Mr. Loren Nelson, Secretary-Treasurer, The Imagination Library (IL) of Grant County, Inc.; and Senator Howie Morales, to present on a potential legislative initiative for reading intervention.

Ms. Nelson, who is a retired elementary music teacher currently living in Silver City, referred the members to a handout in the committee notebooks which explained that the IL, founded by Dolly

Parton, has over 1,650 affiliates in the US, Canada, and the United Kingdom who together distribute more than 685,000 free books each month to preschool children. In New Mexico, 23 affiliates distribute approximately 3,500 books per month. According to Ms. Nelson, the primary tasks for her affiliates are to:

- register preschool children who live in Grant County;
- mail them a free age-appropriate book each month; and
- raise funds locally to pay for the books.

Currently, she said, the IL of Grant County mails over 1,350 free books per month, which, according to the 2010 US census, serves 79 percent of Grant County's eligible population.

Mr. Nelson continued by stating that IL is in a unique position to address the problems identified by Kids Count, New Mexico. Instead of addressing the consequences of being ranked at the bottom, he stressed the need to address underlying problems through:

- books – according to a 2010 study by Evans and Kelly, the more books there are in the home, the longer a child will remain in school;
- vocabulary – a study by Hart and Risley demonstrated that children from literacy-rich environments enter kindergarten with a vocabulary 10 times greater than those without books in the home;
- brain development – 90 percent of which takes place during the first three years of life, therefore, the time to start assisting children to be good readers and then successful students begins at birth;
- early literacy – the National Institute of Child Health and Human Development stated that children who have trouble reading in first grade continue to have difficulty in later grades; and
- reading together – which promotes parent-child interaction and bonding.

For New Mexico, Mr. Nelson proposed making IL a statewide program and part of an overall early childhood education strategy. Currently, he noted, Arkansas is trying to initiate the program with no state funding, while other states, like Tennessee, use a foundation as the fiscal agent. In addition, Mr. Nelson explained that two states are exploring the option of using either a foundation or a state agency similar to the Children, Youth and Families Department. He then suggested a model where each county has a “champion” 501(c)(3) organization, such as the Rotary Club or United Way, to raise half of the funding, while the fiscal agent for the state pays the other half for the IL program. By investing \$2.6 million over a five-year period, Mr. Nelson said, the state could provide 2.6 million books for New Mexico's preschool children.

For the record, LESC staff stated that a former committee member, Representative Diane Miller Hamilton, requested that this presentation occur. Senator Morales then emphasized the benefits of connecting children to their parents and siblings through reading and addressed the impact of illiteracy on the state, noting that dropouts earn less than high school graduates and are more likely to be arrested and incarcerated.

Committee Discussion

A committee member commented on the importance of children having books that they own in the home.

Regarding a committee member's question about the IL process, Mr. Nelson said that affiliates enter the names and addresses of book recipients into a database that goes to the Penguin Books' mailing house. He added that the IL of Grant County has an active board with seven members who organize events where children sign up for the IL program.

When the Chair asked what happens if an affiliate does not raise enough funds, Mr. Nelson said that the book delivery stops. However, he added that the IL of Grant County receives community-based funding through mail campaigns and donor organizations such as the Frost Foundation, United Way, and Silver City Masonic Lodge.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized the following individuals for community input:

- Ms. Margarita Hibbs, expressed concern regarding remediation and intervention, and how difficult teaching reading is after a certain age. Ms. Hibbs also asked the committee to look at research for best practices and to consider prioritizing what works in regard to remediation and intervention programs.
- Mr. Daniel Herrera, President of La Merced del Pueblo de Manzano, asked the committee to be aware of the emphasis being placed on testing. Mr. Herrera also informed the committee that in Mountainair there was a large population of Hispanics and Native American students who were automatically placed in special education courses, and school districts do this when they are pressured to improve test results and obtain revenue for it.

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 5:13 p.m.

**MINUTES
LESC MEETING
NOVEMBER 14, 2013**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:21 a.m., on Thursday, November 14, 2013, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LESL were present:

Senators John M. Sapien, Chair, Craig W. Brandt, Gay G. Kernan, and Howie C. Morales; and Representatives Rick Miera, Vice Chair, Jimmie C. Hall, Dennis J. Roch, Sheryl M. Williams Stapleton, and Mimi Stewart.

The following voting member of the LESL was not present:

Representative Nora Espinoza.

The following advisory members of the LESL were present:

Senators Lee S. Cotter, Linda M. Lopez, John Pinto, William P. Soules, and Pat Woods; and Representatives David M. Gallegos, Tomás E. Salazar, and Christine Trujillo.

The following advisory members of the LESL were not present:

Senators Jacob R. Candelaria and Daniel A. Ivey-Soto; and Representatives Alonzo Baldonado, Nathan "Nate" Cote, George Dodge, Jr., Stephanie Garcia Richard, Timothy D. Lewis, James E. Smith, and Bob Wooley.

Representatives Luciano "Lucky" Varela and Vickie Perea were also in attendance.

**OBSERVATION AND FEEDBACK:
EFFECTIVENESS EVALUATION SYSTEM**

The Chair recognized Dr. Linda M. Paul, Executive Director, New Mexico School Leadership Institute (NMSLI), University of New Mexico (UNM), and Mr. Matt Montañño, Director, Educator Quality Division, Public Education Department (PED), for a report on the observation component of the effectiveness evaluation system. This agenda item was moved from the October LESL interim meeting.

Also in attendance were Ms. Arlene Atencio-Lindsay, Deputy Director, NMSLI; Ms. Leighann Lenti, Deputy Secretary for Policy and Dr. Peter Goldschmidt, Director, Assessment and Accountability, PED staff.

