

**STATE OF NEW MEXICO**  
**LEGISLATIVE EDUCATION STUDY COMMITTEE**

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Dennis J. Roch  
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**MINUTES**  
**LESC MEETING**  
**NOVEMBER 15-18, 2011**

Frances Ramírez-Maestas, Director  
David Harrell, PhD, Deputy Director

Representative Rick Miera, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:22 a.m., Tuesday, November 15, 2011, in Room 311 of the State Capitol, in Santa Fe, New Mexico.

The following LES C members were present:

Representatives Rick Miera, Chair, Mary Helen Garcia, Jimmie C. Hall, Dennis J. Roch, and Mimi Stewart; and Senators Cynthia Nava, Vice Chair, Mary Jane M. García, and Gay G. Kernan.

The following LES C advisory members were present:

Representatives Alonzo Baldonado, Ray Begaye, Eleanor Chávez, George Dodge, Jr., Roberto "Bobby" J. Gonzales, and Sheryl Williams Stapleton; and Senator Stephen H. Fischmann.

Also in attendance was Representative Jim R. Trujillo.

**HIGHER EDUCATION LEARNING CENTER,  
SANTA FE COMMUNITY COLLEGE (SFCC)**

The Chair recognized Dr. Sheila Ortego, President, Santa Fe Community College (SFCC), to discuss efforts to establish a Higher Education Learning Center.

Dr. Ortego explained that the *Learning Center Act* allows community college governing boards to create learning centers. Among its provisions, she noted, the act states that, while a learning center is not considered an institution, the Higher Education Department (HED) is required to develop criteria, processes, and procedures for establishing and operating a learning center. To comply with the requirements in the act, HED rule outlines the approval process by the department, including the submission of a preliminary plan for a center to HED and department approval of a subsequent detailed plan. Neither the act nor the rule, she emphasized, requires legislative approval to establish a learning center.

In 2009, Dr. Ortego continued, Dr. Viola Flores, Secretary of Higher Education at that time, approved the preliminary plan for the creation of the learning center. According to the approved plan and the requirements of the *College District Tax Act*, she stated, the SFCC Board approved an election resolution that included a question regarding the issuance of up to \$35.0 million in general obligation bonds. In August 2010, Dr. Ortego added, the voters approved issuance of the bonds for the construction of the learning center. Completion of the project has been delayed, however, with the receipt of a letter from current Secretary of Higher Education, Dr. José Z. Garcia, noting “complex legal and policy issues” but citing no specific statutes or regulations. This letter denies final approval for the learning center and requests:

- approval by the Legislature;
- review by the Capital Projects Committee of HED; and
- approval by the New Mexico Board of Finance.

In a letter from SFCC, the college disagreed with HED’s position, stating that, except for final HED approval of the detailed plans for the learning center building, the college has already completed the steps necessary to proceed with construction, including the initial approval of the plan by the department and the approval by the voters of general obligation bonds to support the construction of the center. The only remaining step to completion, the letter states, is department approval of the detailed plans for the learning center building.

To conclude, Dr. Ortego emphasized that, without more specific explanation from HED regarding perceived barriers to completion of the proposed center, the college finds it difficult to reply to the department’s concerns. Dr. Ortego also described the college’s contribution to the community, saying that the affordability and geographic location of the college enables many students, often minorities, an opportunity for higher education that they would not have otherwise.

The Chair then recognized the following individuals who expressed support for the establishment of the learning center: Mr. Jason Delow, *ex-officio* member of the SFCC Governing Board; Ms. Lydia Belen, SFCC student ambassador; and Ms. Anna Ramirez.

Next, the Chair recognized Ms. Linda Siegle, Chair, SFCC Governing Board, who noted concerns about the delay of the project, including voter approval for the general obligation bonds and rising construction costs. She emphasized that the college’s nonprofit status may be jeopardized if, pursuant to Internal Revenue Service requirements, 85 percent of bond proceeds are not spent within three years of voter approval.

### **Committee Discussion**

The committee discussed concerns with the delay of the project because HED has refused to approve the final plans despite voter approval of general obligation bond proceeds.

In response to a committee question why HED staff were not in attendance to respond to committee concerns, the LESC Director stated that HED staff had been requested to be present for the meeting; however, LESC staff were told that the decision of the HED Secretary was final and that no response was necessary.

In response to a committee member's question what recourse the college may have to complete the learning center project, Dr. Ortego stated that the college has requested the Legislative Council Service to examine the process for approval. Since SFCC has not received a response to this request, she noted, the college staff do not know whether an opinion of the Attorney General (AG) may be needed in order to proceed with the completion of the project.

In response to a committee member's question what would happen if SFCC proceeded to complete the project, Dr. Ortego stated that the HED rule prohibits SFCC from going ahead without the review and approval of the detailed plans by HED.

On a motion by Senator Nava, seconded by Representative Garcia, the committee approved drafting a letter from the committee requesting an expedited opinion of the AG on this matter. The Chair then recognized Ms. Siegle, who stated that it was her understanding that Representative Varela was drafting a letter requesting an AG opinion on the matter. The Chair then stated that he would contact Representative Varela to request a joint opinion request.

### **LOBO CENTER FOR STUDENT ATHLETE SUCCESS**

The Chair recognized Mr. Henry Villegas, Assistant Athletic Director, Lobo Center for Student Athlete Success, University of New Mexico (UNM), to discuss the university's support program for its student athletes.

Mr. Villegas explained that he began overseeing UNM's academic advisement program four years ago with a directive from the athletic director, Mr. Paul Krebs, to move the center beyond scheduling classes and providing tutors for student athletes. As academic information on UNM's athletes was being compiled, he stated, two themes emerged: (1) a number of athletes had learning disabilities; and (2) many of these athletes also had personal and stress issues beyond the classroom and athletic field. To address these themes, he stated, UNM hired a learning specialist and a clinical psychologist and made them part of the academic advisement team, which also includes five academic advisers and two interns. Support services, he reported, include:

- study halls that are sport-specific and designed to accommodate each athletic team in a structured academic setting and environment that is conducive to learning and group facilitation;
- computer labs;
- laptop computers for use when athletes are on the road traveling for competition;
- an in-house learning strategist to provide support to student athletes who have been diagnosed with a learning disability, as well as those athletes who need additional instruction in a specific content area or general study skills;
- an in-house bookroom where student athletes can obtain required textbooks;
- counseling services, including confidential psychological services;
- tutoring and mentoring, including one-on-one services for freshman and at-risk students;
- academic monitoring to track progress toward degree completion and athletic eligibility; and

- coordinated academic advisement on course selection to comply with National Collegiate Athletic Association rules and regulations.

Mr. Villegas emphasized, however, that support for the athletes also is derived from outside of the center's walls. For example, the university partners with the Albuquerque Chamber of Commerce to provide mentors to the athletes from the business community, and former Lobos return to the campus to warn current players about the dangers of alcohol and drugs. To conclude, Mr. Villegas reviewed the success of the center's program by noting that in the fall 2010 and spring 2011 semesters, 13 of 17 teams achieved a 3.0 grade point average or higher.

He then described some of the achievements and recognitions for some of UNM's student athletes, as well as an *Albuquerque Journal* article lauding UNM's support structure for student athletes.

### **Committee Discussion**

In response to a committee member's question how "progress toward a degree" is defined, Mr. Villegas stated that by the fifth semester, a student must declare a degree and must have completed at least 40 percent of course requirements.

In response to a committee member's comment that a full semester load, or 12 hours, appears to provide limited progress toward a degree in that definition, Mr. Villegas reported that a student athlete is advised to complete at least 15 hours each semester.

In response to a committee member's question whether the center's services are available only to scholarship students, Mr. Villegas emphasized that center services are available to all student athletes, whether on scholarship or walk-on status.

### **LESC WORK GROUP ON CHARTER SCHOOL APPEALS**

The Chair recognized Dr. David Harrell, LESC staff, for a report on the recommendations of the LESC Work Group on Charter School Appeals. Dr. Harrell acknowledged other members of the work group in the audience: Dr. Lisa Grover, Dr. Gloria O. Rendón, Ms. Patricia Matthews, and Mr. Joe Guillen.

Dr. Harrell reminded the committee that, during the May 2011 meeting, the LESC heard a staff update on charter schools in New Mexico that, among other points:

- reviewed the reversal, on appeal, by the Secretary-designate of Public Education of the denial by the Public Education Commission (PEC) of three requests for charter renewal; and
- explained the process by which charter schools may appeal adverse decisions of chartering authorities.

During the discussion following that presentation, Dr. Harrell continued, committee members expressed concerns about conflicts in the appeal process, especially with regard to state-

chartered charter schools. Afterward, the Chair directed LESC staff to form a work group to examine the appeals process and to make recommendations for amending it.

In response to the directive from the Chair, Dr. Harrell said, LESC staff invited 12 representatives of constituencies involved in or affected by charter school appeals to serve on a work group to review the appeals process in the *Charter Schools Act* and to make recommendations for amending it as needed. Dr. Harrell then briefly recapped the first two meetings of the work group, noting the documents and information reviewed, the points of agreement, and the proposals made. One point of agreement at the first meeting, he said, was that, once fully implemented, the charter school contract legislation enacted in 2011 (SB 446, or Laws 2011, Chapter 14) may make an appeals process unnecessary.

At the second meeting, Dr. Harrell said, the members of the work group reached agreement on several points:

- that some of the issues that concerned LESC members and that prompted the creation of the work group could be resolved through better communication among the Public Education Department (PED), the PEC, and the Secretary-designate;
- that implementation of charter school contract legislation will eventually make any appeals process unnecessary;
- that SB 446 should be amended to clarify that its provisions apply to renewals as well as to new applications; and
- that, rather than amending the appeals process itself, the implementation of SB 446 should be accelerated.

