

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

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Frances Ramírez-Maestas, Director

**MINUTES**  
**LESC MEETING**  
**October 13-15, 2014**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:10 a.m., on Monday, October 13, 2014, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LESC were present:

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

The following voting member of the LESC was not present:

Senator Howie C. Morales.

The following advisory members of the LESC were present:

Senators Lee S. Cotter, Linda M. Lopez, John Pinto, and William P. Soules; and Representatives Alonzo Baldonado, Nathan "Nate" Cote, David M. Gallegos, Stephanie Garcia Richard, Tomás E. Salazar, James E. Smith, Christine Trujillo, and Bob Wooley.

The following advisory members of the LESC were not present:

Senators Jacob R. Candelaria, Daniel A. Ivey-Soto, and Pat Woods; and Representatives George Dodge, Jr. and Timothy D. Lewis.

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

**LEGISLATIVE FINANCE COMMITTEE (LFC) PROGRAM EVALUATION:  
COST-EFFECTIVE OPTIONS FOR INCREASING HIGH SCHOOL GRADUATION  
AND IMPROVING ADULT EDUCATION**

The Chair recognized Ms. Rachel Mercer-Smith, Program Evaluator, and Mr. Nathan Eckberg, Program Evaluator, Legislative Finance Committee (LFC), to present findings and recommendations on a recently completed program evaluation report on cost-effective options for increasing high school graduation and improving adult education. Referring to the executive summary of the program evaluation report, Ms. Mercer-Smith noted that adults without a high school credential:

- are more likely to live in poverty, become incarcerated at some point in their lives, rely on public assistance, and cost taxpayers more than \$200,000 over their lifetime;
- earn an annual median income of \$17,000, compared to high school graduates who earn an annual median income of over \$25,000; and
- comprise over 50 percent of adults incarcerated in New Mexico.

With regard to the four key findings of the report, Ms. Mercer-Smith indicated that:

1. graduating 2,600 more students annually would produce \$700 million in net benefits to New Mexico over the lifetimes of these students;
2. promising initiatives are being implemented inconsistently or, not at all, across the state;
3. efforts are not being targeted in schools and school districts where dropouts tend to be concentrated; and
4. the state is spending millions on adults over the age of 22 in the public school system who never earn a high school credential and tend to be enrolled for far less than a complete school year.

She also explained that the evaluation found that there is a significant need for adult basic education (ABE) services in the state, but resources are stretched thin and not targeted.

Ms. Mercer-Smith's testimony then shifted to a more comprehensive coverage of each of the four key findings. Referring to the first key finding on page 13 of the evaluation report, she noted that:

- each high school graduate produces roughly \$267,000 in net benefits for the state;
- large numbers of dropouts impede the state from reaching graduation targets;
- dropouts tend to be clustered in a few schools and districts (25 schools produce over half of all dropouts statewide); and
- dropouts tend to leave during the first few years of high school, specifically ninth or tenth grade.

Ms. Mercer-Smith also discussed some promising initiatives that are being implemented inconsistently across the state, which include:

- tracking students who have poor attendance, behavior referrals, and course failures;
- monitoring suspensions, as the largest percentage of students suspended are at high schools with the largest numbers of dropouts; and
- early targeting of students at risk for dropping out.

Furthermore, Ms. Mercer-Smith indicated that some prevention initiatives with strong evidence of success include:

- alternative education programs (including those programs that offer smaller class sizes, more individualized instruction, school or class restructuring, small learning communities, or career academies);
- case management (programs that connect students and families with appropriate services);
- college-oriented programming (like preparatory curriculum and/or academic advising);
- mentoring/counseling (providing students with positive role models or counselors); and
- vocational/employment initiatives (coursework, internships, or employment-oriented career interests).

In addition, she said a research-based framework for dropout prevention and improving high school graduation includes both comprehensive and targeted approaches. Ms. Mercer-Smith also reported that alternative and charter schools have mixed results, tend to be costly, and still produce dropouts, making them an expensive option for school districts.

With regard to the third finding that efforts are not being targeted in schools and school districts where dropouts tend to be concentrated, Ms. Mercer-Smith said that the students at risk for dropping out can be targeted earlier using an early warning system (EWS). She continued her testimony, explaining that, although New Mexico does not have a comprehensive data system to develop an early warning system for such kids, the Legislature appropriated \$500,000 in FY 14 for a dropout prevention program and included dropout prevention as part of the \$2.9 million appropriation for college preparation and career readiness in FY 15. Ms. Mercer-Smith said that the Public Education Department (PED) has indicated that an EWS will be operational in 2015, and the total cost to develop the tool will be \$550,000 for contractual services and licensing.

With regard to the program evaluation's fourth key finding that the state is spending millions on students over the age of 22 in the public school system who do not earn a high school credential, Mr. Eckberg suggested that reengaging adult students over the age of 22 through the K-12 public school system is not a cost-effective credit recovery strategy. He also reported that:

- special education services for students are limited to those below age 22, but the *Public School Finance Act* does not define other students in the same manner;
- public schools educating adult students over the age of 22 spent more to educate 1,000 adult students than the ABE system spent to educate 19,000 students in FY 13; and
- ABE programs are more cost-effective in helping adult students over the age of 22 to earn a high school equivalency credential than dropout recovery programs for adults in the public school system.

In addition, Mr. Eckberg provided a summary of the evaluation report's key findings as they related to ABE, noting that overall the state should target resources to improve outcomes for adults. He added that:

- New Mexico does not target specific populations;
- ABE performance on several federal indicators lags behind surrounding states, in part because of low instruction intensity;

- adult education students are able to complete a high school equivalent course with relatively few class sessions, but discontinuous attendance and other barriers hinder adult students from quickly earning a high school equivalency credential; and
- adult education efforts should be coordinated with the state's workforce system to enhance the potential impact.

Ms. Mercer-Smith then focused on the key recommendations of the program evaluation report on page 7, which suggest that the Legislature should:

- modify the funding formula weight for grade 12, creating an index to allocate a portion of the 1.25 weight based on high school completion and possibly postsecondary remediation;
- continue to increase the at-risk index and associated funding for the new units;
- amend the *Compulsory School Attendance Law* to require districts to contact parents or guardians after 10 excused student absences to identify and address the causes of absenteeism;
- limit the age at which students may be counted in the state's public school funding formula to age 22 and reprioritize a portion of the funds generated by adults over the age of 22 in the state's funding formula to the ABE program administered by the Higher Education Department (HED);
- apply additional funds for ABE programs to the performance-based component of the ABE allocation to support the implementation of targeted and intensive ABE instructional efforts; and
- fund a pilot ABE program initiative that targets young adults who lack a high school credential and are enrolled in other public assistance programs that would include efforts to improve outcomes for adults.

Other recommendations for HED included using ABE funds to provide additional professional development for instructors and working with the Workforce Solutions Department to develop a coordinated workforce and ABE state plan that identifies targeted populations and programs to address specific needs. To conclude, Ms. Mercer-Smith emphasized that PED should complete the data component of the EWS as planned by February 2015.

### **Committee Discussion**

A committee member expressed concern about recommendations to modify the funding formula weight for grade 12 with accompanying adjustments to increase funding for at-risk students, noting that such recommendations could result in rural school districts receiving less revenue.