Dr. Paul provided an overview of NMSLI, explaining that the institute:

- opened in November 2009;
- is codified in statute (Laws 2010, Chapter 65);
- is housed at UNM;
- has a business model that has a small overhead with 2.5 full-time equivalent employees; and
- since 2009, has provided training or support to more than 221 schools across New Mexico.

Dr. Paul explained that NMSLI provides:

- recruitment, preparation, and mentoring of principals, some of which has been supported with a US Department of Education (USDE) grant to partner with the Albuquerque Public Schools (APS), UNM, and NMSLI;
- on-the-ground training for sitting principals at traditional public and charter schools; and
- central office capacity building through strategic planning and data coaching.

Referring the committee to a slide of the districts and charter schools participating in training and/or support from NMSLI, Dr. Paul explained that the concentration of NMSLI's work has been in the Albuquerque metropolitan area, though NMSLI does work with public and charter schools across the state. NMSLI's work was cited as a "promising clinical practice worth replication across the state" by the Legislative Finance Committee staff in December 2012, she added.

Explaining the NMSLI partnership with PED, Dr. Paul stated that, in September 2013, NMSLI was approved to deliver the two-day Teacher Evaluation Advisory Council (NMTEACH) training and, in October 2013, NMSLI was approved to do the NMTEACH calibration work.

Dr. Paul focused her presentation on the role of the principal in the new evaluation system, explaining that the entire system requires principals to play a crucial role that shifts the focus of their work from being managers to being instructional leaders. Dr. Paul explained that the NMTEACH rubric contains 4 domains and falls into two of three categories for a teacher's evaluation: observation and multiple measures.

Again, emphasizing that NMTEACH and the new educator effectiveness evaluation system require principals to shift from managers to instructional leaders, Dr. Paul reported that there are two major challenges for principals to be effective instructional leaders: time and expertise. Dr. Paul cited research studies explaining that instructional leadership occupies only 8.0 to 17.0 percent of a principal's time. She explained that instructional leadership requires principals to focus on learning for students as well as adults and create environments to help foster adult growth, improvement, and a united community; and to use data to inform the work.

Dr. Paul stated that it is the feedback portion of the evaluation component of teachers where change and growth truly happen. Dr. Paul emphasized that good, actionable feedback to teachers from principals and PED-approved observers is crucial to changes in instructional practice over time. Dr. Paul also explained that the feedback process includes resources for teachers and follow-up over time.

Citing recommendations from the Measures of Effective Teaching (MET) Project, Dr. Paul stated that approximately 60 to 90 hours worth of training was essential to adequately prepare principals for an evaluation and feedback evaluation system. Dr. Paul mentioned that currently NMSLI and PED are offering principals three days worth of training, approximately 24 hours of training.

Mr. Montaña explained that he provided his presentation at the October LESC meeting. He acknowledged that NMSLI has become part of the training process as part of the NMTEACH protocol and that the principals were satisfied with the clarity of the trainings provided by Dr. Paul and the NMSLI.

Mr. Montaña also explained that there are two levers that schools control regarding student achievement: classroom instruction and instructional leadership. Explaining the emphasis on the training of principals for conducting observations and providing feedback to teachers, Mr. Montaña stated that principals have a wider, global impact on how schools can improve their overall performance and that leadership is going to have the greatest impact on school achievement.

Finally, Mr. Montaña stated that principals need to provide five things in order to be effective instructional leaders:

1. a vision of success for all students;
2. a climate of learning;
3. cultivation of leadership in others;
4. a focused vision on improving instruction; and
5. effective management of people, data, and processes.

Committee Discussion

The Chair began committee discussion by stating that he wants to have the NMSLI play a central role in partnership with others to create a program that will turn New Mexico schools around, similar to the kind of program they have at the University of Virginia.

Referring to a slide from Dr. Paul's presentation, the Chair asked what can be done to change the emphasis of a principal's job to focus more on instructional leadership when most studies show that instructional leadership comprises only 8.0 to 17.0 percent of a principal's time.

Mr. Montaña explained that the training for observation and feedback was developed by New Mexico educators as a result of a pilot during school year 2012-2013. Mr. Montaña stated that principals must develop their expertise in instructional leadership, manage their time better, and have other administrators assist with the more managerial aspects of the principal's work.

Referring to the map on Dr. Paul's presentation, a committee member asked if trainings provided by NMSLI in the Northwest portion of the state were public schools. Dr. Paul explained that they were all public schools in either Gallup-McKinley County Public Schools or Central Consolidated Schools. The committee member asked how frequently NMSLI runs the principal program, and Dr. Paul explained that most of the work NMSLI provides to districts and charter schools is customized and depends on the needs of individual school districts. Referring to the map, the committee member noted that other parts of the state have not had access to the

trainings provided by NMSLI and perhaps that has to do with the limited number of NMSLI staff.

A committee member asked how NMSLI is funded. Dr. Paul explained that, initially when created in 2009, the NMSLI received an appropriation from the Legislature but now they operate under a fee-for-service model; the institute has a grant from the USDE in partnership with UNM and APS as well. The committee member asked if training has been provided to teachers, to which Dr. Paul replied that she focuses the trainings on principals and believes that it is more powerful when the leader at the school works with teachers rather than someone from the outside. Mr. Montaña stated that PED has not done any training directly with teachers, but provides videos through Teachscape to help teachers watch other teachers perform.

A committee member asked how many principals were employed in the state and how many of those were trained. Mr. Montaña stated that there are approximately 2,200 principals and every single principal has been trained through Teachscape, regional live trainings, and webinars.