These points of agreement led to three recommendations, one of which was to bring all charter schools under the provisions of SB 446 by July 1, 2013.

Dr. Harrell then explained that, when a smaller group convened to draft the recommendations, the recommendation that all charter schools have contracts in place by July 2013 began to seem problematic in several ways. As an alternative, this drafting group proposed phasing in the application of SB 446 according to a prescribed timetable. Then the work group met for a third time and agreed to the phase-in of SB 446, with an additional recommendation that charter schools and their authorizers be advised that they could voluntarily come under those provisions ahead of the timetable in the phase-in.

As the outcome of these meetings, Dr. Harrell concluded, the LESC Work Group on Charter School Appeals made the following recommendations:

- Encourage the Charter Schools Division at PED and the Secretary of Public Education to collaborate fully with the PEC regarding the criteria for accepting or rejecting initial charter applications, for accepting or rejecting applications for renewal, and for revoking existing charters.
- Amend SB 446 to clarify that the provisions apply to charter renewals as well as to new applications.
- Amend SB 446 to accelerate the implementation of all of its provisions, as follows:

- for new charter schools approved between July 1, 2011 and July 1, 2012, the provisions of SB 446 shall be applied by February 15, 2013;
  - for new charter schools approved after July 1, 2012, the provisions of SB 446 shall be applied within 30 days of the approval of the charter; and
  - for existing charter schools whose renewals are due after July 1, 2012, the provisions of SB 446 shall be applied within 30 days after renewal.
- Amend SB 446 to clarify that, if they both agree, charter schools and their chartering authorities may come under the provisions of SB 446 ahead of the timetable described above.

### **Committee Discussion**

Acknowledging that the accelerated phase-in of SB 446 would address existing charter schools, the Chair asked what provisions would apply to appeals of denied applications for new charter schools. In reply, Dr. Harrell noted the increased accountability measures, for both charter schools or applicants and their chartering authorities; Dr. Grover suggested that the increased alignment resulting from SB 446 will reduce the need for appeals at any stage of the chartering process; Dr. Harrell and Ms. Matthews cited the provision in existing law that allows either party to appeal a decision of the Secretary of Public Education to district court; and Mr. Guillen said that he hoped SB 446 would have the desired effects. Mr. Guillen added that the recommendation for better communication among PED, the Secretary-designate, and PEC was intended to address the perception that PED has become an advocate of charter schools in particular rather than public schools in general.

Suggesting the possibility of a memorial to study the issue, a committee member raised several questions about charter schools that serve Native American students or that might be authorized by Native American entities, including the prospect of Bureau of Indian Education (BIE) schools that might want to become state-chartered charter schools. In reply, Dr. Harrell said that one possible approach was to consider a third chartering authority; and Dr. Grover said that charter schools in several states, New Mexico among them, have demonstrated a growing awareness of the particular needs of Native American students. She added, however, that converting a BIE school to a state-chartered charter school might create some issues or complications. In response to a request from the Chair, Dr. Grover said that she would provide additional information on this point for the committee to consider in December.

Other committee members raised questions about virtual charter schools, questions having to do with enrollment, funding, and community support. Dr. Harrell agreed that virtual schools raise those questions and more, and he cited the Farmington School Board's recent approval, with conditions, of the first virtual charter school in New Mexico.

### **LESC WORK GROUP ON THE *SCHOOL ATHLETICS EQUITY ACT***

The Chair recognized Dr. David Harrell, LESG staff, for a report on the recommendations of the LESG Work Group on the *School Athletics Equity Act*. Dr. Harrell acknowledged several members of the work group in the audience: Ms. Sally Marquez, Ms. Dorene A. Kuffer,

Dr. William Blair (for Dr. Kristine Meurer), Dr. Diego Gallegos, Dr. Gloria O. Rendón, and Ms. Lisa Sullivan.

Dr. Harrell began by reminding the committee that, during the October 2011 meeting, there was a presentation by staff and representatives of the New Mexico Activities Association (NMAA) and the Southwest Women's Law Center (SWLC) about the reporting requirements in the *School Athletics Equity Act* (CS/HB 432, or Laws 2009, Chapter 178). In response to this presentation, committee members expressed concerns about the extensive nature of the requirements and the challenges that school officials have faced in complying with those requirements. To address these concerns, the Chair requested that a work group be formed to examine the requirements and suggest amendments to the act, as needed; and the Chair designated six LESC members as members of this work group: Representatives George Dodge, Jr., Jimmie C. Hall, and Dennis J. Roch; and Senators Vernon D. Asbill, Howie C. Morales, and Cynthia Nava. In addition, Dr. Harrell continued, staff invited representatives of organizations involved with or affected by the act to serve as well.

The work group, Dr. Harrell said, met on November 1, 2011, at the NMAA office in Albuquerque. Also in attendance were Representative Danice Picraux, the sponsor of the legislation, and Ms. Julianne Koob, with the SWLC. Dr. Harrell then reviewed the documents that members had been sent beforehand, one of which was a table of amendments suggested by the Public Education Department (PED), the NMAA, the SWLC, and the Association of School Business Officials (ASBO).

As the work group discussion proceeded, Dr. Harrell said, members raised a wide variety of points and concerns, among them:

- one purpose of the bill is to reinforce the value of athletics in schools, encouraging athletes to be serious students and to ensure their safety; and another is to provide transparency, to illustrate the practices at schools in order to prevent complaints or lawsuits;
- little is known about the extent to which noncompliance with Title IX is an issue in schools throughout New Mexico partly because, according to PED, the department is never involved in any complaints that may be filed; however, some members were aware of problems in particular areas and others noted that the participation rates for girls are generally lower than those for boys;
- the act provides no guidance for schools required to report and no enforcement authority or measures for schools not complying with the requirements;
- in the absence of state-level guidance, schools, districts, and their attorneys are interpreting the requirements in different ways;
- many athletic activities at the middle school level are conducted not within schools but under the auspices — and funding — of other entities such as Little League and the YMCA, suggesting that school-related data present only part of the overall picture;
- the use of two reporting systems — one for NMAA member schools through the association's software program and the other for non-NMAA member schools through forms developed by PED — results in inequitable and inconsistent reporting; and

- the reporting requirements do not accommodate unusual circumstances, such as the case of several small schools pooling students to create a single football team or one coach working half-time at each of two schools.

To address issues such as those noted above, Dr. Harrell said, the work group considered a number of approaches and produced two kinds of consensus recommendations:

1. a number of specific amendments to the act, among them requiring data to be reported by program rather than by team and requiring fiscal data only of programs in grades 9 through 12, not grades 7 and 8; and
2. the creation of a smaller work group to draft reporting guidelines for schools.

Dr. Harrell then reviewed a mock-up bill draft attached to the staff report to illustrate the statutory changes being recommended; and he noted that the other recommendation was to come in the form of a motion by an LESC member of the work group.

*(During the discussion of potential legislation the next day, Representative Roch made the following motion, seconded by Representative Stewart, and approved without opposition:*

*I move that the Legislative Education Study Committee form a work group to develop reporting guidelines for schools required to report under the School Athletics Equity Act.*

*To develop these guidelines, the Southwest Women's Law Center is requested to collaborate with the Public Education Department, the New Mexico Activities Association, the New Mexico Athletic Directors Association, the New Mexico Association of School Business Officials, the New Mexico School Boards Association, the New Mexico Coalition of School Administrators, and the New Mexico Coalition for Charter Schools to review guidance documents from other states and to consult with national experts on Title IX, among other activities. These organizations are also requested to make a preliminary report to the LESC at the first meeting of the 2012 interim; and to present draft guidelines for review by the LESC, the Legislative Finance Committee, and the Governor by November 30, 2012.)*

## **Committee Discussion**

The Chair invited members of the work group to speak.

- Ms. Kuffer noted that schools have already reported participation data for athletic activities in grades 7 and 8 but that one of the proposed amendments to the *School Athletics Equity Act* would relieve those schools of the additional burden of reporting extensive financial data required of grades 9 through 12.
- Dr. Gallegos said that, by relieving some of the reporting burden, the amendments will help schools focus more on using data to ensure that athletic opportunities for girls are equitable to those for boys.

A committee member who served on the work group said that, while the revisions may not have been as extensive as some might have liked, they are a “good start toward common sense” and they should help call attention to any schools not complying with the law.

Another committee and work group member suggested that the reporting guidelines will help fill a void, especially if they are sanctioned by PED.

**NOTE: Although scheduled for Tuesday, November 15, the Director’s Report was heard on Wednesday, November 16.**

### **FLEXIBLE SCHOOL DISCIPLINE POLICY**

The Chair recognized Senator Gerald Ortiz y Pino and two parents of autistic children — Ms. Laura Bruni, and Ms. Katie Stone — to discuss a piece of legislation that passed during the 2011 regular legislative session, but was pocket vetoed.

According to the LESC bill analysis from the 2011 regular legislative session, SB 418 would have amended provisions relating to local school boards in the *Public School Code* to define school disciplinary risks and procedures. Other provisions would have required each school district to define, within its discipline policies, acts that pose a substantial threat to school safety justifying arrest and petty acts of misconduct that should be treated as disciplinary infractions.

Senator Ortiz y Pino began by describing a recent news story featuring a young autistic child who had been handcuffed at school after police responded to a call from the school. The Senator said that his bill had attempted to counter school districts’ “zero tolerance” policies, which result in schools involving police when responding to any offense. Senator Ortiz y Pino stated that this type of policy ties up the court system with some issues that should be dealt with at the school level and creates a “school-to-prison pipeline,” which encourages students to think of themselves as criminals early on in their lives.