When a committee member asked whether the LFC recommends placing the entire ABE and high school equivalency programs under HED rather than the shared arrangement with PED that currently exists, Ms. Mercer-Smith stated that LFC does not have a position on this issue.

After commenting that the best prevention tool involves getting the parents and grandparents of at-risk students to earn their high school equivalency credentials, a committee member expressed concern over the recommendation to limit the age at which students may be counted in the state's public school funding formula to age 22. He also noted that, if funds are taken away from schools like Gordon Bernell Charter School, funding should be allocated to ABE programs so

more adults can acquire their high school equivalency credentials. In reply, Ms. Mercer-Smith noted that more funding for ABE programs was included in the LFC recommendations; she added that those funds should be targeted to provide more rigor and comprehensive development.

A committee member observed that much of the program evaluation makes use of correlation data and it is important not to interpret that data in the same manner as data related to cause-and-effect.

A committee member asked why there is a difference between the graduation and dropout rates for the same school, and Ms. Mercer-Smith indicated that the graduation rate is a four-year measure and the dropout measure is a one-year measure. She also noted that the two should be more tightly connected.

Regarding the transition to the Common Core State Standards, a committee member posed two hypothetical questions:

1. If Algebra I becomes much more difficult, would the dropout rate increase or would the graduation rate decrease?
2. If the Partnership for Assessment of Readiness for College and Careers exam is significantly harder, and students are required to pass the exam as part of the graduation requirements, are we potentially making this problem worse in the future?

A committee member commented that a number of middle school and high school teachers have indicated a need for credit recovery programs, which are important contributors to high school graduation. The member added that expanding credit recovery could take place at night or be partially online, but truancy is a major issue and the Legislature needs to look to expanding truancy programs or taking a look at social services provided at the school. Rather than decrease funding for schools for a lack of increasing graduation rates, the committee member noted that funding should remain with the district to increase graduation rates.

Citing a section of the program evaluation report that showed a high dropout rate for Gordon Bernell, a charter school that serves a unique population that is involved with the criminal justice system, a committee member indicated that these students had most likely already dropped out and were likely then to be counted twice. Ms. Mercer-Smith then provided an explanation for the calculation of the dropout rate, saying that PED counts those students who leave and do not re-enter the public school system. Ms. Mercer-Smith also indicated that only PED would be able to provide that information.

The Chair requested PED staff to determine if the dropout students at Gordon Bernell Charter School were counted twice.

A committee member commented that, unless all resources targeted at addressing the truancy issue are coordinated, the state will continue to see high truancy rates. The member also expressed concern that the Gordon Bernell Charter School was characterized poorly in the report.

## **TESTING: LESC STATEWIDE SURVEY**

The Chair recognized Mr. Ian Kleats, LESC staff, and Mr. Carlos Contreras, LESC intern, to brief the committee on the initial findings of the LESC statewide testing survey.

Mr. Contreras noted that during its 2014 organizational meeting the LESC included the following topics in its 2014 interim workplan:

- the amount of time spent on testing, including test preparation time;
- the efficacy of required assessments; and
- the difference between formative and summative testing.

To address these topics, Mr. Contreras said that LESC staff issued a statewide survey of school districts. As the results of that survey began to come in to LESC staff, he said, committee staff decided to brief the committee on a number of preliminary items, including:

- methodology of the statewide survey;
- initial school district responses;
- clarification of formative and summative testing; and
- related background.

Regarding the methodology portion, Mr. Contreras explained that LESC staff obtained initial insights into testing procedures and times from two main sources:

1. publicly available test administration manuals of commercial test publishers; and
2. school district master schedules.

He reported that LESC staff found that these two sources provided partial information on testing times; however, these sources could not account for a complete picture of testing times throughout the districts. For example, Mr. Contreras noted that not all test administration manuals or master schedules accounted for test preparation time and pre- and post-test tasks.

He continued, stating that LESC staff determined that, in order to understand testing procedures and times comprehensively, it was necessary to disaggregate and define their elements, which include:

- test preparation time;
- pre-test tasks;
- test-taking time; and
- post-test tasks.

Mr. Contreras added that the statewide survey should provide legislators with the following data:

- names of tests administered;
- assessments mandated by rule or law;
- tests included in teacher evaluations;
- tests that impact students' credits/grades;

- time spent on each of the already mentioned categories:
  - test preparation;
  - pre-test tasks;
  - test-taking; and
  - post-test tasks; and
- instruction missed on the test administration day.

Referring to Attachment 2 of the staff report, Mr. Contreras noted that the survey features a matrix in which respondents are asked to enter data related to the characteristics of administered assessments and the time spent in testing. The matrix, he stated, can be filled-in by providing “Yes” or “No” answers as well as numbers for time expressed in hours.

Mr. Kleats reported that on September 18, 2014 LESC staff sent each of the state’s 89 school districts a copy of the survey with instructions requesting districts to complete and return it by October 7, 2014. As of October 10, 2014, he indicated, 33 of the 89 school districts had responded. A list of these school districts is found in Table 1 of the LESC staff report, he added.

Mr. Kleats explained that, before releasing results of the survey, LESC staff believed it would be necessary to have a representative sample. Referring to Table 2 in the LESC staff report, which illustrates the demographic characteristics of school districts responding to the survey compared to statewide totals according to FY 15 preliminary funded membership data from the Public Education Department (PED), Mr. Kleats suggested that the responding districts may constitute a representative sample of all districts statewide given the proportion of membership in various programs for sample districts relative to the population totals.

However, Mr. Kleats emphasized, there were certain considerations leading LESC staff to seek more responses, including that the data:

- have not been analyzed for potential selection bias to determine whether responding school districts have a certain common propensity for administration of assessments; and
- are not reflective of incomplete questionnaires, which would effectively lower the sample size below what is suggested by PED data.

As a result, conclusions for the general administration of assessments statewide cannot be drawn from the current survey responses, Mr. Kleats explained, noting that LESC staff plan to continue outreach to school districts that have not completed the survey and, in terms of data validation, to follow up with responding school districts that may have submitted incomplete questionnaires.

Although quantitative conclusions on the condition of assessments are currently limited, Mr. Kleats continued, certain qualitative features can be summarized from the responding districts, namely the general types of assessments offered and specific tests within those groups.

In addition to assessments required to be administered by statute or PED rule, which are detailed within PED’s *New Mexico State Assessment Program Fall 2014 Procedures Manual*, Mr. Kleats stated that school districts have the discretionary ability to assess their students. In fact, he

noted, based on initial survey responses, many of the responding school districts utilize additional assessments beyond those required by rule or law.

Based on current survey responses, Mr. Kleats indicated that assessments generally fit within four groups:

1. summative assessments;
2. developmental, formative, or interim assessments;
3. English language learner and bilingual assessments; and
4. college-readiness assessments.

Referring to the LESC staff report, Mr. Kleats then detailed the different assessments used by school districts responding to the survey within each group.

To conclude, Mr. Kleats outlined the differences between summative and formative assessments, noting that:

- summative assessments evaluate a student's development at a particular point in time (because the focus is on the outcome of a program, each summative assessment is typically administered only one time each year, generally toward the end of the school year); and
- formative assessments fall into the broader category of diagnostic testing (these short-cycle assessments are used by teachers during the learning process in order to modify teaching and learning activities to improve student outcomes and are typically administered several times throughout the year).