A committee member stated that when NMSLI was created, the Legislature and many others had no idea on how the role of a principal would evolve over time. The committee member stated NMSLI must be expanded to have a significant impact on school districts and charter schools throughout the state. Another committee member asked if NMSLI received money from UNM, to which Dr. Paul replied in the negative.

A committee member stated that several educators have requested that PED slow down the implementation of the new teacher and principal evaluation system and asked if PED had considered doing so. Mr. Montaña stated that the majority of feedback to PED has been in support of the NMTEACH rubric and the new evaluation system.

A committee member asked how Teachscape was selected. Mr. Montaña explained that there was a request for proposal process, and Teachscape won that bid. Explaining that there were three finalists, Mr. Montaña stated that the other two vendors, Randa and School Improvement, did not meet all of the specifications. Mr. Montaña explained that Teachscape was launched on August 1, 2013 and was used as part of the MET Project.

A committee member commented that one of the findings from the MET Project was that recommendations should be for improvement of instruction and not for the rating and evaluation of teachers. Ms. Lenti, commented that the MET Project looked at the best way to evaluate teachers, which includes student achievement, student surveys, and observation protocols as part of the full multiple measures. She also stated that if the department uses the observation protocol alone there will not be a reliable sense of teacher practice. Dr. Goldschmidt, added that the purpose of the study was in fact to measure, as well as show how to measure, effective teaching. Summarizing key findings from the study, Dr. Goldschmidt explained that observations needed to be used because those are the tools to improve instruction and that these observations also need to be tied to student achievement and other multiple measures.

A committee member asked if it was clarified in PED rule that those who are not principals needed to meet qualifications in order to conduct observations. Mr. Montaña explained that he will need to research and provide a response. The committee member asked if there were teachers on NMTEACH. Mr. Montaña responded that there were six teachers on NMTEACH.

A committee member stated that she received a copy of the Portales Municipal Schools resolution that was passed on November 11, 2013, which noted the consequences of “rushing to implement incomplete initiatives” and requested PED to allow additional time and flexibility to implement the new evaluation system. Ms. Lenti explained that the requests to delay the evaluation system do not have anything to do with the observation component, and that many are not satisfied with the current evaluation system. Ms. Lenti also stated that PED understands the concerns about the new system and explained that there are consequences in delaying the implementation of the new evaluation system.

The Chair commented that he sent a letter to Ms. Hanna Skandera, Secretary-designate of Public Education, requesting a delay to the new evaluation system so that districts can receive an additional year of training, and Ms. Skandera provided a response. The Chair stated that in her reply Ms. Skandera stated that there is an urgency for a new evaluation system. The Chair indicated that urgency does not require the rushing of a plan and that the LESC has not heard from a single school district that the new evaluation system is fully ready to be implemented yet.

HIGH SCHOOL GRADUATION REQUIREMENTS: SUPERINTENDENT INPUT

The Chair recognized the following school district superintendents: Mr. Allan Tapia, Bernalillo Public Schools (BPS); Mr. T. J. Parks, Hobbs Municipal Schools; Dr. Crit Caton, Artesia Public Schools; and Dr. Joel Boyd, Santa Fe Public Schools (SFPS), to discuss issues regarding the Public Education Department (PED) high school graduation requirements. In addition, the Chair recognized Dr. Gloria O. Rendón, Executive Director, New Mexico Coalition of Educational Leaders (NMCEL); Mr. Paul Benoit, Superintendent, Floyd Municipal Schools and President of NMCEL’s New Mexico School Superintendents’ Association (NMSSA); Mr. Sergio Torres, a senior at Hobbs High School; and Ms. Leighann Lenti, Deputy Secretary for Policy, PED.

Superintendent Tapia informed the committee that BPS has an enrollment of approximately 3,100 students that is 51 percent Hispanic and 42 percent Native American. He added that all of the students receive free or reduced-price meals.

Although Superintendent Tapia stated that he supports rigor and accountability, he expressed concerns about graduation assessments, noting that 78 out of 178 seniors at Bernalillo High School have not met competency requirements on the standards-based assessments. Students may also demonstrate competency, he explained, by using other tests for the Alternative Demonstration of Competency (ADC), such as ACT or SAT exam scores; however, the cut scores set by PED for those tests are higher than those required by most colleges.

Noting that most students who do not pass are minorities and English language learners (ELLs), he explained that they learn differently and should be given the opportunity to show their understanding of knowledge in multiple ways. After discussing the test anxiety suffered by hands-on learners, ELL, and special education students, Superintendent Tapia informed the committee that a student in his district who plays softball says it is more of a civil rights than graduation issue for her. Because she has not passed any of the assessments, her softball scholarship is in jeopardy.

A committee member asked how the projected graduation rate for this year compared to last year, and Superintendent Tapia replied that his high school expects a 7.0 percent decrease.

Dr. Rendón introduced Superintendent Benoit, and emphasized that he was speaking on behalf of all members of the NMSSA.

Superintendent Benoit informed the LESC that NMSSA conducted an internal survey designed to gauge the level of concern over the number of students who are uncertain whether they will be awarded a diploma by May 2014. He said the survey was unscientific and intended only to guide superintendents in conversation, not to be interpreted as an estimated graduation rate. According to Superintendent Benoit, the informal survey indicated that just over 50 percent of public high school seniors and their parents across the state are uncertain regarding their graduation/diploma status. While acknowledging the guidance, clarification, and flexibility issued from PED, Superintendent Benoit testified that the issues are best summarized in two categories of concern:

1. the ability to timely and clearly communicate graduation requirements to students, parents, and communities; and
2. the ability of local school boards to develop standards for both college- and career-readiness.