Ms. Stone, who also serves as the President of the New Mexico Autism Society, and Ms. Bruni both spoke about their individual struggles from having autistic children and trying to navigate the public school system, as well as the public school system’s ability to handle the special needs of their children. The two parents provided examples in which young students are identified as misbehaving when instead they may simply be acting awkwardly. They also discussed statistics relating to New Mexico’s high national rank in the number of juveniles sent to correctional facilities. According to the group, Native American and African-American referrals are disproportionately high relative to the population of the state. Ms. Stone noted that New Mexico ranks first in suspending preschoolers.

The chair also recognized other individuals who wished to address the issue:

- Mr. David Schmidt, Director of the Council on Crime and Delinquency, informed the committee that this issue is gaining national attention because of recent high-profile media stories. In particular, the school-to-prison pipeline, is being studied nationally. He

stated that school districts in New Mexico and in other parts of the country have an increasing reliance on law enforcement for disciplinary matters that have been historically handled by school administration. Mr. Schmidt also stated that in the current system students are suspended and disproportionately referred to the judicial justice system. A student who is referred to the judicial justice system he added, is more likely to repeat the offense for which the student was referred.

- Dr. Diego Gallegos, Assistant Superintendent for School and Community Support, Albuquerque Public Schools (APS), stated that on behalf of APS, he supports the provisions in Senator Ortiz y Pino's bill, primarily because the number of cases of disruptive students has increased statewide; however, school districts and teachers do not have the tools needed to address the problem. Dr. Gallegos stated that the bill would allow districts to find common approaches and definitions to address this educational issue.
- Mr. Charles Bowyer, Director, National Education Association-New Mexico, emphasized that battery upon a school official is a felony and should be treated as such, regardless of the nature of the offense or offender.

### **Committee Discussion**

The committee discussed instances in which students assault other students or school personnel and the need for additional training and resources for school districts.

A committee member suggested that a joint memorial, rather than legislation, might be more appropriate in order to examine statewide issues and needs before considering legislation to amend the *Public School Code*.

Senator Ortiz y Pino expressed gratitude for the committee feedback; said he felt the committee would consider support for a memorial; and stated that he would be discussing the issue with the Governor regarding the effect of the provisions in legislation that was enacted in 2011 that prohibits corporal punishment in public schools.

### **STATE REVENUE UPDATE**

The Chair recognized Dr. Thomas Clifford, Secretary, Department of Finance and Administration; and Ms. Elisa Walker-Moran, Chief Economist, Legislative Finance Committee, to discuss the October 2011 state revenue estimate.

Referring to committee handouts, Dr. Clifford reported that, compared with the July 2011 forecast:

- “new money” in FY 13, which is defined as FY 13 project revenue less FY 12 recurring appropriations, is projected to be \$245.6 million. Under this forecast, he noted, the retirement “swap” would trigger off, increasing General Fund appropriations by approximately \$50.0 million and leaving net “new money” less than \$200 million;

- after subtracting the \$81.0 million authorized during the 2011 special legislative session, \$130.5 million of senior severance tax bond capacity is expected to be available for new statewide capital projects authorized during the 2012 regular legislative session;
- \$148.7 million is expected to be available in FY 12 for public school facility projects;
- earmarked appropriations for FY 12 will total \$26.4 million for water trust board projects and \$13.2 million each for colonias and tribal infrastructure projects; and
- approximately \$303.3 million will be available for legislative projects to be funded through general obligation bonds, subject to voter approval.

With regard to economic indicators, Dr. Clifford reported that:

- the unemployment rate remains above 9.0 percent nationally, and although the New Mexico rate has fallen below 7.0 percent, the decrease is primarily due to discouraged workers leaving the labor force;
- the Federal Reserve Board announced it will maintain record low interest rates through 2013, an indication that the board expects minimal economic growth during that period; and
- the lack of consumer confidence due to weak job and housing markets is the main “headwind” preventing significant economic growth.

Other economic indicators, Dr. Clifford stated, note that, while the national revenue forecast was more dramatically shifted by a weak job market and slow growth throughout the country, New Mexico’s forecast estimates had a flatter trajectory partly owing to oil and natural gas income. He stated that, despite international uncertainty regarding the growing crises in Europe, the outlook for solvency in New Mexico has begun to look less dire than the forecasts of two years past, adding that a 1.75 percent retirement payment employee/employer swap would likely be allowed to expire this year.

Referring the committee to Attachment 1, *General Fund Consensus Revenue Estimate*, Dr. Clifford reported that:

- approximately one-third of FY 11 revenue growth can be attributed to legislative changes passed during the 2010 legislative session;
- preliminary gross receipts tax revenue was revised upward from the July forecast due to an increase in fourth-quarter payments;
- the mining industry showed unusually large gains in taxable gross receipts;
- the State Land Office received record bonus payments in June and July from oil lease sales in Lea and Eddy counties; and
- corporate income tax was revised upward approximately \$50.0 million due to lower film credits and higher corporate profits than expected.

With regard to risks to the forecast, Dr. Clifford indicated that:

- the US economic recovery remains vulnerable to weakness in consumer sentiment, personal income, the housing market, currency volatility, financial sector weakness, and federal fiscal imbalance;

- natural gas prices remain vulnerable to increased supplies from productivity improvements;
- financial weakness in several European countries continues to remain a serious threat to international financial markets;
- employment numbers are subject to increased adjustments, which affect employment growth assumptions; and
- as reported in July, the Attorney General has disclosed that New Mexico is now facing a second legal challenge from cigarette manufacturers participating in the tobacco master settlement agreement. These manufacturers claim that New Mexico no longer has a valid qualifying statute that established tax exempt stamps for tribal sales, which means that up to \$38.6 million in tobacco settlement payments expected in FY 12 are at risk unless legislation is enacted that allows the state to collect tobacco escrow payments from manufacturers that are not party to the master settlement.

To conclude, Dr. Clifford stated that the state revenue estimate will be updated in December.

### **Committee Discussion**

A committee member asked how the revenue forecast affects retirement plan contributions. In reply, Dr. Clifford noted that, during the 2011 session, state employees were required to contribute an additional 1.75 percent to retirement plans, which provided a reduction to the FY 12 appropriation of approximately \$50.0 million. The contribution swap will continue in FY 13 if the December 2011 forecast projects reserves to be less than 5.0 percent and estimates revenues to be less than \$100 million more than the revenue estimate used to determine the FY 12 appropriation. Dr. Clifford noted that, based on current reserve projects of 8.4 percent, the retirement swap will not continue in FY 13. Dr. Clifford concluded that, if the swap is discontinued, “new money” will be approximately \$195 million for FY 13.

## **SUPERINTENDENT AND COMMUNITY INPUT**

### **• Concerns and Resolutions for New Mexico’s Standards-based Assessment**

The Chair recognized Ms. Margaret Bohlin, a public school teacher, who appeared before the committee to express concerns with the purpose of and time spent on New Mexico’s Standards-based Assessment.

Ms. Bohlin stated that she had spoken with over 100 educators, parents, and students from around the state, and almost all of them expressed displeasure with one or more aspects of the preparation, expectations, or administration related to the test.

She said that the time students spend preparing for and taking the test is extensive and counter-productive to the educational goal of producing enlightened and thoughtful students.

Ms. Bohlin also stated that stress associated with test preparation and administration is overwhelming, both to students and teachers. She stated that the test’s relation to a teacher’s

evaluation scores may lead to institutional animosity and cause teachers to focus, perhaps inappropriately, on material that is tested.

Referring to her handout, *Testing Times and Stresses for Teachers and Students*, Ms. Bohlin listed a number of recommendations. She also advised members to read a book on the subject, titled *The Death and Life of the Great American School System: How Testing and Choice are Undermining Education*, by Diane Ravitch; and she encouraged the state to move toward using standards-based assessments as a lower-stakes tool for measuring proficiency gains than as a teacher evaluation tool.

### **Committee Discussion**

In response to a committee member's question regarding Public Education Department testimony regarding the reduction of testing hours, Ms. Bohlin stated that she has not experienced the reduction because tests are untimed.

A member of the committee commented that, in some school districts, the test is not viewed in the negative light, but instead some schools use the occasion to motivate students and encourage those students to show how much they know.

A committee member expressed concern over the lack of correlation between a student's grade point average and performance on standardized tests such as the New Mexico's Standards-based Assessment.

#### **• Parent Engagement and Employment**

The Chair recognized Ms. Eleanor Milroy, educator, Robert F. Kennedy Charter High School, to discuss the progress of the Workforce Ready program in pairing employable adult students with employers.

Ms. Milroy explained that the program has two chief components:

1. a 24-hour readiness course for program participants that is designed to prepare people looking for employment for success; and
2. a relationship with local employers in order to place program participants with employers.

Referring the committee to a handout, *Workforce Ready at Robert F. Kennedy Charter High School*, Ms. Milroy stated that, the program helps participants to develop their résumés and teaches them interview techniques. Instructors in the program, she noted, also conduct mock interviews with participants.

### **Committee Discussion**

In response to a question from a committee member regarding a potential appropriation for this program, Ms. Milroy stated that \$130,000 is being requested to support the program in FY 13.

There being no other business, the Chair, with the consensus of the committee, recessed the LESC meeting at 4:24 p.m.

**MINUTES  
LESC MEETING  
NOVEMBER 16, 2011**

Representative Rick Miera, Chair of the Legislative Education Study Committee (LESC), together with Senator John Arthur Smith, Chair of the Legislative Finance Committee (LFC) called the joint meeting of the LESC and the LFC to order at 8:50 a.m., Wednesday, November 16, 2011, in the Senate Chambers of the State Capitol, in Santa Fe, New Mexico.