### **Committee Discussion**

A committee member asked what percentage of the student population would be represented in the survey sample if Albuquerque Public Schools (APS) responded, and Mr. Kleats replied that APS serves roughly a quarter of the student population, so the over 50 percent of the survey sample size would be APS students. This, he said, would indicate more what APS does in terms of assessments rather than what is done statewide.

### **UNIVERSITY OF NEW MEXICO (UNM): REDESIGN OF COLLEGE OF EDUCATION**

The Chair recognized Dr. Chaouki T. Abdallah, Provost and Executive Vice President for Academic Affairs, University of New Mexico (UNM), and Dr. Salvador Hector Ochoa, Dean, UNM College of Education (CoE), to provide the committee with an overview of the CoE and its redesign.

To begin, Dr. Ochoa distributed a handout and gave a brief overview of the CoE, noting that it has:

- 118 full-time faculty members;
- 34 degree, four certificate, nine doctoral, 12 graduate, and 13 undergraduate programs;

- an enrollment of 273 doctoral, 669 masters-level, and 780 undergraduate students; and
- an average grade point average (GPA) of 3.38 for admitted students.

Regarding full-time faculty, he stated there are 20 full-time professors, 44 associate professors, 34 assistant professors, and 20 lecturers. Dr. Ochoa also emphasized the diversity among the faculty, which is composed of:

- 77 females and 41 males; and
- 72 Caucasians, 22 Hispanics, 12 Native Americans, eight Asian/Pacific Islanders, and three African-Americans.

With regard to teacher candidates and admission criteria, he explained that candidates must pass the New Mexico Teacher Assessment basic skills exam and have a GPA no lower than 2.5 for the secondary program and 2.75 for elementary candidates. The admission process also includes conducting personal interviews, written essays that include a personal statement, and a 15 minute “cold” writing sample, in addition to three letters of recommendation, according to Dr. Ochoa.

Regarding data on student completion within the CoE, Dr. Ochoa referred to a table in the handout that included the number of students who completed the teacher education program by year and by certification route for the last four academic years. For academic year 2012-2013, 301 students completed the traditional certification and 104 students completed the alternative certification, he explained.

Referring to the CoE redesign, Dr. Ochoa reported that Dr. Abdallah established several groups, including the:

- External Professional Advisory Committee (EPAC);
- Community Professional Advisory Committee (CPAC); and
- Provost Management Team (PMT).

He explained that EPAC and CPAC provide a national- and state-level perspective. The EPAC comprises 17 individuals from across the United States, and the goal of this committee is to offer a set of ideas for how UNM can improve its mission to educate teachers and education leaders statewide and nationally. The CPAC includes 25 individuals from across the state representing classroom teachers, school administrators, and four-year colleges, among other stakeholders, he added. Dr. Ochoa said their role is to provide information, analysis, and opinion on what is needed in teacher preparation and school leadership programs to best serve the educational needs of local communities. He continued, noting that the Provost appointed faculty from UNM Main Campus and the Health Science Center to the PMT. The team is responsible for laying the groundwork for a cutting-edge CoE with a focus on preparing new generation teachers, principals, and other educational professionals.

After reviewing the reports from EPAC, CPAC, and PMT, Dr. Ochoa stated that eight major themes need to be examined and addressed as part of the redesign efforts, including:

1. accountability and assessment;
2. new teacher retention efforts in years one to three;
3. policy and mission of the college;

4. curriculum and knowledge;
5. clinical practice and student teaching skills;
6. student issues;
7. faculty issues; and
8. an interdisciplinary research center.

Referring to the redesign themes, he stated that a working group composed of CoE faculty will identify short-term, mid-term, and long-term priorities to address each particular component within each of these themes. Dr. Ochoa also said that the CoE has started to implement important redesign initiatives that address one or more of the major themes, including:

- the Transformative Action Groups project (funded by a \$1.0 million grant from the Kellogg Foundation to improve and strengthen the quality of teacher preparation programs);
- interdisciplinary training of school leaders by the CoE and UNM Anderson School of Management faculty (funded by a Public Education Department grant to train school administrators in an interdisciplinary manner); and
- a teacher observation scale (CoE will explore the possibility of training and certifying student teacher supervisors to use the NMTEACH (New Mexico Teacher Evaluation Advisory Council) teacher observation scale).

To conclude, Dr. Ochoa emphasized that the CoE will be examining and implementing changes pertaining to how its curriculum can more effectively prepare teachers and school personnel to work with students who are from ethnically diverse backgrounds and who are English language learners. He also stated that the college will focus more on how to serve students living in impoverished and rural communities.

### **Committee Discussion**

In response to a question related to the characteristics of students who were denied admission into the CoE program, Dr. Ochoa stated that some of those students:

- did not meet GPA requirements;
- did poorly on interviews and/or writing samples; or
- scored low on the admissions committee rubric of expectations.

He further explained that, although there is a cap on admissions, applicants who are not accepted are encouraged to reapply, especially if their GPA improves.

In reply to a committee member's question regarding tenure, Dr. Abdallah said that the goal of the CoE redesign is to have more tenured faculty. However, he added that the college has more tenured professors than its institutional peers.

In response to a request for clarification relating to the redesign of the teacher preparation program and the science of reading, Dr. Ochoa explained that he has asked the faculty to address the five critical areas of teaching reading so that teachers will be able to understand the theory and apply it to their teaching practice.

## **NEW MEXICO-GROWN PRODUCE FOR SCHOOL MEALS PROGRAM**

The Chair recognized Ms. Pamela Roy, Executive Director, Farm to Table, for a presentation on the New Mexico-grown Fresh Fruits and Vegetables for School Meals program. Ms. Roy noted that also in attendance were Ms. Betsy Cull, Assistant Director for School Food Service, Santa Fe Public Schools, and member of the New Mexico School Nutrition Association; and Mr. Roger Gonzales, President, Los de Mora Local Growers' Cooperative, Inc.

Referring to the committee handout, Ms. Roy provided an overview of the New Mexico-grown Fresh Fruits and Vegetables for School Meals program, which is currently in its second year of operation. During the 2013 legislative session, she explained, the Legislature appropriated \$100,000 to the Public Education Department (PED) for the first year of the program. For the following year, she added, the Legislature increased the funding level to \$240,000.

With these dollars, Ms. Roy continued, the program has provided New Mexico-grown produce to approximately 146,000 students from 2012 to 2014, and over 300,000 pounds of fresh fruits and vegetables have been sold to schools throughout the state. She added that the program currently serves 45 school districts, and the requests for funding this year exceeded the funding made available by the Legislature. Ms. Roy emphasized that the program serves as an economic driver by helping to connect local growers to a new market of public schools in their area. For some school districts that are unable to connect with a local farmer for fresh fruits and vegetables, she said, Farm to Table utilizes the Food and Nutrition Services Bureau of the Human Services Department to help distribute produce in those areas.

Ms. Roy further emphasized the need to distribute funding for the program earlier in the fiscal year. Because the purpose of the program is to put fresh fruits and vegetables on the plates of New Mexico children, she stated, funding needs to align with the New Mexico growing season in order to ensure the quality and freshness of the produce. She added that having the funding available to school districts early on will help farmers in the planning and harvesting of their crops.