While it has been clarified in a recent guidance memo, according to Superintendent Benoit, that school boards have legal authority to establish criteria for ADC, this has not been a major point of emphasis or even understanding among the 89 school districts.

Superintendent Parks addressed the committee and informed the members that he also serves as the President-elect of NMSSA. He then introduced Mr. Torres and referred to him as an achiever at Hobbs High School. The superintendent said the high school senior has done everything asked of him – is an honor student, participates in extracurricular activities, and takes Advanced Placement courses. Although Mr. Torres has received instruction from highly qualified teachers on subjects based on the New Mexico Standards and Benchmarks, the superintendent said, Mr. Torres does not qualify for graduation because he did not meet competency scores on a standardized exam.

To provide examples of how the changing requirements for graduation affect his district, Superintendent Parks testified that he had a conversation with a businessman trying to explain the graduation requirements for his child. That afternoon, an email came from PED stating that schools were allowed to use biology grades for students who passed the subject in school year 2011-2012. He then called the parent to explain that in a matter of those three hours his child became eligible to graduate. In addition, when the high school mailed notice letters for a parent forum on the status of graduation, the change from PED compelled district staff to stop the mail carrier in order to remove those letters and reclassify which students now met the criteria. Before this change was announced, Superintendent Parks told the committee that Hobbs High School spent 969 hours of preparation on remediation strategies for seniors. Overall, he said the district dedicated \$44,000 to intervention methods this year.

Although the superintendent expressed gratitude for the flexibility, he admitted that a lack of long-term planning is doing damage to the system and said the district has signed grant agreements only to ask for permission later on to change the intent because of rule changes made by PED.

The superintendent continued, noting that in Hobbs, a student who has a commercial driver's license and a high school diploma can work for an oil field company and take home an annual

income of \$100,000. A new, second diploma option, he said, would allow students who met the standards and bench marks in the classroom to receive a diploma, and those who met the criteria of the standardized test to receive a diploma of excellence. Other states have incorporated tiered high school diplomas, including Texas and New York, who both have a three-tiered diploma, according to Superintendent Parks. Noting that superintendents predicted that 75 percent of the current seniors may graduate under the current system, he said the changed requirements will drop the graduation rate below 60 percent for the entire state.

Superintendent Parks also commented on a November 6 business luncheon in which the Halliburton Company was invited to attend. He said the company is in the process of recruiting 350 employees to the Hobbs area and concerned about the image of education in New Mexico. If sweeping changes do further damage to schools, he said, Halliburton will not be successful in recruiting parents to move to New Mexico. Because each of those jobs has an average salary of \$50,000, the superintendent indicated it could have a negative impact of \$17.0 million a year on the economy and a direct impact on oil and gas production.

To conclude, he emphasized the need to be open to improvements, noting that his district has embraced the University of Virginia model and is excited about the short-term results seen thus far. Although he does not agree with the weighting of the current teacher evaluation system, Superintendent Parks commented that the observation training was the best he has seen during his administrative tenure in New Mexico. He added that, to really improve education, early childhood education should be discussed more, but in the meantime, schools are obligated to graduate students under the rules they were given when they began.

After distributing several handouts, Superintendent Caton informed the committee that the NMSSA executive leadership team met with Ms. Hanna Skandera, Secretary-designate of Public Education and two of her staff via phone conference on November 5 in regard to the current high school graduation status. He expressed appreciation for the time taken by the Secretary-designate to consider the matter, and noted that she:

- made it clear that any modifications or exceptions will be accomplished without lowering any standards for high school;
- commented that the state is spending \$27.0 million in remediation at the higher education level annually (the NMSSA is concerned with students who will or intend to enter the workforce immediately after graduation and have no intention of going to college); and
- reminded the phone conference participants that the regulation has been in place since the existing seniors were eighth graders in 2008; however, he said the regulation has been modified and forgiven multiple times, as recently as October 28 and November 12 of 2013.

Superintendent Caton also noted the discussion regarding end-of-course exams (EoCs), from their development to the establishment of cut scores. It was stated that teachers set the cut scores for the exams; however, because a teacher sets a cut score he questioned whether that makes it valid. For example, the Chemistry exam has 33 questions and only 12 correct answers are required for passing, which may or may not be appropriate for the comprehensiveness or rigor of the total battery.

The superintendents were also told that a composite score of 22 on the ACT may be used as the ADC for graduation. Superintendent Caton testified that students who do not (or cannot) pass

the New Mexico Standards-based Assessment will, most likely, not score a 22 on their ACT exam. He added that many colleges accept students with an 18 and sometimes even a lower score and oftentimes these students are successful. Noting that school districts cannot implement plans unless they are functional, the superintendent said there are still EoCs that will not have cut scores developed until April, which is unacceptable for seniors. Although no one wants to lower standards, he asserted the PED criteria are unrealistic, and the problem is either with the test or its misalignment to the high-quality instruction delivered in classrooms throughout the state.

To resolve the dilemma, Superintendent Caton suggested that a “tiered” system or pathway to the high school diploma or certificate should be considered. Currently, he said, Texas and New York have three tiers of high school diplomas and Colorado is considering using a two-tiered high school diploma.

NMSSA recommends that students committed to a college-bound path be held to a higher level and pass each standards-based exam (or its equivalent). These students would be issued a “Diploma of Excellence” that is aligned with the entrance requirements of higher education to provide a smooth transition from public education to the collegiate level, Superintendent Caton said. This tier could possibly help lower the costs of remediation mentioned by the Secretary-designate, he added. Superintendent Caton further proposed that students who complete their high school coursework but do not meet the standards-based assessment criteria should receive a General Diploma, which demonstrates that the student:

- has met the graduation requirements by passing the required credits set by local boards and the State of New Mexico; and
- has successfully completed courses aligned to the New Mexico Standards and Benchmarks, each taught by a highly qualified, licensed teacher.