The following LESC members were present:

Representatives Rick Miera, Chair, Mary Helen Garcia, Jimmie C. Hall, Dennis J. Roch, and Mimi Stewart; and Senators Cynthia Nava, Vice Chair, Gay G. Kernan, and Lynda M. Lovejoy.

The following LESC advisory members were present:

Representatives Alonzo Baldonado, Ray Begaye, Eleanor Chávez, George Dodge, Jr., and Sheryl Williams Stapleton; and Senators Stephen H. Fischmann, Howie C. Morales, and Sander Rue.

Also in attendance was Representative Thomas A. García.

**JOINT COMMITTEE HEARING OF LESC AND LFC EVALUATION  
OF THE PUBLIC SCHOOL FUNDING FORMULA**

Facilitated by Representative Rick Miera, LESC Chair, and Senator John Arthur Smith, LFC Chair, a joint LESC and LFC committee hearing was convened in the Senate Chambers to hear testimony relating to the LESC and LFC evaluation of the Public School Funding Formula.

The Chairmen recognized:

- Mr. Craig J. Johnson, LESC staff;
- Mr. Charles Sallee, Deputy Director, LFC;
- Mr. Matthew Pahl, Program Evaluator, LFC;
- Dr. Jon Courtney, Program Evaluator, LFC;
- Ms. Hanna Skandera, Secretary-designate of Public Education; and
- Mr. Paul Aguilar, Deputy Secretary of Finance and Operations, Public Education Department (PED).

Referring to a committee handout, *Evaluation of the Public School Funding Formula*, Mr. Sallee stated that for FY 12 New Mexico will allocate roughly \$2.3 billion dollars through the public school funding formula. He stated that, since its enactment in 1974, the funding formula has

been amended at least 80 times resulting in administrative complexity, decreased oversight, and a decline in the formula's usefulness — all reasons that point to an evaluation of the formula.

Mr. Johnson and Mr. Pahl then reviewed the key findings and recommendations of the evaluation report.

Among its key findings, Mr. Johnson reported, the evaluation report focuses on the following:

- New Mexico needs to update the public school funding formula to ensure efficient allocation of resources aligned with recent education policy;
- unclear statutes and rules and deference to local decisions undermine the fair distribution of \$2.4 billion in funding; and
- the accountability function of PED is insufficient resulting in unfair, inaccurate, and inequitable distribution of public resources.

Mr. Pahl stated that the recommendations of the evaluation team include:

- eliminating components that generate few units or that are not funding statewide programs;
- adjusting the at-risk index to pay a cost differential of .15 for percentage of district students identified as eligible for the free and reduced-price lunch program;
- adjusting bilingual funding to direct a cost differential of .15 toward English language learner (ELL) students statewide;
- moving to a census-based special education funding model that funds districts for serving 16 percent of a district's students at a cost differential of 2;
- replacing the training and experience (T&E) index with an "effective" teacher index that only multiplies enrollment units with the following values corresponding to licensure: Level 1: 0.75, Level 2: 1.0, and Level 3: 1.25;
- repealing all current size adjustments and growth units for charter schools;
- creating a categorical funding program to fund first-year and growth units;
- allowing savings from the decreased units noted above to be put back into the unit value;
- using a two-year hold harmless to allow districts to adjust to these changes; and
- amending the *Public School Code* to establish a maximum age limitation.

Other recommendations, Mr. Pahl added, would require PED to:

- implement a home language survey for use by all districts and charters that is valid, reliable, and developed in accordance with state and federal guidelines;
- develop a written methodology to determine the initial unit value and a succession plan for finance staff currently determining the value; and
- develop a new audit unit that is of sufficient size and skill to meet current administrative requirements for responsibly administering the funding formula. The unit should report directly to the department secretary, develop and follow an annual workplan and procedure manual.

These recommendations, Mr. Pahl emphasized, are intended to change the state's funding formula to make it more effective, fair, and transparent, as well as simpler to administer and understand. The recommendation should also increase the unit value by an estimated \$300.

The Chairmen then recognized Ms. Skandera and Mr. Aguilar to respond to the report and the recommendations contained therein.

Ms. Skandera began by commending the evaluation team on their work and noted that PED is already working to implement some of the team's recommendations. She said that the department was pleased to see recommendations regarding student performance and performance-based budgeting, noting that the department looks forward to strengthened statutes and compliance with the *Individuals with Disabilities Education Act*.

Mr. Aguilar noted that, while the Secretary of Public Education holds authority over public schools in the state, many of the findings in the evaluation are based on interpretations of statute. He stated the need for legislative as well as regulatory action in addressing certain recommendations.

Referencing the recommendations of the evaluation, Mr. Aguilar made the following points:

- the recommendation to use census figures for free- and reduced-fee lunch calculations may put the data into question because those data are submitted voluntarily;
- the recommendation to count only instructional staff in the T&E calculation would affect a large number of school district employees;
- the recommendation to phase out the size adjustments would require legislative action; and
- the finding that PED is inconsistent in funding T&E stems from the different ways in which school districts report their data.

To conclude, Mr. Aguilar stated that PED has strengthened oversight of school district budgets, and as a result of departmental restructuring an audit unit has been created that focuses on T&E and enrollment count data.

### **Committee Discussion**

In response to a committee member's question regarding the auditing capabilities of PED, Mr. Aguilar reported that the department's reorganization plan includes four auditor positions and a staff manager.

In response to a committee member's question about the different funding requirements for urban vs. rural school districts, Mr. Sallee stated that the evaluation report includes a recommendation for a district size adjustment that would accommodate the difference.

Responding to a committee member's concern on page 4 of the evaluation report that states that districts have been found to create or keep "unnecessary" small schools, Mr. Johnson explained that the use of the word "unnecessary" in the report was intended to address schools within one

building with one principal that are classified as two separate small schools in order to qualify for size adjustments units.

Responding to committee questions relating to rural isolation units, Mr. Aguilar stated that, despite the evaluation's suggestion that rural isolation units are archaic, a shift of only four students in a certain district would trigger the isolation funding.

In response to a committee member's request that the team clarify the term "bilingual full-time equivalent," Mr. Pahl explained that, under the new recommendations, only ELL students would be funded and, despite calculation changes, the dollars for those units would remain relatively neutral.

**NOTE: Following the joint session of the LESC and the LFC, the LESC reconvened in Room 307 of the State Capitol in Santa Fe, New Mexico.**

### **KNME EDUCATIONAL MEDIA**

The Chair recognized Ms. Polly Anderson, General Manager and Chief Executive Officer, KNME, and Ms. Laurel Wyckoff, Education and Outreach Manager, KNME, to discuss the New Mexico public broadcasting service (PBS) Learning Media services developed by KNME that provides online access for teachers, library media specialists, and educators to a number of educational content services.

Referring to a committee handout, Ms. Anderson explained that KNME has been providing education and outreach services for over 53 years. She reported that KNME operates four digital channels: KNME 5.1 (PBS programs); KNME 5.2 (PBS Spanish language programs); KNMD 9.1 (alternate PBS programs and PBS World); and KNME 9.2 (lifestyle, how-to, and travel programs). She noted that KNME collaborates with New Mexico PBS stations KENW/Portales and KRWG/Las Cruces through fiber interconnectivity to deliver content and share resources in order to provide statewide coverage of major issues. With regard to funding, Ms. Anderson reported that almost 40 percent of KNME's revenue is derived from private sources.

Among its education and outreach services, Ms. Anderson stated, the station provides:

- KNME Ready to Learn service to prepare young children for school by providing early childhood educational workshops and trainings for child-care center staff, caregivers, parents, and children statewide. Using PBS programs and materials, the trainings match state competencies with curricular goals to encourage caregivers to use PBS media as an educational tool;
- KNME PBS Kids Raising Readers, which is a year-long initiative that surrounds children ages 2 to 3 with research-based literacy content with a special focus on children living in poverty;
- PBS TeacherLine, which offers standards-based graduate level courses in an accessible online format;

- KNME Science Crawl, which is a collaborative venture with Albuquerque Public Schools and New Mexico science museums that allows middle school students to explore New Mexico’s science and technology resources;
- KNME Science Cafes, which provides face-to-face conversation with local scientists about current science topics; and
- Ask A Scientist, a short video piece produced each month in which a New Mexico scientist answers the question, “Why did you become a scientist?”

Ms. Anderson noted that the service contains tens of thousands of digital resources designed for and aligned to common core standards for instruction, and it is easily searchable by subject, grade, or other more specific search fields.

Ms. Anderson then provided the committee with a short video showcasing New Mexico history events.

These services, Ms. Wyckoff emphasized, were developed for P-20 educators to bring the best of public media content together while providing easy access to classroom-ready, curriculum-targeted, and multi-platform digital resources with no charge for the basic service.

**Committee Discussion**

In response to a committee member’s question regarding updates to information provided by KNME, Ms. Wyckoff said that the site content and subject areas change on a regular basis.

When a committee member asked about the cost for the service, Ms. Wyckoff responded that the basic level of service is free, but that a more customizable version is available for a fee.

A committee member suggested that KNME examine linking the content on the New Mexico Art History website with the KNME website.

The Chair recommended that KNME representatives consider providing a presentation highlighting the education and outreach services available from PBS to educational organizations such as the New Mexico School Boards Association and the Parent/Teacher Association.