Ms. Cull described her personal experience with the program, particularly with regard to the success she has seen when serving fresh fruits and vegetables. She explained that students know the difference between fresh, locally grown foods and other foods that come from a distributor. Ms. Cull also noted that her district has yet to receive the funding for the current fiscal year, which makes it difficult to plan; however, aside from administrative challenges regarding the funding, her district continues to appreciate and benefit from the program.

Mr. Gonzales outlined the history of the program, stating that several years ago it became clear that New Mexico needed to not only invest in supporting local farmers but also in healthy eating programs for children. Noting that traditional value chains in agriculture rely on selling at local farmers' markets and canning any remaining food items, Mr. Gonzales emphasized that the New Mexico-grown Fresh Fruits and Vegetables for School Meals program allows local growers to engage in dialogue with school district officials and plan in advance of the growing season. He added that timely availability of funds is a crucial part of this planning.

## **Committee Discussion**

In response to a committee member's question regarding funding availability, Ms. Cull stated that her district has missed opportunities to purchase fresh fruits and vegetables for the current season. She added that availability of the funds on or around July 1 of each year would significantly improve the effectiveness of the program.

In response to a committee member's question regarding the FY 14 appropriation for the program, Ms. Roy explained that each school received approximately \$591. She added that these funds were distributed in late September 2013.

In reply to a committee member who asked about the participating school districts noted on the committee handout, Ms. Roy indicated that many districts that do not receive funding still participate in the program by utilizing Farm to Table's network of local growers to purchase fresh fruits and vegetables.

In response to a committee member's comment that the current allocation process for the program through PED ensures that schools use the money for its intended purpose, Mr. Gonzales stated that a mechanism similar to the elementary art or elementary physical education programs could be used.

Regarding reports of late allocation of program funding, a committee member commented that this is not a unique issue to PED and many other agencies experience such delays.

In response to a committee member's question regarding the price of the food going to schools, Mr. Gonzales said that New Mexico growers price their produce at much lower price-points than what they could charge at local farmers' markets. Mr. Gonzales added that farmers are willing to accept lower prices because they view the program as an opportunity to invest in future customers and find value in showing children the importance of agriculture in local communities.

In response to her earlier comment that not all schools receive this funding, Ms. Roy stated that the Farm to Table request for FY 15 was originally \$1.44 million; however, the program instead received \$240,000.

On a motion by Senator Kernan, seconded by Representative Espinosa, the committee approved the submittal of a letter to PED and the Department of Finance and Administration encouraging the departments to expedite the distribution of program funds.

## **SUPERINTENDENTS AND COMMUNITY INPUT**

The Chair recognized Dr. Anne Taylor, President, School Zone Institute, to discuss the Architecture and Children Education Program at Eubank Elementary School in Albuquerque.

Referring to a committee handout, Dr. Taylor stated that this program has been tested and translated into French, Spanish, and Japanese, among other languages. She also discussed how teaching architecture to children allows them to focus on their physical environment and learn in

a visual way. A major goal of the program, according to Dr. Taylor, is to grow from a volunteer project into a supported program that will change elementary education in New Mexico.

When a committee member asked Dr. Taylor to discuss the success of the program, she noted that students can practice concepts in drawing, geometry, and eco-literacy through lessons in architecture.

The Chair recognized Mr. Thomas McGaghie, Director, Adult Basic Education, New Mexico State University-Grants, who addressed the committee regarding the Legislative Finance Committee evaluation on improving high school graduation rates and adult education. He noted that students can enter into an adult education program as early as age 16, yet approximately two-thirds of New Mexico dropouts leave school between grades 7 and 9. Mr. McGaghie also observed that more attention should be paid to the large number of home-schooled children in the state, as a number of people who are referred to his adult education program say they were home-schooled.

In regard to adult education programs in general, Mr. McGaghie explained that:

- sustainable funding over time is the main issue;
- coordination with the Public Education Department, the Higher Education Department, and the Department of Workforce Solutions is vital; and
- adult education stakeholders prefer the term “adult education,” rather than “adult basic education.”

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 4:07 p.m.

**MINUTES  
LESC MEETING  
OCTOBER 14, 2014**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:25 a.m., on Tuesday, October 14, 2014, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LESL were present:

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

The following voting member of the LESL was not present:

Representative Rick Miera.

The following advisory members of the LESL were present:

Senators Lee S. Cotter, John Pinto, and William P. Soules; and Representatives Alonzo Baldonado, Nathan "Nate" Cote, David M. Gallegos, Stephanie Garcia Richard, Tomás E. Salazar, James E. Smith, Christine Trujillo, and Bob Wooley.

The following advisory members of the LESL were not present:

Senators Jacob R. Candelaria, Daniel A. Ivey-Soto, Linda M. Lopez, and Pat Woods; and Representatives George Dodge, Jr. and Timothy D. Lewis.

Senator Sander Rue was also in attendance.

**DIRECTOR'S REPORT**

***a. Approval of September 2014 LESL Minutes***

On a motion by Representative Stewart, seconded by Representative Roch, the committee approved the minutes for the September 2014 interim meeting.

***b. 2014 Draft of LESL Interim Workplan***

Ms. Frances Ramírez-Maestas, LESL staff, referred the committee to the *Legislative Education Study Committee 2014 Interim Workplan* in the committee notebooks. Ms. Ramírez-Maestas noted that the November LESL meeting is scheduled to occur over a four-day period, while the December meeting is scheduled for two days.

**c. Informational Items:**

Mr. Travis Dulany, LESC staff, noted that the following staff briefs were included in the committee notebooks:

- *Administrative Rulemaking: Legislative Lottery Scholarship;*
- *Administrative Rulemaking: Tribal College Dual Credit Program;* and
- *High School Equivalency Assessment – Request for Applications.*

With regard to the two rulemaking updates, Mr. Dulany stated that:

- a prior version of the administrative code governing the Legislative Lottery Tuition Scholarship contained a technical error, and the September 30, 2014 edition of the *New Mexico Register* contained an adopted rule that corrects the error; and
- the September 15, 2014 publication of the *New Mexico Register* included a Notice of Public Hearing, which is set for October 15, 2014, regarding a new rule for tribal college dual credit participation.

Finally, Mr. Dulany discussed a request for applications released on September 24, 2014 by the Public Education Department (PED) for the New Mexico High School Equivalency Credential (HSEC) test. The document is available on the PED website or upon request to LESC staff, Mr. Dulany added.

**d. Correspondence**

Ms. Ramírez-Maestas informed the committee that an October 6, 2014 memorandum from Ms. Hanna Skandera, Secretary-designate of Public Education is included in the committee notebooks. The memorandum is titled *2015 Graduation Requirements*, she said.

**Committee Discussion**

A committee member requested that LESC staff obtain a list of who comprises the committee reviewing HSEC test applications.

On a motion by Representative Espinoza, seconded by Senator Kernan, the committee approved a motion to send a letter to PED requesting consideration of cost and access in selecting a vendor, or vendors, for the HSEC test.

**FY 15 PUBLIC SCHOOL BUDGETS**

The Chair recognized Mr. Ian Kleats, LESC staff, and Ms. Eileen Marrujo-Gallegos, Director, School Budget and Finance Analysis Bureau, Public Education Department (PED), for a presentation on FY 15 public school budgets.

Mr. Kleats began by explaining that each interim LESC staff request that PED staff provide the committee with a summary of approved public school budgets for the school year, including

guidance provided by PED in the budgeting process, and spreadsheets of distributions of certain recurring and nonrecurring appropriations that have not previously been presented to the LESC.