Although the idea of a multi-tier diploma offering has not been formally discussed with the Secretary-designate, Superintendent Caton explained, the solution is being presented as a result of the aforementioned conversation.

He also addressed the confusion among districts as to whether the marching band course counts as a physical education (PE) credit and referred to a handout with Student Teacher Accountability Reporting System (STARS) guidelines from PED stating that the course “may be counted towards PE graduation requirement credit with local board approval.”

Superintendent Boyd began by commending the Secretary-designate and her staff for being available and open to discussion regarding graduation requirements. He then informed the committee that SFPS stopped issuing PED memos because local school boards have the authority to set graduation requirements. Unlike some school districts who did not realize this, he refused to tell seniors that their status was uncertain although now some colleges do not know if they can accept SFPS seniors for admission next fall. In addition, he reported that some seniors in the district are considering whether to drop out and take the General Educational Development exam.

Currently, the superintendent explained, SFPS is planning to develop procedures to determine whether ADCs are being met. Regarding the use of EoCs in place of final exams, he stated that he believes this has merit, but said it makes no sense to require them for courses taken years ago. Speaking on behalf of his district, Superintendent Boyd requested that:

- local authority be cemented in statute, never to be removed by rule;
- new graduation standards be established to provide clarity; and
- current seniors be exempt from the new graduation requirements.

The Chair invited Mr. Torres to address the committee and offer a student's perspective. Mr. Torres then testified that the changes are affecting many other students in Hobbs, some of whom have dropped out of school. He also expressed concern that he did not pass the EoC for math, yet takes an Advanced Placement pre-calculus course.

In response to all the testimony, Ms. Lenti noted that the department added flexibility for social studies by allowing the course score to be used to meet competency and also permitted course grades to be used in place of EoCs for courses taken years ago. In addition, staff referred to PED data showing that 90 percent of students meet competency in the science area.

Committee Discussion

Responding to a committee member who asked about the Higher Education Department's (HED) involvement in the development of EoCs, PED staff replied that HED officials were not involved. The member then referred to a section of law (Laws 2003, Chapter 59) stating that:

High school curricula and end-of-course tests shall be aligned with the placement tests administered by two- and four-year public post-secondary educational institutions in New Mexico. The department shall collaborate with the commission on higher education in aligning high school curricula and end-of-course tests with the placement tests.

Committee members also discussed:

- EOC and the New Mexico Standards-based Assessment cut scores;
- PED rules and local authority;
- high school redesign legislation created in 2006;
- the need to prepare students not only for college but for careers as well;
- the authority of high-level school district officials to allow students like Mr. Torres to graduate; and
- counting the marching band course as a valid PE requirement (including who made the decision and why it was made).

HJM 30, STUDY USES OF STANDARDIZED TEST SCORES

For the sake of time, the Chair requested that committee members refer to the LESC staff brief for background relating to the requests and requirements included in HJM 30, using assessments to determine teacher performance.

USING ASSESSMENTS TO DETERMINE TEACHER PERFORMANCE

The Chair recognized Ms. Mariann Lemke, Principal Research Analyst with the American Institutes for Research (AIR) Center on Great Teachers and Leaders (GTL Center), to provide the committee with an overview on using assessments to determine teacher performance.

Referring to her presentation in the committee notebooks, Ms. Lemke informed the LESC that AIR:

- conducts and applies the best behavioral and social science research and evaluation toward improving peoples' lives, with a special emphasis on the disadvantaged;
- is one of the largest not-for-profit behavioral and social science research organizations in the world; and
- is headquartered in Washington, DC, with approximately 1,600 employees around the world working in education research, assessment, evaluation, and technical assistance.

In addition to discussing the national landscape related to the use of student achievement data for teacher evaluation, Ms. Lemke summarized various state approaches as well as the benefits and limitations related to the use of student achievement data. Noting that the ultimate goal is to improve teaching and learning, she said that the GTL Center wants to assist in the implementation of evaluation systems that provide information on what educators do (professional practice) and on how well students learn (outcomes).

According to Ms. Lemke, 44 states and the District of Columbia have updated educator evaluation statute and rules in the last few years; several others have changes pending. These changes include mandates or recommendations to incorporate student achievement data into educator evaluation, with variation in the requirements and a focus on growth that takes student starting points into account rather than measuring a single point in time. She added that approximately 35 states, including New Mexico, use or will implement a statewide value-added or student growth percentile measure for tested grades and may use any of the following approaches for non-tested grades and subjects:

- collective measures based on tested grades and subjects (e.g., school-wide value-added scores);
- building or buying assessments to measure growth; and
- student learning objectives (SLOs)/goal-setting.

Although the use of school-wide value-added scores may be an attractive option because these scores build on existing data, Ms. Lemke warned there are strong validity concerns with assigning scores from one subject to teachers in other subjects. For building or buying assessments, she noted, it may be difficult and expensive to develop or purchase exams that cover all subject areas, and providing guidance alone may be insufficient to ensure quality. Ms. Lemke also explained SLOs, which are methods for teachers to set goals for student performance on a particular assessment using baseline data and are evaluated based on how many students meet their targets. SLOs provide opportunities for teacher professional growth and align well to teacher responsibilities, but she said it may be difficult to implement this approach consistently across classrooms and schools, and it is labor intensive.