**FY 13 INSURANCE PROJECTIONS:  
NEW MEXICO PUBLIC SCHOOLS INSURANCE AUTHORITY (NMPSIA) AND  
ALBUQUERQUE PUBLIC SCHOOLS (APS)**

The Chair recognized Mr. Craig J. Johnson, LESC Staff; Mr. Sammy J. Quintana, Executive Director, NMPSIA, and Mr. Don Gonzales, Comptroller, NMPSIA, to discuss the revised FY 13 appropriation request for NMPSIA.

Mr. Johnson explained that, during the October LESC interim meeting, NMPSIA staff reported that the agency reported that the NMPSIA FY 13 budget request was less than a 1.0 percent increase from the previous year and that an appropriation for FY 13 increases would not be required. However, subsequent to the October report to the committee, Mr. Johnson noted,

NMPSIA staff advised LESC staff that revised calculations revealed that an appropriation would be required for FY 13.

Mr. Quintana affirmed that the agency had recalculated the appropriation request and that revised numbers would require an appropriation of \$8,236,861 to provide for projected increases in insurance for NMPSIA members.

As reported during the October LESC interim meeting, Mr. Quintana continued, for the benefits program, the agency anticipates, effective October 1, 2012:

- an 8.1 percent increase in medical premiums; and
- a 5.1 percent increase in dental premiums.

Potential medical plan changes, Mr. Quintana stated, include:

- a \$500 deductible (from \$300 deductible in current plan); and
- a \$4,000 out-of-pocket limit (from \$2,800 out-of-pocket limit in the current plan) for those individuals under an 80 percent/20 percent co-insurance.

To conclude, Mr. Quintana reported that increases in the prescription program include:

- \$4.00 for generic (from \$2.00 in the current plan);
- \$20/\$60 for preferred coverage (from \$16/\$42 in the current plan); and
- \$100 for specialty coverage (from \$50 in the current plan).

### **Committee Discussion**

In response to a committee question regarding the FY 13 appropriation request to provide for insurance increase for NMPSIA and APS, Mr. Johnson reported that, with the revised NMPSIA request of \$8,236,861 and the APS request of \$2,048,003, the total appropriation request for FY 13 would be nearly \$10.3 million.

In response to a committee member's question why the estimate was revised upward from last month, Mr. Gonzales stated that the contract insurance consultant revised the original numbers resulting in a higher estimate.

In response to a committee member's question regarding the amount required to offset the increases to public school employees, Mr. Quintana stated that an appropriation of approximately \$18.0 million would be required to provide for the anticipated increases.

A committee member asked about a possible merger between Express Scripts and Medco, and Mr. Quintana replied that the merger has been confirmed and it is expected to save the state roughly \$2.0 million per year.

**NOTE: Although scheduled for Tuesday, November 15, the Director's Report was heard on Wednesday, November 16, as indicated below.**

## **DIRECTOR'S REPORT**

### ***a. Approval of LESC Minutes for October 2011***

On a motion by Representative Stewart, seconded by Representative Roch, the committee approved the LESC minutes for October 2011.

### ***b. Approval of LESC Financial Reports for July 2011, August 2011, and September 2011***

On a motion by Representative Stewart, seconded by Representative Roch, the committee approved the LESC financial reports for July 2011, August 2011, and September 2011 were approved.

### ***c. Committee Requests***

Ms. Frances Ramírez-Maestas, LESC Director, noted that this section of the committee notebooks includes responses to committee requests from the October interim LESC meeting:

- a copy of the full results of the early childhood education survey conducted by Research & Polling, Inc. for St. Joseph Community Health, including questions and responses in the survey;
- a response from LESC staff whether reports on state-chartered charter schools are filed with school districts. Ms. Ramírez-Maestas reported that LESC staff found that the answer to the question is “no”; and
- a copy of a letter dated February 4, 2011 from the general counsel for the American Federation of Teachers (AFT) to Ms. Christine Trujillo, President, AFT New Mexico, addressing whether Senate Joint Resolution 10 (2011) would “open the door to funding vouchers for K-12 education in the future.” Ms. Ramírez-Maestas explained that, during a presentation by representatives requesting funding from the Land Grant Permanent Fund to support early childhood education programs, a committee member expressed concern that such funding would violate the anti-donation clause of the state constitution. In reply, one of the representatives offered to provide a copy of a legal opinion stating that no such conflict would exist. Ms. Ramírez-Maestas noted, however, that the letter provided by Voices for Children does not address the question about a possible violation of the anti-donation clause.

On a motion by Representative Stewart, seconded by Representative Roch, LESC staff were directed to prepare a letter from the committee to the Attorney General asking if a distribution from the Land Grant Permanent Fund can fund early childhood education programs operated by public entities, private entities, and pursuant to contracts between the state and private entities and whether such a distribution may violate the anti-donation clause of the state constitution.

*d. Correspondence*

Ms. Ramírez-Maestas reviewed the following pieces of correspondence, which are retained in the LESC permanent file:

- a letter of notice from the Public Education Department (PED) to the superintendent of Central Consolidated Schools regarding the potential suspension of the superintendent's authority to control or manage the district;
- a letter of notice from PED to the board members for the Reserve Independent Schools regarding the potential suspension of the authority of the board;
- a memorandum from PED to public school superintendents, charter school officials, local board presidents, and business managers regarding the allocation of additional federal Education Jobs Fund dollars for FY 12; and
- a copy of the Phi Delta Kappa/Gallup Poll on what Americans say about public schools.

*e. News Releases*

Ms. Ramírez-Maestas noted that the following news releases were included in the committee notebooks:

- an October 28, 2011 and a subsequent November 7, 2011 press release regarding proposed educator pension fund changes being considered by the Educational Retirement Board to address fund solvency;
- an October 23, 2011 press release relating to overpayments of unemployment benefits;
- a July 22, 2011 news release relating to the outlook of the state's unemployment fund;
- an October 31, 2011 press release announcing the appointment of Senator Lynda M. Lovejoy as Co-chair of the National Conference of State Legislatures (NCSL) Transportation Committee; and
- the NCSL announcement appointing Representative Rick Miera as Vice Chair of the NCSL Legislative Effectiveness Committee.

*f. Update on Rulemaking*

Ms. Ramírez-Maestas reported that the committee notebooks include an LESC staff brief that outlines PED's actions regarding the following rules:

- 6.11.2 NMAC Public School Administration — Student Rights and Responsibilities, Rights and Responsibilities of the Public Schools and Public School Students;
- 6.12.2 NMAC Public School Administration — Health and Safety, Health Services;
- 6.12.9 NMAC Elementary School Free Breakfast Program During Instructional Time;
- 6.19.6 NMAC Public School Accountability, Title I Supplemental Educational Services; and
- 6.29.1 NMAC Standards for Excellence General Provisions.

## LESC POTENTIAL LEGISLATION: 2012 LEGISLATIVE SESSION

The Chair noted that the items in this section of the committee notebooks were informational items and that the committee would be discussing and voting on potential committee endorsed legislation during the December and January interim meetings. He then recognized Mr. Kevin Force, LESC staff, to review three staff summaries, including:

- vetoed legislation endorsed by the LESC for the 2011 regular legislative session;
- failed legislation endorsed by the LESC for the 2011 regular session; and
- policy options from staff reports in the 2011 interim.

Referring the committee to each summary, Mr. Force explained that all four of the vetoed bills listed had received a pocket veto. Failed legislation, he noted, included 19 pieces of legislation and three memorials.

With regard to policy options included in staff reports in the 2011 interim, Mr. Force stated that, for consideration of the committee, the options related to services provided for three- and four-year-old developmentally delayed children; unemployment compensation; both the renewals and initial applications from charter schools; and the *School Athletics Equity Act*.

## SUPERINTENDENT AND COMMUNITY INPUT

- **New Mexico School Libraries**

The Chair recognized Ms. Rachel Altobelli, member, New Mexico Task Force for School Libraries (NMTFSL), for a request for committee support of measures that would strengthen the financial foundation of public school libraries and enable them to better serve students.

Ms. Altobelli reported that the request includes support for a 2012 statewide general obligation bond (GOB) election to approve a \$29.6 million bond package to support libraries statewide, including:

- \$8.8 million for academic libraries;
- \$8.8 million for publicly funded school libraries;
- \$10.4 million for New Mexico public libraries; and
- \$1,480,000 for tribal libraries.

Ms. Altobelli emphasized that, if the total amount of the GOBs is reduced, the recommendation requests that the tribal portion remain at \$1,480,000.

The NMTFSL, Ms. Altobelli indicated, is also requesting a \$3.0 million appropriation for the School Library Materials Fund, which, in conjunction with voter-approved GOB funds, would assist the organization in securing dollars needed statewide to rebuild outdated core collection materials and maintain the public school library materials collections. She recognized that in 2003 the LESC helped to establish the School Library Materials Fund, which she said was intended to support the building and maintenance of strong, current school library collections.

She added, however, that for the past three years, student use of libraries has increased, but the School Library Materials Fund has received no allocation.

To conclude, Ms. Altobelli reported that data for school libraries indicate while the average cost of a book is \$20, districts are able to provide an average of only \$7.00 per public school student in library funding.

There being no other business, the Chair, with the consensus of the committee, recessed the LESC meeting at 4:10 p.m.

**MINUTES  
LESC MEETING  
NOVEMBER 17, 2011**

Representative Rick Miera, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:15 a.m., Thursday, November 17, 2011, in Room 307 of the State Capitol, in Santa Fe, New Mexico.

The following LESC members were present:

Representatives Rick Miera, Chair, Mary Helen Garcia, Jimmie C. Hall, Dennis J. Roch, and Mimi Stewart; and Senators Cynthia Nava, Vice Chair, Gay G. Kernan, and Lynda M. Lovejoy.