Mr. Kleats reported that recurring and nonrecurring appropriations, commonly referred to as “below the line” expenditures, are typically not distributed proportionately between school districts and charter schools on the basis of membership or program units. For this reason, he said, the amount appropriated “below the line” and the means of distribution are important budget considerations to ensure that resources are allocated equitably.

The enactment of Laws 2014, Chapter 57, Mr. Kleats continued, amended the *Public School Finance Act* to provide additional operational funding for school districts with fewer than 200 students in order to reduce dependence on emergency supplemental funding for small, rural districts. Based on FY 15 preliminary funded units, he noted, this change to the funding formula generated 1,615.5 units across 18 districts, accounting for approximately \$6.47 million. However, the FY 15 State Equalization Guarantee appropriation included only \$5.76 million for the funding formula change. The difference, Mr. Kleats explained, is attributable to two causes:

1. a further decline in enrollment from micro districts below what was projected during the budget process; and
2. the cost projections for this and other funding formula changes are based upon current year preliminary unit values, not budgeting for baseline growth in that unit value.

He also cautioned that not sufficiently funding new units added to the funding formula could depress growth in the unit value for already existing units and suggested that the Legislature may wish to consider this when developing the appropriation for other funding formula changes scheduled to become effective in FY 16.

To conclude, Mr. Kleats suggested that, during the PED staff report, the committee might find it helpful to reference Table 1 of the LESC staff report, which summarizes over \$2.72 billion appropriated by the *General Appropriations Act of 2014* for recurring and nonrecurring public school support and education-related appropriations.

Referring to a PowerPoint handout, Ms. Marrujo-Gallegos briefed the committee on the PED public school budgets for FY 15. Among other points, the presentation included:

- a breakdown of statewide budgeted operational revenue by type (state, local, and federal);
- budgeted operational expenditures by accounting code;
- budgeted program cost for all school districts and charter schools; and
- projected enrollment growth units.

### **Committee Discussion**

A committee member asked Ms. Marrujo-Gallegos whether she had information on the new funding formula units for small, rural districts and their impact on the need for those districts to request emergency supplemental funding. In response, Ms. Marrujo-Gallegos said that 18 school districts received those units, but she did not have information on requests for emergency supplemental funding.

The Chair, referring to email correspondence between LESC staff and PED, indicated that the department was specifically asked to bring:

- spreadsheets for the new funding formula units;
- distributions of recurring emergency supplemental funding; and
- distributions of nonrecurring emergency support for school districts experiencing budget shortfalls.

He also stressed the importance of using those data to evaluate the effects of this funding formula change.

### **INSURANCE APPROPRIATION REQUESTS FOR FY 16**

The Chair recognized Mr. David Craig, LESC staff; Mr. Sammy J. Quintana, Executive Director, New Mexico Public Schools Insurance Authority (NMPSIA); Ms. Christy Edwards, Deputy Director-Benefits, NMPSIA; and Mr. Don Gonzales, Comptroller-Finance, NMPSIA; Ms. Carrie Robin Brunder, Director, Government Affairs and Policy, Albuquerque Public Schools (APS), Mr. Don Moya, Chief Financial Officer, APS; and Ms. Vera Dallas, Director of Benefits, APS, for a discussion of insurance appropriation requests for FY 16.

Referring to a staff brief, Mr. Craig reported that:

- every year the Legislature considers appropriating funds to the State Equalization Guarantee to provide for increases in the employer's group health and risk insurance contribution rates of the state's public schools;
- current law provides for all of New Mexico's charter schools and 88 school districts to participate in NMPSIA; and
- the remaining school district, APS, is self-insured because the law exempts from participation in NMPSIA any school district with a student enrollment in excess of 60,000 students.

The appropriation requests for NMPSIA and APS, Mr. Craig noted, are based on projected contribution rates and considered to be adequate to provide for estimated claims, administrative costs, and fund reserve levels in the next fiscal year. He added that rate increases can be offset by NMPSIA or APS board action that allows the agencies to use reserve fund balances to reduce the projected increases. With regard to the FY 16 appropriation requests for NMPSIA and APS as they relate to increases in the employer's group health and risk insurance contribution rates in total, Mr. Craig said that approximately \$15.95 million (\$10.56 million for NMPSIA and \$5.39 million for APS) has been requested.

Mr. Craig indicated that NMPSIA is requesting the funds to provide for increased insurance costs effective October 1, 2015, including:

- approximately \$4.16 million for the Employee Benefits Program which considers:
  - a 3.13 percent increase in health/medical insurance costs; and
  - no increases in life, long-term disability, vision, and dental insurance costs; and

- approximately \$6.4 million for the Risk Program, which considers an 11.25 percent increase in:
  - property and liability risk insurance; and
  - workers' compensation.

According to unaudited figures provided by NMPSIA, Mr. Craig stated, as of June 30, 2014, ending fund balances were approximately:

- \$44.4 million for the Employee Benefits Fund; and
- \$5.3 million for the Risk Coverage Fund.

With regard to APS, Mr. Craig indicated that for FY 16 the district is requesting a total appropriation of approximately \$5.39 million to provide for increased insurance costs for the Employee Benefits Program effective January 1, 2015, and no request related to the Risk Program. Mr. Craig emphasized that the APS request does not consider increases in risk premiums because the administration will ask its board to use reserves for any increases for potential property/liability premiums and workers' compensation claims.

As background, Mr. Craig noted that NMPSIA was created in 1986 to serve as a purchasing agency for public school districts, postsecondary educational entities, and charter schools. Mr. Craig continued by stating that the health coverage provided by NMPSIA includes:

- basic life and accidental death and dismemberment;
- voluntary life;
- long-term disability;
- two medical plans with high and low options;
- a dental plan with basic and comprehensive coverage; and
- a vision plan.

With regard to risk, Mr. Craig stated that coverage includes:

- property and liability insurance;
- workers' compensation;
- student catastrophic insurance;
- student accident insurance;
- boiler and machinery insurance; and
- underground storage tanks coverage.

He concluded by stating that the NMPSIA and APS medical plans are self-insured, with contribution rates set by their boards. When the claims exceed the contributions from premiums or revenues, Mr. Craig said, the contribution rates have to be increased to cover any deficit. He further emphasized that current law requires the state to pay for a portion of the group insurance premiums for employees based on a percentage of the employee's salary.

Staff from NMPSIA and APS presented information that further detailed elements of the FY 16 appropriation request. With regard to the Risk Program, Mr. Quintana noted liabilities related to:

- vandalism;
- “hood surfing” fatalities; and
- increasing costs associated with old buildings.

Ms. Edwards outlined the NMPSIA benefits program. She indicated that the program insures approximately 58,000 people and that NMPSIA is moving to an online enrollment system this year. With regard to costs, Ms. Edwards stated that the recent prescription drug coverage bid is estimated to save 11 percent in expenditures.

Referencing a PowerPoint handout, Ms. Brunder indicated that APS provides coverage for 17,127 members under two medical plans, 18,807 members under its two dental plans, and 16,348 members under its vision plan. After providing a brief summary of benefits offered, Ms. Brunder indicated that the fund balance for the Benefits Program was approximately \$13.3 million as of August 2014 will decrease to \$12.0 million by December 31, 2014. The APS superintendent, she said, has required a fund balance of \$12.0 million in the past that includes \$8.0 million in statutorily required reserves and \$4.0 million in a “rainy day” fund. Referencing slide 5 of the PowerPoint handout, Ms. Brunder indicated that APS underwent a plan redesign in 2014 and therefore no new plan designs are expected for 2015.