Ms. Lemke listed several considerations to take into account when using assessments for teacher evaluation, noting that one should ask whether the assessment or measure:

- aligns with what students are expected to learn and teachers are expected to teach;
- measures growth and fairly assesses all students; and
- has evidence of reliability.

She then discussed issues to consider when using value-added measures (VAMs), explaining that:

- VAMs can provide:
 - useful information;
 - positive correlation between student growth measures and other measures of teacher performance (e.g., instructional practice and/or principal evaluations);
 - evidence that teachers with high value-added scores do something different (as measured through observations) than teachers with low value-added scores; and
 - evidence that teachers with high value-added scores have a positive effect on future student achievement and other long-term outcomes;
- VAMs should not be used alone for high-stakes decisions;
- communication and stakeholder engagement are critical for new or complex measures; and
- VAMs are not perfectly precise or reliable:
 - student growth measures depend on test data, which is itself an imperfect measure for a variety of reasons;
 - small numbers of students can lead to imprecision and instability; and
 - appropriate business rules and multiple years of data are necessary.

Ms. Lemke concluded by defining the matrix and numeric approaches, both of which combine multiple measures through the use of assessments and other data. The numeric approach (e.g., .35 times student growth score plus .15 times student survey score plus .50 times observational score), she noted, appears best in terms of minimizing error and bias.

Committee Discussion

In response to a question relating to the correlation between student growth and other measures, Ms. Lemke replied that it varies among different studies, but ranges up to about 35 percent predictability.

In response to a committee member's question regarding the importance of variables put into the VAM model, including poverty, Ms. Lemke stated that variables can make a difference for individual teachers and asserted that poverty is a technical and policy decision.

Regarding the Measures of Effective Teaching (MET) Study, when a committee member asked why New Mexico used the high end for student achievement, the Chair recognized Dr. Peter Goldschmidt, Director, Assessment and Accountability, Public Education Department (PED),

who stated that the high end of the MET Study was 87 percent (compared to 50 percent for New Mexico).

The Chair asked Ms. Lemke how the proposed PED system compares with the approaches recommended by the GTL Center, and Ms. Lemke deferred to Dr. Goldschmidt, who said that the department has a number of the components mentioned in the presentation, including teacher evaluation and multiple measures.

USE OF VAM IN TEACHER/SCHOOL LEADER EVALUATIONS

At the request of the Chair, this item was moved to the first LESC interim meeting in 2014.

DIRECTOR'S REPORT

At the request of the Chair, this item was moved to the next LESC interim meeting in December.

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 5:33 p.m.

**MINUTES
LESC MEETING
NOVEMBER 15, 2013**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:25 a.m., on Friday, November 15, 2013, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LESL were present:

Senators John M. Sapien, Chair, Craig W. Brandt, and Gay G. Kernan; and Representatives Rick Miera, Vice Chair, Jimmie C. Hall, Dennis J. Roch, Sheryl M. Williams Stapleton, and Mimi Stewart.

The following voting members of the LESL were not present:

Senator Howie C. Morales and Representative Nora Espinoza.

The following advisory members of the LESL were present:

Senators Jacob R. Candelaria, Lee S. Cotter, Daniel A. Ivey-Soto, Linda M. Lopez, John Pinto, William P. Soules, and Pat Woods; and Representatives David M. Gallegos, Tomás E. Salazar, and Christine Trujillo.

The following advisory members of the LESL were not present:

Representatives Alonzo Baldonado, Nathan "Nate" Cote, George Dodge, Jr., Stephanie Garcia Richard, Timothy D. Lewis, James E. Smith, and Bob Wooley.

POTENTIAL COMMITTEE-ENDORSED LEGISLATION

LESL Subcommittee on School Bus Transportation

The Chair recognized Representative Mimi Stewart, Subcommittee Chair; Mr. David Craig, LESL staff; and Mr. Antonio Ortiz, Director, Student Services and Transportation Division, Public Education Department (PED), to brief the committee on the following potential legislation recommended by the subcommittee for LESL endorsement:

- **Transportation Boundary Agreement Joint Memorial:** Creates a pilot program that allows two school districts to enter into transportation boundary agreements on the basis of school choice. (.194961.3) *Sponsor: Representative Mimi Stewart*
- **PED School District Liens on Certain School Buses:** Amends the *Public School Finance Act* to require school districts to file liens on contractor-owned school buses under contract to the school district. (.194931.1) *Sponsor: Representative Mimi Stewart*

- **PED School Transportation Fund:** Creates the School Transportation Training Fund, consisting of payments from school districts and charter schools for school transportation training; and provides that money from the fund is subject to appropriation by the Legislature for PED to administer the fund and provide school transportation training workshops and training services. (.194933.1) *Sponsor: Representative Mimi Stewart*
- **School Bus Fuel Gross Receipts:** Creates a new section of the *Gross Receipts and Compensating Tax Act* to provide for an exemption from the gross receipts tax for receipts for the sale of fuel for school buses; and provides for an exemption from the compensating tax for fuel used for school or school-related bus transportation of students. (.194936.1) *Sponsor: Representative Mimi Stewart*
- **School Bus Global Positioning System (GPS) Devices (as standalone appropriation):** Appropriates a yet to be determined amount from the General Fund to PED for expenditure in FY 14 to provide for installation and operation of security and GPS devices for school buses. (.194935.2) *Sponsor: Representative Mimi Stewart*
- **School Bus GPS Devices (HB 3):** Appropriates a yet to be determined amount from the General Fund to PED for expenditure in FY 14 to provide for installation and operation of security and GPS devices for school buses.
- **School Bus Replacement Capital Outlay Request:** Includes an appropriation for school bus replacements.
- **School Transportation Reporting Dates – 80th Day with Growth Hold Harmless:** Amends the *Public School Finance Act* to change the dates for school districts and state-chartered charter schools to report school transportation information to the State Transportation Director; and changes the bases for determining transportation distribution allocations, effective July 1, 2014. (.194937B.3) *Sponsor: Representative Mimi Stewart*
- **Transportation Emergency Fund:** Creates language clarifying that increases in the price of fuel is an emergency. (.194939D.1) *Sponsor: Representative Mimi Stewart*

Committee Discussion

In response to a committee member's question regarding the 12-year lien, Mr. Ortiz answered that the contractor is obligated to run the bus for 12 years and the State of New Mexico is the lien holder. He added that if the bus is not paid off then the bank is the first lien-holder and the state will be the second lien-holder.