The following LESC advisory members were present:

Representatives Alonzo Baldonado, Ray Begaye, Eleanor Chávez, George Dodge, Jr., Roberto “Bobby” J. Gonzales, and Sheryl Williams Stapleton; and Senators Stephen H. Fischmann, and Howie C. Morales.

Also in attendance was Senator Nancy Rodriguez.

**NEW MEXICO’S EFFORTS TO IMPROVE TEACHER AND PRINCIPAL QUALITY**

The Chair recognized Dr. Peter Winograd, Director, (University of New Mexico) UNM Center for Education Policy Research, for a presentation on New Mexico’s efforts to improve teacher and principal quality.

Dr. Winograd began by reviewing New Mexico’s experience in recruiting and retaining teachers and principals since 2000, identifying the following prominent challenges:

- in 2001, 10 percent of all teachers did not hold the appropriate license or endorsement for their assignment;
- from school year 1999-2000 to school year 2000-2001, teaching vacancies increased 68 percent;

- from school year 1999-2000 to school year 2000-2001, a total of 1,618 teachers resigned, 34 percent of whom were teachers in their first three years;
- in 2002, teaching salaries were ranked 46<sup>th</sup> in the country;
- in 2001, Quality Counts rated New Mexico a “D” in teacher quality; and
- between 1994 and 2004, 51 percent of schools had three or more principals.

Since 2000, Dr. Winograd said, New Mexico has implemented multiple teacher quality reform efforts to address these challenges, the major of which are mentorship for new teachers, alternative licensure paths, return to work program, three-tiered teacher licensure, and support for principals. The three-tiered licensure system, Dr. Winograd continued, includes two separate evaluations: an annual evaluation by the principal and demonstration of competence through the professional development dossier (PDD). Dr. Winograd also briefly reviewed the web-based PDD system, the evidence of competence within each of the five strands in the PDD, and the role of the independent reviewers. He also noted that New Mexico’s three-tiered system has received favorable national recognition, including compliments from the US Department of Education (USDE).

Dr. Winograd said that these reform efforts have yielded the following results:

- in 2010 teaching salaries were ranked 35<sup>th</sup> in the country;
- the teacher shortage has improved;
- beginning teacher retention rates have improved; and
- in 2006 Quality Counts rated New Mexico a “B” in teacher quality, and in 2011 Quality Counts rated New Mexico a “C” in teacher quality;

Dr. Winograd also noted one significant finding of a program evaluation of the three-tiered system by the Legislative Finance Committee in 2009: that students of Level 3 teachers who achieved that level of license through completion of a PDD outscored the students of non-PDD Level 3 teachers, PDD Level 2 teachers, non-PDD Level 2 teachers, and Level 1 teachers.

Turning to teacher and principal evaluation, Dr. Winograd emphasized the importance of balance between systems based solely on student outcomes (merit pay) and those based on teachers’ content knowledge (the highly qualified teacher as defined by the federal *No Child Left Behind Act of 2001*). Dr. Winograd said that the current New Mexico evaluation system lines up between those extremes, working toward high-quality classroom practices by teachers resulting in student success. He also noted that recent changes to statute require the Public Education Department (PED) to adopt a statewide standard of evaluation for principals and assistant principals, including specified competencies; and he described the New Mexico School Leadership Institute (NMSLI) and its role in assisting, recruiting, and preparing strong leaders for New Mexico schools as well as providing professional development for educational leaders.

Dr. Winograd said that it is fair to ask how all of New Mexico’s education reform initiatives (including efforts to increase teacher and principal quality) have made an impact on student achievement. One way to answer that question is to examine data from the National Assessment of Educational Progress (NAEP). To illustrate, Dr. Winograd shared multiple graphs of NAEP data that demonstrate progress by New Mexico students in math while reading scores have been flat.

Dr. Winograd explained four different evaluation models:

1. status model: a snapshot of student performance at a point in time that is compared to an established target (reading proficiency, for example);
2. cohort to cohort change model: a measurement of change in test results for teachers, schools, or states by comparing status at two points in time, though with different students (this year's fourth graders with last year's fourth graders, as presented by NAEP);
3. growth model: a comparison of increases in proficiency over time by the same group of students (last year's fourth graders compared to this year's fifth graders, for example); and
4. value-added model: a statistical model that tries to attribute some part of students' achievement growth over time to certain schools, teachers, or programs.

Dr. Winograd identified a number of components necessary to implement a value-added model, among them:

- a longitudinal database that tracks students over time and accurately links them to their teachers;
- expert staff to run and monitor the value-added analyses;
- curriculum and instructional strategies that are linked to the standards and then tests that are well-aligned to the standards;
- a reporting system that effectively presents results and provides sufficient support so that users are likely to use the results effectively; and
- an independent way to monitor and evaluate the evaluation system's effects on students, teachers, principals, and schools.

In addition, Dr. Winograd noted some of the points being raised in national discussions about the effective implementation of the value-added model, among them:

- the systems must be transparent and include teacher and principal participation;
- principals must be given the training, time, and support they need in order to conduct high-quality evaluations of teachers; and
- central office staff must be given the training, time, and support they need in order to conduct high-quality evaluations of principals.

Dr. Winograd concluded his remarks with the following recommendations. New Mexico should:

- continue to explore ways to recruit, prepare, and support effective teachers and principals;
- revise and strengthen the three-tiered licensure system, which has proven valuable;
- continue to gather and share data on the status of New Mexico's teachers and principals;
- explore the use of valid, fair, and feasible student growth measures to evaluate teachers and principals;
- gather objective research regarding value-added models using New Mexico data to determine the "best fit" models for use with our populations; and

- develop a clear set of expectations about the intended effects of using student growth models and monitor the consequences of the evaluation system to help the state and districts achieve their educational goals.

### **Committee Discussion**

A committee member noted that, under the current system, a principal's evaluation of a teacher could take up to four hours. Dr. Winograd said that, while he could not confirm that figure, he knew that the evaluation process in the value-added model requires so much time away from the classroom that many principals have delegated the evaluation to their assistant principals so that the principals can focus on other responsibilities.

On this point, Dr. Richard Howell, Dean, College of Education, UNM, added that the value-added model implemented in Tennessee requires four formal teacher evaluations each school year, that each principal spends over 70 days evaluating teachers, and that principals in Tennessee have objected to this time commitment. These facts, Dr. Howell continued, highlight the recommendation from Dr. Winograd to study other states, especially with regard to the unintended consequences.

A committee member asked about the status of the teacher shortage, especially with regard to recent lay-offs, and about the teacher retirement situation. In reply, Dr. Winograd referenced a joint study conducted by the Office of Education Accountability, the Legislative Finance Committee, and the LESC in 2007 that showed that the teacher shortage had declined except in some areas such as math and bilingual education. Dr. Winograd said that, at the time of the study, the economy was in good shape and that he suspects that, given the current condition of the economy, teachers are staying on the job. Dr. Winograd indicated that he thought it wise to look at retirement rates for the near future.

Committee members asked several questions about the PDD. In response to concerns about the consistency of the 200 statewide PDD reviewers, Dr. Winograd stated that all reviewers receive consistent training focused on inter-rater reliability. A third review, Dr. Winograd continued, is used when a difference of opinion occurs between the first two reviewers. Dr. Winograd agreed with another committee concern — that poor teachers can be capable of preparing effective PDDs — but he noted that other components of the three-tiered system, such as mentoring and annual evaluations, provide a more comprehensive view of a teacher's performance at different points in time. Finally, when asked about the level of consistency of the training for teachers preparing a PDD and provided by school districts, Dr. Winograd said that he was unfamiliar with district practices but that PED seemed to be providing less training now than in the past.

Citing the discrepancy between proficiency and graduation rates, a committee member asked whether it is possible to graduate without being proficient. Dr. Winograd responded by stating that the observed discrepancy highlights the significance of the link between secondary education and higher education. It is clear, Dr. Winograd continued, that a high school diploma does not always mean what it should; however, thanks to the high school redesign initiative, the graduation requirements have been strengthened.

A committee member asked how NMSLI is working in rural districts. Dr. Linda Paul, Director, NMSLI, stated that NMSLI is working well in both rural and urban districts using a combination of face-to-face training and online modules available on the NMSLI website.

Another point raised during committee discussion was the current status of the Adequate Yearly Progress waiver request that PED had submitted to the USDE. The committee was concerned that the waiver application process will require New Mexico to link teacher evaluation and increases in student achievement, which could cause a total revision of the current system.

Finally, in response to a committee member's suggestion that the value-added model could be combined with the three-tiered system, Dr. Winograd said that, regardless of the particulars, any evaluation system will require support for the evaluator and those being evaluated if it is to be successful.

### **CURRENT TEACHER AND PRINCIPAL EVALUATION SYSTEM**

The Chair recognized Mr. Matthew Montañó, Director, Educator Quality Bureau, Public Education Department (PED), for a presentation on the current teacher and principal evaluation system.

Referring to numerous handouts — copies of state law, PED rule, and a variety of reporting and evaluation forms — Mr. Montañó reviewed for the committee the teacher and principal evaluation process in effect at the present time. The goal of the evaluation system, he said, is to improve student achievement. However, the current system does not evaluate teachers based on outcomes in terms of student achievement; rather, it indicates whether a teacher meets the nine competencies for a given licensure level, with little attention to the effect the teacher has on student learning.

Mr. Montañó also alluded to the imperfect nature of any evaluation system, noting that a school principal must consider a wide variety of factors in evaluating the performance of a classroom teacher. The main factor, however, should be improving student achievement.