Ms. Brunder also discussed the current funding situation with regard to the APS benefits program, indicating that:

- APS requested \$11.67 million for FY 15 and received \$3.5 million;
- due to plan design changes in plan year 2014, APS has experienced a decrease of utilization making projected costs much lower than anticipated; and
- APS has allocated the entirety of the \$3.5 million received through the funding formula, in addition to several cost-saving measures, to meet the needs of the health plan for FY 15.

With regard to the FY 16 request, Ms. Brunder indicated that the request of \$5.4 million is based on a:

- 9.0 percent increase in medical insurance premiums;
- 7.0 percent increase in dental insurance premiums;
- 5.0 percent increase in vision insurance premiums;
- 23 percent increase for life and disability insurance; and
- 2.0 percent enrollment growth.

### **Committee Discussion**

In reply to a committee member who asked if the information had been presented to the Legislative Finance Committee (LFC), Mr. Quintana indicated that NMPSIA is scheduled to provide testimony to an LFC subcommittee in November. Ms. Brunder stated that APS does not participate in testimony on insurance costs to the LFC.

## **TEACHER AND PRINCIPAL EVALUATION PANEL: AREA SCHOOL DISTRICTS**

The Chair recognized Dr. Brad Winter, Interim Superintendent, Albuquerque Public Schools (APS); Ms. Shelly Green, Chief Academic Officer, APS; Mr. Kirk Hartom, Superintendent, Cuba Independent Schools (CIS); Mr. Efrén Yturralde, Superintendent, Gadsden Independent Schools; Dr. V. Sue Cleveland, Superintendent, Rio Rancho Public Schools (RRPS); Dr. Joel Boyd, Superintendent, Santa Fe Public Schools (SFPS); and Mr. Gus Benakis, Associate Superintendent of Human Resources and Transportation, Silver Consolidated Schools (SCS), to update the committee on their progress with the teacher and principal evaluation system.

Also in attendance was Ms. Claudia Gutierrez, APS staff.

### *Albuquerque Public Schools*

Dr. Winter informed the committee that his district has approximately 7,000 teachers. He also noted that APS is working with the Public Education Department (PED) to resolve any issues the teachers in his district may have. APS is committed to making the teacher evaluation system work for his district, he added.

Ms. Green emphasized that the initial implementation of the teacher evaluation system was challenging due to the large number of teachers in APS. To ease the implementation challenges, she said, the following occurred:

- Teachscape representatives trained APS principals;
- town hall meetings were used to inform the public about the system;
- monthly meetings with principals were held; and
- answers to frequently asked questions were distributed to all APS staff.

Referring to the challenges of the new evaluation system, Ms. Green noted the following concerns:

- the number of elementary teachers had increased;
- not all teacher summative reports were available on the 2013-2014 school site;
- 375 teachers were missing from the APS master list;
- inaccurate data;
- attendance issues; and
- APS received summative reports for teachers employed in other districts.

In addition, Ms. Green emphasized that special education teachers in APS have raised concerns regarding the NMTEACH (New Mexico Teacher Evaluation Advisory Council) rubric and its inability to address special circumstances, education plans, and special needs of teachers in special education classrooms who are teaching a prescribed curriculum program. Ms. Green noted that although APS believes the NMTEACH rubric does a good job of addressing best teaching practices for the majority of APS teachers, it can place principals in a difficult position when the rubric is taken literally and the principal then observes a special education teacher. She also reported that APS has added vocabulary to the NMTEACH rubric to address the special situations that occur in special education classrooms. Ms. Green noted that this practice is

aligned with Charlotte Danielson, who has created specific rubric scenarios for special education teachers.

Ms. Green then listed the following positive attributes of the new evaluation system:

- increased accountability for the principal to be in the classroom;
- increased standardization in the expectation of observations resulting in more standardized feedback;
- calibration trainings have increased principal collaboration on good teaching practices;
- increased knowledge of pedagogy;
- observations have resulted in immediate feedback and support for struggling teachers; and
- attendance has improved in APS.

She also listed the following attributes of the new evaluation system which present challenges:

- rushed training and timelines for implementation of the new system;
- APS had to hire additional staff;
- student achievement is weighted too heavily;
- lack of transparency in the student achievement portion;
- graduated considerations;
- attendance requirements creating conflicts with local bargaining agreements and related absence policies; and
- confidentiality issues due to districts and administrators having access to evaluation reports of teachers they do not supervise.

In conclusion, Ms. Green emphasized that APS has a new commitment to working collaboratively with PED to address concerns the district had in school year 2013-2014. She also stated that APS looks forward to continuing this dialogue with the Legislature, PED, APS administrators, and teachers to improve the evaluation system with the intent of guaranteeing the best outcome for students and practitioners.

### ***Cuba Independent Schools***

Mr. Hartom informed the committee that CIS is a small school district composed of 541 students. With regard to the effectiveness ratings for CIS teachers, Mr. Hartom stated that the breakdown was:

- 2.0 percent exemplary;
- 33 percent highly effective;
- 35 percent effective;
- 30 percent minimally effective; and
- 2.0 percent ineffective.

Mr. Hartom noted that CIS is sharing the results of the evaluation summative reports with the teachers through the individual professional development plan conferences this autumn to determine strong and weak areas in their teaching. He also stated that they are using the teacher

evaluation results to spur growth. The district benefited from the evaluations because it started a conversation between the administrators and teachers, he said.

Referring to challenges with the evaluation system, Mr. Hartom said his district had difficulty with the value-added model scores. For example, one teacher taught reading and social studies, another teacher taught math and science; however, both teachers received scores for both reading and math. Mr. Hartom also echoed APS' concerns regarding the attendance component of the evaluation system. To conclude, Mr. Hartom stated that there will be benefits and challenges with the new evaluation system while CIS uses it as an avenue to turn schools around.

### ***Gadsden Independent Schools***

Mr. Yturalde stated that his district has been willing to work with PED, and he believed this first year was a pilot of the system. As such, hiring and firing decisions will not be based on the teacher evaluations, Mr. Yturalde explained. He also acknowledged that his district made mistakes with the evaluations, such as incorrectly coding some courses.

Referring to New Mexico's Teacher and School Leader Evaluation Pilot Project, Mr. Yturalde mentioned that his district participated in the original pilot. The current evaluation system, he said, is superior to the pilot in the following areas: artifacts seen; teacher behavior and student behavior; and "wows and wonders." Mr. Yturalde also commented that communication with the teachers to alleviate the fear of the unknown was an important factor, adding that the district maintains high expectations for its principals, teachers, and students. He said the move to this new evaluation system was basically in line with what the district was doing at the campus-level for school improvement.

In conclusion, Mr. Yturalde stressed that the manner in which the district implemented the new evaluation system was critical. As a result, he said, resistance from the teachers was minimal, and district administrators feel more comfortable with the new system and believe things will be smoother next year.