A committee member asked about the rationale for the School Transportation Training Fund and whether it would be a reverting fund. In reply, Mr. Ortiz explained that PED charges fees for school district employees to receive training and related services (including Certified Driver License exams and inspections), and currently, each school district separately deposits the funds to pay for those services. However, he said, auditors advised PED to establish what should be a non-reverting fund for all the districts to deposit money for training and related services.

Regarding the proposed legislation for school bus fuel gross receipts, a committee member asked whether it would impact the State Road Fund, and Representative Stewart indicated that the proposed bill would result in an approximate loss of \$300,000 to the fund.

Other committee discussion included:

- adjusting the weight given to mileage in the transportation funding formula (TFF) and appropriating funds to establish a GPS monitored by PED that would provide accurate mileage data;
- concern over changes to the TFF and the need to be extra analytical as growth factors are added;
- amending the Transportation Emergency Fund to allow use of funds to supplement increases in fuel costs; and
- how the transportation boundary agreement could result in some school districts losing students due to migration away from rural areas and whether to conduct a pilot program to determine cause and effect.

Finally, two members of the subcommittee thanked Representative Stewart for bringing all stakeholders to the table to express their views and inform the members.

2013 LESC-endorsed Vetoed Legislation

The Chair recognized Mr. Raúl Burciaga, Director, Legislative Council Service (LCS), and Mr. John Yaeger, Assistant Director for Legislative Affairs, LCS, to provide the committee with background information on vetoed bills. Mr. Burciaga testified that, in 1964, the Legislature passed a constitutional provision that laid out criteria for these bills to be considered germane in 30-day sessions. Then in 1965, he said, an Attorney General's (AG) opinion responding to the question of whether a vetoed bill could be reintroduced as germane supported the 1964 provision that vetoed legislation must be in its original vetoed form. According to Mr. Burciaga, the Legislature has followed this provision since 1965, and there are only a few cases in which vetoed bills have been ruled automatically germane.

Mr. Yaeger continued by informing the committee that it is up to each chamber to determine germaneness.

Committee Discussion

Regarding a motion to reconsider a vetoed bill, a committee member asked if an override requires the votes of two-thirds of members who are present, and Mr. Yaeger answered in the affirmative.

A committee member then asked whether two motions need to be made – a motion to reconsider, requiring a simple majority; and a motion to override, requiring a two-thirds supermajority of the members present. Mr. Yaeger stated that the first step is to recall the bill from the Secretary of State's office, requiring a simple majority vote. Mr. Burciaga agreed with Mr. Yaeger and then said he believed that two motions are required, quoting from the AG Opinion, "If a motion is made to reconsider a bill vetoed by the Governor at the last regular session, and if such motion carries, then the Legislature will vote on the bill."

When a committee member asked whether another sponsor can pick up a vetoed bill, Mr. Burciaga answered that those are now two separate bills and added that nothing prevents a legislator from introducing a bill because the chambers will decide whether it is germane.

A committee member commented that if the Legislature were to override a bill and the enactment date was July 1, 2013, it would be hard to change the date and could cause problems. In response, Mr. Yaeger stated that a bill does not become a law until it is signed, but agreed that it could be problematic.

In response to a committee member who asked if only the chamber that originates a bill can override it, Mr. Burciaga confirmed this was the case and explained that a committee cannot make a bill.

Other Potential Legislation

The Chair recognized Senator Brandt, who requested consideration of amending the *Public School Insurance Authority Act* to allow any district to opt out of participation with the New Mexico Public Schools Insurance Authority. He explained that the current provisions only excluded a school district with a student enrollment in excess of 60,000 students. After hearing the committee discussion Senator Brandt thanked the members for their comments and indicated he would reconsider introduction of any changes in a future legislative session.

The Chair instructed the committee members to email their draft bills to the LESC staff office for collection and distribution. He further instructed LESC staff to email the entire packet of bills to the committee before the December interim meeting.

HIGHER EDUCATION INITIATIVES FOR AMERICAN INDIAN STUDENTS

The Chair recognized Representative Rick Miera, Majority Floor Leader, House of Representatives; Mr. Regis Pecos, Chief of Staff, Majority Floor Leader, House of Representatives; Dr. Gayle Diné Chacon, Director of the Center for Native American Health and Associate Professor for Family and Community Medicine, University of New Mexico (UNM); Dr. José Z. Garcia, Secretary, Higher Education Department (HED); and Mr. Marc Saavedra, Director of Government Relations, UNM, for a discussion relating to higher education initiatives for American Indian students.

Representative Miera began by asking about the reception of Native American students at higher education institutions across New Mexico. In particular, he expressed interest about how those individuals are made aware of the programs and resources available to them and commented that the project Mr. Pecos would describe intended to improve this coordination.