#### **Committee Discussion**

In response to committee members who cited the two choices on the current teacher evaluation form — meets competency or does not meet competency — Mr. Montañó recalled his own experience as one who was evaluated and as one who has evaluated others. One of the concerns, he said, was being unable to identify exemplary teachers in a formal manner, adding that it is possible for a teacher to meet the competencies but still be ineffective in the classroom. Another is an apparent lack of consistency among school districts in what constitutes a satisfactory or unsatisfactory evaluation.

In response to a committee member's question about the consequences of an evaluation that shows a teacher does not meet competency, Mr. Montañó described the professional development plan that the principal must pursue with the teacher.

Noting some of the points that had been raised, a committee member suggested that the current evaluation process is more about teachers and teaching than it is about students and learning; and that more focus on the latter point would improve the system.

Finally, committee members raised several questions about the professional development dossier (PDD) and the role that it plays in teacher evaluations, including questions about passing rates, the connection between a good PDD and an effective teacher, and the need for revisions. The Chair asked Mr. Montaña to return during the December meeting prepared to address these issues.

## **USING DATA TO IMPROVE TEACHER EFFECTIVENESS**

The Chair recognized Ms. Paige Kowalski, Director, State Policy Initiatives, Data Quality Campaign (DQC), to discuss how policymakers can use data to improve teacher effectiveness. Ms. Kowalski emphasized that it is incumbent on policymakers to invest time and resources into not only developing a shared vision for addressing teacher quality but also understanding the implications for state data systems to ensure the successful implementation of state policies. Without this approach, she noted, policymakers may find their plans constrained by data systems that do not meet policy needs.

Referring to a committee handout, *The Intersection of Policy and Data: Understanding How Data Capacity Relates to Teacher Effectiveness Efforts*, Ms. Kowalski:

- reviewed a list of federal policy drivers, including federal Race to the Top and State Fiscal Stabilization funds, state-driven initiatives by entities, and the Common Core State Standards;
- provided examples of why the teacher-student data link is the strongest driver in teacher effectiveness policies at all levels; and
- outlined challenges to linking teacher-student data, primarily inconsistencies in the “teacher of record” definition across districts and schedule changes that are often not captured by a district or state, particularly at the elementary level.

Referring to another handout, *Using Data to Improve Teacher Effectiveness: A Primer for State Policymakers*, Ms. Kowalski emphasized that in order to determine if a state’s data system meets policy needs, the DQC identified the following five actions to ensure that a state has the necessary data capacity and processes to inform and support state teacher effectiveness policies:

1. collect and link key data on students and teachers at the state level;
2. implement the policies and practices necessary to support a high-quality teacher-student data link;
3. provide educators with timely access to data;
4. ensure that educators receive training on data use to improve student achievement; and
5. implement state policies to ensure that teacher preparation programs use data to improve their programs and train teacher candidates to use data.

To conclude, Ms. Kowalski referred the committee to a third handout, *Using Data to Improve Teacher Effectiveness: A Checklist for States*. The handout, she explained, can serve as a guide to the key considerations policymakers must address as they develop policies to improve teacher effectiveness. With specific reference to New Mexico, Ms. Kowalski reported that, according to self-reported state information, in 2010 New Mexico did not have the capability to:

- implement promising practices for linking teachers and students, primarily because the state had not established a statewide definition for “teacher of record”;
- ensure educator access to data, primarily because the state reported that teachers did not have access to student-level “diagnostic, early warning, and growth” reports; or
- build the capacity of educators, including preservice, to analyze and use data to improve student achievement. The criteria for this initiative, Ms. Kowalski stated, includes the capability to: (1) automatically share teacher performance data with teacher preparation programs; (2) provide training for educators to use data to tailor instruction; and (3) establish credential policies that require teachers to demonstrate the ability to use data to be licensed.

### **Committee Discussion**

In response to a committee member’s question whether defining “teacher of record” would be a good place to start making the changes that will ultimately lead to use of data to improve instruction, Ms. Kowalski said that the Public Education Department or a group comprising key stakeholders, but not the Legislature, would need to define the term. Any plan, she emphasized, should be informed by policy and by use. She stated that some states have put legislation in place and then developed a timeline for implementing such an evaluation system; however, before complete implementation, there must be time to communicate and build trust statewide.

In response to a committee member’s question relating to the use of a value-added model to evaluate teachers, Ms. Kowalski said that, under a value-added model, some teachers will be weighted fully and some will not, such as a third-grade math teacher vs. a tenth-grade band teacher.

A committee member asked about the number of teachers who may lose their jobs under a value-added model. Ms. Kowalski replied that, based on trend data in other states, less than 5.0 percent have been at risk.

In response to a committee member’s question about whether a state could move forward to a teacher evaluation system using a value-added model with low amounts of data, Ms. Kowalski said that the sophistication of the data will determine the effectiveness of a value-added model.

### **TRENDS AND EARLY LESSONS ON EVALUATION AND EFFECTIVENESS**

The Chair recognized Ms. Kathy Christie, Chief of Staff, Education Commission of the States (ECS), for a presentation on teacher evaluation.

Speaking from a handout called *Trends & Early Lessons on Evaluation and Effectiveness*, Ms. Christie first made a distinction between what we know and what we do not know. To illustrate, she cited two studies: one that found that when evaluation systems offer only a “thumbs up” or “thumbs down,” 99 percent of teachers receive positive ratings but that, when more options are added, the percentage of positive ratings drops to 94; and another that questioned whether principals fire the worst teachers. According to another study, Ms. Christie continued, effective evaluation systems differentiate among teachers, use multiple measures, and should be predictive of future evaluations.

Among other points, Ms. Christie noted that:

- any use of student performance to evaluate teachers must address such issues as teachers of non-tested subjects and the possibility of unintended consequences;
- value-added methods of evaluation can reflect good teaching in that teachers with high value-added scores tend to promote a deep conceptual understanding among their students, at least in mathematics;
- evaluation can affect teacher performance, both during the evaluation period and in subsequent years; and
- implementing evaluation systems is costly. California, for example, incurred a cost of \$25.0 to \$30.0 million for the evaluations themselves and an additional cost for support.

Next, Ms. Christie cited examples of other states that had employed evaluation systems with differentiated levels and multiple measures for quality control. She also emphasized the significance of a data system that links teachers to student data.

For evaluations of principals, Ms. Christie described examples from other states, among them Colorado, which rates its principals on achievement and growth, the number and percentage of personnel who are rated effective or highly effective, and the number and percentage of personnel who are rated ineffective but improving. She also recommended anticipating certain needs, such as quality-assurance in training evaluators, the use of outside evaluators, and the use of hand-held technology to help automate observational interactions and feedback.

Regarding performance pay, Ms. Christie identified such positive aspects as some promising early data from Teacher Incentive Fund sites and promising, though not sustained, results from the Tennessee system in particular; and such negative aspects as insufficient evidence to determine the effect on student achievement or teacher retention. She also provided examples of performance pay approaches taken by several states — Florida, Oklahoma, Indiana, and Ohio — and she predicted that the next generation of performance pay systems will be quite different.

### **Committee Discussion**

Referring to the day’s presentations as a whole, a committee member noted three points that had not been addressed: whether doctors, architects, and other professionals are evaluated in similar ways to teachers and principals; the effect of parents; and the dual role that principals must perform — instructional leader on one hand and building manager on the other. In reply, Ms. Christie suggested working with the New Mexico School Boards Association to obtain help for principals; and she said that some states are looking more closely at the principal’s attitude

toward and interaction with parents. She also said that she is unaware of similar ratings systems for other professionals.

Another committee member said that school boards spend more time on issues such as building maintenance and transportation than they do on student achievement; and still another suggested that a good principal can demonstrate effective leadership through such non-instructional activities as driving a school bus or helping to serve lunch.

## **SUPERINTENDENT AND COMMUNITY INPUT**

- **Central Consolidated Schools**

Mr. Don Levinski, Acting Superintendent, Central Consolidated Schools; and Mr. Matthew Tso, President, Central Consolidated Schools Board, expressed their concern over the manner in which Secretary-designate Hanna Skandera had announced the contemplated suspension of the superintendent's authority because of failure to meet requirements of certain laws, rules, or standards. One particular point of concern was that the Secretary-designate seemed to be responding according to allegations by a minority of parents in the Kirtland part of the district and by a single member of the five-member school board, while ignoring the reform efforts and needed changes that the superintendent had made. Another concern was that many of the allegations were racially motivated: whites vs. Navajos.

Among other points, the presenters discussed personnel actions, including contract buyouts, and the relocation of the district business office; and they questioned the credentials of Ms. Skandera to be the Secretary of Public Education.

### **Committee Discussion**

Regarding Ms. Skandera's credentials, one committee member suggested that classroom experience and teacher licensure should be prerequisites for the position and questioned whether a secretary-designate has all the power and authority of a secretary whose appointment has been confirmed by the State Senate.

This committee member also asked several questions about salaries and contract buyouts. In reply, Mr. Levinski cited the cost-savings of settlements rather than court actions, and he emphasized that he has reduced the salaries of certain administrators filling vacancies so that he can hire more teachers.

Another committee member suggested that the presenters were so focused on internal political disputes that they have been neglecting the children that the district is intended to serve. This committee member also suggested that questioning the credentials of the Secretary-designate when she was not present to defend herself was inappropriate; and the member advised district and school board officials to find a positive strategy to help the children.

There being no other business, the Chair, with the consensus of the committee, recessed the LESC meeting at 4:53 p.m.

**MINUTES  
LESC MEETING  
NOVEMBER 18, 2011**

Representative Rick Miera, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:24 a.m., Friday, November 18, 2011, in Room 307 of the State Capitol, in Santa Fe, New Mexico.

The following LESG members were present:

Representatives Rick Miera, Chair, Jimmie C. Hall, and Mimi Stewart; and Senators Cynthia Nava, Vice Chair, Gay G. Kernan, and Lynda M. Lovejoy.