### ***Rio Rancho Public Schools***

Dr. Cleveland informed the committee that RRPS has 229 inaccurate teacher evaluation reports, and district personnel are working in collaboration with PED to correct the problem. She also explained that her district is looking for the root causes of the mistakes. For example, she said, RRPS is unclear on all of the business rules for assigning teachers to groups. In addition, Dr. Cleveland reported that many of these issues are caused by the Student Teacher Accountability Reporting System, or STARS, based on the evolving dual use of the system to track both highly qualified teachers and teacher evaluations.

Referring to specific issues with the teacher evaluation system, she said the following are challenges faced by RRPS:

- teachers in incorrect groups;
- teacher surveys experience:

- lack of security;
  - late development;
  - survey points incorrectly credited;
  - lack of feedback;
  - incorrect data; and
  - late timing;
- application of graduated considerations;
  - teachers receiving credit for courses they never taught;
  - inaccurate data;
  - data attribution concerns;
  - timing issues; and
  - understaffing at PED.

In conclusion, Dr. Cleveland suggested the following:

- clear, unambiguous, correct, and unchanging business rules, tags, rubrics, and calculations;
- timely communication of evaluation trainings that include the requested audience, level of requirement, and description of content to be presented;
- responses from PED on emails and phone calls from school districts; and
- corrections to 2013-2014 district summative concerns.

### ***Santa Fe Public Schools***

Dr. Boyd referred committee members to two documents that were unique to SFPS:

- a clarification request letter from the superintendent to Ms. Hanna Skandera, Secretary-designate of Public Education on October 13, 2014; and
- a commentary – “We Need to Get Teacher Evaluations Right” – published in the *Santa Fe New Mexican* on September 20, 2014.

The clarification request to PED, Dr. Boyd stated, asks the following question:

“Do PED regulations require corrective action for teachers rated minimally effective or ineffective when: (1) a written evaluation is personally completed by the school district near the end of a school year and contemporaneously provided to the teacher, or (2) a PED NMTEACH District Education Effectiveness Summative Report is subsequently compiled and then provided by a school district to the teacher?”

The commentary authored by Dr. Boyd emphasized that the test score component of the teacher evaluation system has proven far more difficult to implement than originally thought. He noted that the systems used to analyze that data seem inadequate. For example, he explained that there have been at least three shifts in overall teacher evaluation results in just a three month span due to either incomplete or inaccurate calculations. These shifts, according to Dr. Boyd, have reduced the level of confidence among stakeholders and, in some instances, called into question the validity of the evaluation system. He concluded his commentary by asking PED to pause to get the teacher evaluation system right for the sake of the students.

Referring to the challenges faced by SFPS with the new evaluation system, Dr. Boyd stated that SFPS had issues concerning:

- how the data were collected;
- adequate staffing to work with PED to correct the data;
- the PED data system;
- timing of the data;
- school year 2013-2014 data not being used; and
- clear direction on which personnel should be placed on a professional growth plan.

Dr. Boyd stressed that SFPS believes in the model, philosophy, and intent of the new teacher evaluation system. However, he noted, SFPS has issues with the way the implementation of the new system is occurring. Lastly, Dr. Boyd mentioned that SFPS spent \$500,000 to improve their data systems for the teacher evaluation system.

### ***Silver Consolidated Schools***

Mr. Benakis informed the committee that his district sought help and advice from the superintendent of Aztec Municipal Schools, which was beneficial because SCS was not a participant in the original pilot program. He added that his district changed its custom plan for school year 2014-2015 through school year 2016-2017 to expedite and simplify the data collection to ensure more accurate summative reports that are explainable and complete.

Referring to issues experienced in his school district, Mr. Benakis stated that SCS had difficulty understanding how the data were being calculated. In turn, he noted that because the district administrators did not understand the data calculation they were unable to explain it to their teachers. To remedy this situation, Mr. Benakis stated, the administrators in his district informed the teachers that the focus of the evaluation would be on the observation component, including classroom instruction and how the teachers interacted with students on a day-to-day basis.

Lastly, Mr. Benakis reported that administrators conducted pre- and post-conferences with teachers. This allowed SCS to emphasize best practices in the classroom with a focus from teacher-based instruction to student-based instruction, he said.

### **Committee Discussion**

In reference to a committee member's inquiry on professional growth plans (PGPs), Mr. Hartom noted that, to support core content areas in his district, a teacher-leader group was formed to determine what is included in PGPs and what specific items match the district's custom plan.

Regarding PGPs within APS, Ms. Green noted that, in Attachment 6 of the committee handout, the PGP for teachers who were deemed "ineffective" included steps to:

- review the information with the teacher;
- describe the kind of support to be provided in each area of concern;
- determine the projected end date for the plan (90 school days from the date of the meeting);
- set timelines for observations (five must be completed within the plan period);

- sign the PGP, send a copy to the district’s human resources office, give a copy to the teacher, and retain the original document at the school; and
- sign and send the original document to human resources at the end of the plan period.

In reply to a committee member’s question on special education teachers and the new evaluation system, the Chair recognized Ms. Gutierrez, who stated that Attachment 4 of the committee handout contains what APS proposes to make the rubric more effective for special education teachers. She explained that APS did not take out any of the information in the rubric but did add new language only to make the rubric work for those particular teachers. Ms. Gutierrez stated that there are 13,667 students in APS with disabilities, and she noted concerns among special education teachers in APS that:

- students with disabilities who have an anxiety disorder will not perform well on a test;
- teachers are being marked down for attendance when attending individualized education plan meetings;
- the attitude of teachers toward educating students with disabilities is affected by the evaluation system, as many know that these students may be below their peers in achieving proficiency; and
- it is difficult for special education teachers to achieve scores of “effective” or better on the NMTEACH rubric when observed delivering specialized instructional programs by an evaluator who has not had training with this type of multimodal instruction.

In reference to a committee member’s question on whether all the errors were clarified or reconciled by PED, Dr. Cleveland stated that the errors for RRPS were not clarified or reconciled at this time. Ms. Green made the same statement on behalf of APS.

Representative Stewart made a motion, seconded by Senator Morales, to send a letter from the committee to PED recommending a meeting between APS and PED to review recommended changes to the evaluation system for special education teachers.

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 4:38 p.m.

**MINUTES  
LESC MEETING  
OCTOBER 15, 2014**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:18 a.m., on Wednesday, October 15, 2014, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LESL were present:

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

The following voting member of the LESL was not present:

Representative Sheryl M. Williams Stapleton.

The following advisory members of the LESL were present:

Senators Lee S. Cotter, Linda M. Lopez, John Pinto, and William P. Soules; and Representatives Alonzo Baldonado, Nathan "Nate" Cote, David M. Gallegos, Stephanie Garcia Richard, Tomás E. Salazar, James E. Smith, Christine Trujillo, and Bob Wooley.

The following advisory members of the LESL were not present:

Senators Jacob R. Candelaria, Daniel A. Ivey-Soto, and Pat Woods; and Representatives George Dodge, Jr. and Timothy D. Lewis.

**THE COLLEGE BOARD:  
ADVANCED PLACEMENT IN NEW MEXICO**

The Chair recognized Dr. Michelle Cruz Arnold, Senior Director for Governmental Relations, The College Board, and Dr. David Wakelyn, Executive Director of Policy Development, The College Board, to present on Advanced Placement (AP) in New Mexico.

Also in attendance was Ms. Edwina Henslee, Director, New Mexico Partnership, K12 Services, Southwestern Regional Office, The College Board.