Mr. Pecos noted that Native American professors hold leadership roles throughout many schools at UNM, including the:

- School of Law;
- School of Medicine;
- School of Architecture and Planning;

- College of Education; and
- others.

He also stated that he had recently attended a meeting with the UNM president regarding a Ph.D pathway program for Pueblo peoples that is housed at Arizona State University (ASU). During this meeting, Mr. Pecos noted, the president of UNM had asked why the program was housed at ASU and not being run out of UNM. Mr. Pecos then articulated that, while UNM has the largest representation of Native American faculty at any university in the country, UNM has not expanded resources to produce a cohesive program and set of pathways to assist Native American students. Rather, he stated, the programs that currently exist have come about as a result of Native American faculty at UNM responding to the needs and challenges specific to Native American students in their fields of expertise.

Equity, access, and justice, Mr. Pecos continued, are key issues to address in developing a coordinated approach at UNM. Creating pathways for Native American students that become a permanent part of the university system is the intent of this project.

Dr. Chacon introduced herself as a member of the Navajo Nation and as a product of an education system that was severely lacking. She stated that as a high school student she had to transfer to Albuquerque's Del Norte High School to learn what a biology laboratory really should look like because her school in Chinle, Arizona did not have such resources. Dr. Chacon then commented that she has worked in the Center for Native American Health over the past 10 years to build a student pipeline program. She stated that UNM's Center for Native American Health currently works with 125 American Indian students in the medical, nursing, and pharmacy fields and connects them with rural communities that lack opportunity. She stressed the need to improve the school system so that: (1) the graduation rate increases for individuals from communities like hers; and (2) UNM's American Indian students are still able to connect back to their native communities while completing their degrees.

Dr. Chacon also called attention to the poor achievement rates of Native American students on tests such as the MCAT, SAT or ACT. She stated that while the number of Native American graduates from the UNM School of Medicine has tripled in the last 10 years, kindergarten through twelfth grade students still need to become better prepared in order for them to graduate high school and be more successful. Further, she stated, Native American students need to achieve parity and have a representative proportion in the student population. Currently, Native American students are not at parity, she concluded.

Next, Dr. Garcia began his remarks by recognizing the presidents of tribal colleges who were in attendance at the meeting. He discussed the importance of generating a model that works at UNM to address some of these concerns and his goal of replicating it at higher education institutions across the state. He highlighted the following two major issues facing Native American students in the higher education system in New Mexico:

- college-readiness for students prior to higher education needs to be improved; and
- the reception that Native American students receive as they arrive at higher education institutions needs to support them as Native American students for careers both inside and outside their native communities.

Dr. Garcia stated that HED had already included a request for \$350,000 per year for the initiative that Mr. Pecos is helping to orchestrate. He stated that this will be a statewide project that will begin at UNM and expand from there. In particular, he continued, the project goals will be to:

- have an inventory of all of the Native American support programs at universities and colleges across the state;
- build better pipelines between institutions of higher education and tribal communities in New Mexico;
- help students, parents, and community leaders understand what supports are available for Native American students so that dialogue is strengthened; and
- coordinate the efforts going on at each campus to determine what works and what does not.

Dr. Garcia concluded his remarks by saying that this money will be well spent and that hopefully this project will be able to be scaled up into a model for higher education institutions across the state.

Next, Mr. Saavedra noted that there are many pockets of services for Native American students at UNM, but acknowledged the lack of a unified approach. He stated that Mr. Pecos deserved credit for his work in initiating this project and the president of UNM is fully in support of the project. Mr. Saavedra continued by stating that the work being done at UNM has been very thoughtful and that the university is looking forward to making this happen.

Finally, Mr. Pecos stated that another important topic, Impact Aid, has also been a focus of his work. He noted that he is in the process of meeting with school superintendents and board members to address issues related to Impact Aid funding. He concluded by saying that he will be ready to bring forward that topic for the December LESC meeting.

Committee Discussion

A committee member commented that the way in which school leaders are educated and trained in New Mexico is an opportunity to help teachers meet the needs of our diverse Native American communities. Mr. Pecos responded by agreeing that inclusion is a fundamental element that needs to happen in the education process. He further noted the importance of striking a balance that includes language and culture into higher education for Native American students. The committee member concluded the dialogue by reaffirming that pedagogy matters in helping students avoid the feeling of “otherness.”

Another committee member articulated that this issue merits a serious commitment from New Mexico and may need an appropriation of greater than \$350,000.

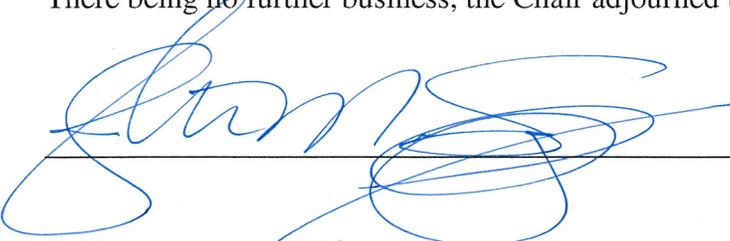
Adding to the conversation, another committee member stated that it is critical to look into this topic and the real issues of poverty in tribal communities in New Mexico.

Focusing on the funds appropriated for scholarships to remedial programs in New Mexico, a member of the committee expressed support for the use of remedial programs to support bilingual individuals in our state.

Finally, responding to a question about the structure of the initiative, Mr. Pecos stated that the project is beginning to define a framework and structure. He added that most of the governance of the project will be through the Native American faculty members at UNM.

ADJOURNMENT

There being no further business, the Chair adjourned the LESC meeting at 12:58 p.m.


_____ Chair

4 - 24 - 2014
_____ Date