The following LESG advisory members were present:

Representatives Alonzo Baldonado, Ray Begaye, Eleanor Chávez, George Dodge, Jr., Roberto “Bobby” J. Gonzales, and Sheryl Williams Stapleton; and Senators Stephen H. Fischmann, Howie C. Morales, and Sander Rue.

Also in attendance was Senator Nancy Rodriguez.

**NEW MEXICO MATHEMATICS, ENGINEERING, AND  
SCIENCE ACHIEVEMENT, INC. (NM MESA)**

The Chair recognized Mr. Toney Begay, Executive Director, NM MESA (NM Mathematics, Engineering, and Science Achievement, Inc.); and Ms. Sara McClain, Senior, Socorro High School, to provide the committee with a status report on the educational attainment of NM MESA students.

Mr. Begay explained that the mission of NM MESA is to empower and motivate New Mexico’s culturally diverse students with science, technology, engineering, and math (STEM) enrichment. Among its initiatives, Mr. Begay noted, the pre-college program prepares students for college majors and careers in STEM fields. Coordinated through seven regional offices statewide, he stated, NM MESA had 4,500 participants in 2009-2010.

Referring to his PowerPoint presentation, *Longitudinal Research Study: 2011*, Mr. Begay briefly outlined demographic data for the NM MESA program from 1995-2005 and reported that 720 Bachelors’ degrees were conferred to NM MESA alumni during the period, along with 500 advanced degrees.

According to the Public Education Department, Mr. Begay said, NM MESA students’ scores on the New Mexico Standards-based Assessments exceed state averages by roughly 30 percent in mathematics and 20 percent in science.

Ms. McClain discussed how NM MESA has influenced her life and expanded her possibilities, and she briefly described the positive effect the program has on her peers and the atmosphere of the pursuit of a STEM-rich education at the school.

### **Committee Discussion**

A committee member requested that Mr. Begay gather data regarding the postsecondary achievement of NM MESA graduates.

### **PROPOSED REVISION TO HIGHER EDUCATION FUNDING FORMULA**

The Chair recognized Mr. Curt Porter, Chair, Higher Education Funding Formula Task Force; and Dr. José Z. Garcia, Secretary of Higher Education, to discuss the proposed revisions to the higher education funding formula (HEFF).

Mr. Porter explained that the *General Appropriation Act of 2011* includes language requiring the Higher Education Department (HED) to recommend revisions to the HEFF no later than October 15, 2011. As part of HED's effort to develop a funding formula that incorporates educational outputs and outcomes, staff from New Mexico public postsecondary institutions and from legislative and executive branch agencies participated in working groups and committees of the Higher Education Funding Formula Task Force. He reported that a "strawman group" was established to develop a general framework for the new formula and that over a five-month period, the recommendations of this group were presented to and approved by the full task force. In July, he noted, the "strawman group" requested the creation of a finance committee to develop a model for connecting funding to outcome measures.

To conclude, Mr. Porter stated that two important principles support the proposed formula — (1) that institutional funding remain somewhat protected as the formula transitions to outputs and outcome measures, particularly during the formula's first year; and (2) that institutions be treated equitably.

Referring to two committee handouts — *Educating Tomorrow's Workforce: New Mexico's Higher Education Funding Formula for Fiscal Year 2013*; and *The Watson-Hadwiger Formula: New Mexico Higher Education Department, October 2011* — Dr. Garcia indicated that the proposed formula is considered a Model T. The new formula, he stated, does not address a full range of higher education objectives, but, like the Model T, focuses on the basics — providing incentives for higher education institutions to achieve core objectives such as increasing the number of graduates, addressing work force needs, and increasing graduation of at-risk students.

Though the Model T is considered primitive by modern standards, Dr. Garcia emphasized, it was a transformational vehicle in its time — forever changing the fundamentals of transportation. Similarly, he added, the new funding formula represents a fundamental shift of focus in higher education funding. In the past, New Mexico calculated higher education workload based upon inputs, primarily how much it costs to replace buildings and equipment, to pay for student services and utilities, and to provide educational support to students who were present at the beginning of a course.

To conclude, Dr. Garcia reported that the new funding formula shifts focus from funding higher education line items to funding statewide priorities, such as addressing statewide work force needs. He stated that HED will use this formula to develop a higher education budget recommendation for FY 13 and beyond. As such, the FY 13 funding formula uses the FY 12 instruction and general appropriation as a base. Dr. Garcia emphasized that reflecting mission differentiation of the three sectors, the department will use three separate funding formulas, namely a formula for research universities, a formula for regional or comprehensive universities, and a formula for two-year colleges. In each instance, he stated, the distribution mechanism of the new formula is based on using 95 percent of the FY 12 distribution for each institution, then allocating the remaining 5.0 percent to funding the new formula components.

The Chair recognized LESC staff, who provided the committee with a spreadsheet outlining, by institution, the proposed FY 13 distribution and the difference from each institution's FY 12 appropriation.

The Chair then recognized the following individuals to comment on the proposed funding formula:

- Ms. Felicia Casados, President, New Mexico State University-Grants, and also a representative of the state's community colleges, who stated that the state's 10 community colleges applaud the performance focus of the new formula but are concerned about the "ripple effect" of some of the proposed changes. She requested that HED work with the colleges in forecasting the impact of proposed changes on each institution;
- Mr. Ricardo C. Rel, Senior Director, New Mexico State University Government Affairs, who voiced support for the concept of the new funding formula but requested that the FY 12 budget serve as the base for the FY 13 and future year funding;
- Mr. Mark Saavedra, Government Liaison, University of New Mexico (UNM), who also expressed support for a FY 12 budget base then funding for outcomes in the new formula. He emphasized that UNM is currently funded at a 2006 funding level;
- Mr. Max Baca, representing New Mexico Highlands University, who voiced support for the efforts of HED and the institutions in developing a new formula, but who also voiced concern that the current funding year budget may now be cut; and
- Mr. Danny Earp, Director, New Mexico Independent Community Colleges, who voiced support for using a three-year rolling average and an element in the new formula that integrates student services. He stated that eliminating the tuition revenue credit in the current formula is a step in the right direction.

### **Committee Discussion**

In response to a committee member's concern how the new formula will account for outcomes attributable to students transferring from a two-year institution to a four-year institution, Mr. Porter stated that the task force does not yet know how transfers from two-year institutions will be addressed, and that the database currently used by the task force does not allow for those computations. Mr. David Hadwiger, HED staff, noted that the questions of transfers are complicated by the existence of some institutions located near each other as well as students who are co-attending two institutions. Mr. Porter confirmed that current data do not include information on students who transfer out of a two-year institution into a four-year institution.

Hearing these responses, a committee member expressed their concern about the validity of recommendations made based on incomplete data.

In response to a committee member's question whether the proposed formula changes would require any changes in mill levy allocations of two-year colleges, Mr. Porter replied that they would not.

In response to a committee member's question whether dual credit is included as an outcome, Mr. Porter said "no"; however, it is still being considered as a measure at the request of two-year institutions.

In response to a committee member's question whether certificates awarded are considered an outcome, Mr. Porter stated that not all certificates can be reported as outcomes. He explained that certificates awarded for federally certified programs would qualify as outcomes. When asked about criteria for federally certified programs, Mr. Porter stated that a program is considered federally certified if the student is eligible for a Pell grant. Mr. Hadwiger explained that some certificates awarded are considered "progress" certificates and not degree-related — for example, certificates awarded for "networking" or "truck driving."

In response to a committee member's question regarding a four-year certificate that would be affected, Mr. Baca replied that NMHU has a social work certificate that receives no funding.

In response to a committee member's question how much funding would be required to "hold harmless" each institution at the FY 12 funding level, Mr. Hadwiger stated that approximately \$32.0 million would be needed to keep the institutions' budgets flat.

Responding to a committee member's question regarding the proposed changes and their effect on nursing shortages, Dr. Garcia stated that a health care-related subsidy exists, and that HED supported a bill to encourage health care degree completion during the last legislative session, but it did not pass.

A committee member stated that in 2010 a memorial was passed requesting HED to convene a task force to develop a statewide plan for nursing education. The committee requested the Secretary to provide the committee with a written update on the status of the plan.

The Chair asked about funding from other agencies to support work force needs, primarily for individuals working toward certificates that are not going to be funded in the proposed formula as outcomes. In response, Dr. Garcia indicated that he is currently in such a discussion with the Secretary of Workforce Solutions. The Chair then requested that Dr. Garcia keep him apprised of the discussions in order to identify potential shared funding for these work force needs.

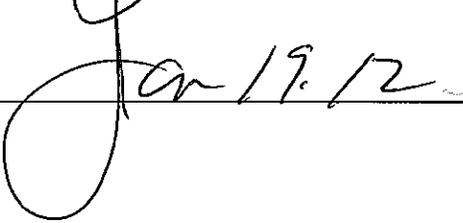
On another higher education issue, a legislator expressed concern on HED's delay for the establishment of a learning center by the Santa Fe Community College. Reviewing the efforts of the community college in establishing the center as well as the voters' support for constructing the center, the legislator respectfully asked that the Secretary review the department's action to deny further progress on the center. In response, the Secretary stated that he was willing to review current law and to discuss the matter further with the appropriate parties.

**NOTE: The presentation on Adult Basic Education that had been scheduled for Friday, November 18, was deferred until the December meeting of the LESC.**

**ADJOURNMENT**

There being no further business, the Chair adjourned the LESC meeting at 1:12 p.m.

  
\_\_\_\_\_ Chair

  
\_\_\_\_\_ Date