Dr. Cruz Arnold informed the committee that The College Board, a not-for-profit organization founded in 1900, offers programs and services that prepare students to transition into higher education. These programs and services, she said, enable students to take college-level courses and exams, and to earn college credit or placement, while in high school.

The programs and services that The College Board offers include:

- the Preliminary Scholastic Aptitude Tests (PSAT);
- the Scholastic Aptitude Test (SAT); and
- the AP Program.

Dr. Wakelyn mentioned that The College Board recently redesigned the PSAT and SAT tests, with new versions that are strongly in line with knowledge and skills relevant for college success. He also emphasized that test preparation is free and available to all test-takers.

Dr. Cruz Arnold indicated that the AP Program offers 34 courses and exams, including fields such as biology, chemistry, English literature, foreign languages, and arts. She noted that exam scores range from 1 (lowest) to 5 (highest).

Referring to her handout, Dr. Cruz Arnold stated that New Mexico ranks 37<sup>th</sup> in the nation in AP access and achievement; approximately 12 percent of New Mexico public school students (2,173) earn a score of 3 or higher on an AP exam before leaving high school.

She also commented that New Mexico is the first state in the nation to serve a Hispanic-majority student population, and the state has the third largest percentage of American Indian students. Broadening access to AP programs for these populations, according to Dr. Cruz Arnold, will have a profound impact on the diversity of students entering higher education.

As a point of pride for New Mexico she continued, Los Alamos Public Schools, is one of 477 school districts in the United States and Canada that has increased access to AP programs while simultaneously maintaining scores of 3 or higher on AP exams. She further noted that last year's PSAT results in New Mexico identified more than 5,500 students in grades 10 and 11 with strong academic readiness to succeed in one or more AP courses before they complete high school, yet some of these students attend schools that do not provide AP courses. Further, she said, New Mexico would outpace most states if these 5,500 students each took just one AP course.

Another potential impediment to AP access, Dr. Cruz Arnold stated, is the inappropriate use of student grade point averages (GPAs) to determine AP eligibility in some districts. He emphasized that GPAs have been shown to have low predictability for student success in AP courses. Acknowledging that the Legislature provides funds to cover the expense of the PSAT for students Dr. Cruz Arnold emphasized that the PSAT gives parents, students, and counselors valuable information about each student's academic readiness. This information also provides an opportunity to intervene in student learning, Dr. Cruz Arnold said.

Ms. Henslee then explained that a new partnership between the Legislature and The College Board began in 2013 when The College Board invested \$1.0 million in the AP Program for high school students. In May 2014, she stated, the organization made an additional \$733,000 investment to fund year two of the partnership.

As for the benefits of the partnership, Ms. Henslee indicated that it can:

- reduce the cost of college through AP credits and lessen the time needed to earn a degree;
- focus on AP coursework related to science, technology, engineering and math (STEM) fields; and thereby
- increase the number of high school graduates who choose to major in these fields and pursue STEM careers.

Referring to a PowerPoint presentation, Dr. Wakelyn explained that The College Board has collected AP data for New Mexico over time showing access and achievement rates for AP programs in New Mexico since 2004. He asserted that over the past decade New Mexico increased access to AP, but not as significantly as in other states in the southwestern region.

To date, Dr. Wakelyn noted, about 15 percent of students in grades 11 and 12 in New Mexico finish AP courses; only 7.0 percent of them score 3 or higher. He added that Albuquerque Public Schools and Rio Rancho Public Schools showed the most progress in terms of AP access and achievement in New Mexico. However, in the case of Farmington, Dr. Wakelyn observed that the district had an increase in AP participation, though AP achievement did not increase.

He then compared New Mexico's AP status to Arkansas, recalling that the two states have similar demographics, yet the latter showed more progress in terms of AP access and achievement. Referring to the handout, Dr. Wakelyn reviewed the policy timeline in Arkansas:

- 2000: started with AP credit policy to increase enrollment in AP courses that give both high school and college credit;
- 2003: required all school districts to offer at least one AP course in the four core academic areas;
- 2005: provided full funding for AP exams; and
- 2008: partnered with the National Math + Science Initiative to improve math and science readiness and reward teachers.

With regard to New Mexico, Dr. Wakelyn proposed the following policy recommendations:

- provide AP scale-up grants for some of the 15 school districts that have not made progress;
- give grants to rural districts that would allow them to initiate AP programs;
- have literacy coaches in selected districts that have AP readiness issues; and
- begin a summer preparation academy at state universities for students in grades 10 and 11 across the state who have the potential to succeed in AP but do not have access to AP classes.

### **Committee Discussion**

A committee member suggested that the recommendation to give grants to school districts in order to initiate or expand AP programs should be implemented based on the availability of dual credit courses in the area. The member further explained that dual credit classes give credit to students who pass the courses; whereas AP courses are hard to provide in rural areas and entail more risk because students are required to pass the AP exam. In addition, committee members discussed using distance education techniques as an option to provide more AP programs in rural areas.

Regarding competitive grants, a committee member suggested that grants should be available to all districts, and the member explained that strategies to expand AP in New Mexico need to consider incentives for AP teachers that provide time to structure classes in a way that ensures student success.

In response to a committee member's question on applicable fees for the AP exam, Ms. Henslee replied that there is a \$91 fee per exam. She also noted that the state subsidizes the cost; thus, qualified low-income students pay \$5.00 and districts may charge a \$15 fee to students who do not show up on the test day.

A committee member asked what The College Board does with its surplus given that it is a not-for-profit organization, and Dr. Cruz Arnold answered that The College Board returns the surplus in a variety of ways, including fee waivers and free test preparation to test-takers.

### **PUBLIC EDUCATION DEPARTMENT (PED) STATUTORY REPORTS**

The Chair recognized Ms. Frances Ramírez-Maestas, LESC staff, who informed the committee that Ms. Hanna Skandera, Secretary-designate of Public Education sent a memo to the LESC, dated October 14, 2014, stating that the identified statutory reports will be presented as they are finalized and in accordance with statutory provisions.

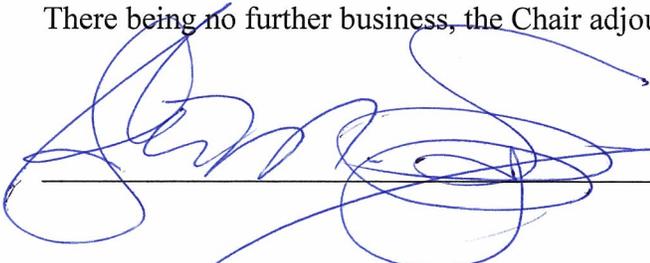
#### **Committee Discussion**

In response to the memo, the Chair said he will reach out to the Secretary-designate to determine whether there are any challenges to providing the reports. In addition, he offered to work with senior voting members of the LESC to consider changing some of the statutory reporting dates in coordination with the Public Education Department and the Higher Education Department, if the changes have the potential to promote good policy.

A committee member suggested consulting the Legislative Finance Committee (LFC) as well, noting that the LFC and/or other committees may have relevant reasons for certain reporting dates. He added that local-level officials may also require specific reporting dates.

**ADJOURNMENT**

There being no further business, the Chair adjourned the LESC meeting at 10:47 a.m.

  
\_\_\_\_\_ Chair

12/18/2014  
\_\_\_\_\_ Date