

**MINUTES
LESC MEETING
DECEMBER 12, 2005**

Representative Rick Miera, Vice Chair, called the Legislative Education Study Committee (LESC) meeting to order on December 12, 2005, at 9:11 a.m., Room 307, State Capitol, Santa Fe, New Mexico.

The following LESL members were present:

Senators Cynthia Nava, Chair, Gay G. Kernan, Mary Kay Papen, and William E. Sharer; and Representatives Rick Miera, Vice Chair, Joni Marie Gutierrez, Dianne Miller Hamilton, Mimi Stewart, Thomas E. Swisstack, and W.C. "Dub" Williams.

The following LESL advisory members were present:

Senators Vernon D. Asbill, Dianna J. Duran, Mary Jane M. Garcia, and Leonard Tsosie; and Representatives Ray Begaye, William "Ed" Boykin, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, John A. Heaton, and Richard D. Vigil.

Additional legislator present:

Speaker of the House Ben Lujan, Santa Fe, New Mexico, was also in attendance.

<> Approval of Agenda

Upon a motion by Representative Swisstack, seconded by Representative Williams, the committee unanimously approved the agenda as presented.

DIRECTOR'S REPORT

a. Approval of LESL Minutes for October 2005

Upon a motion by Representative Swisstack, seconded by Representative Gutierrez, the Legislative Education Study Committee (LESC) minutes for October 2005 were unanimously approved.

b. Approval of LESC Financial Report for November 2005

Upon a motion by Representative Swisstack, seconded by Representative Gutierrez, the LESC financial report for November 2005 was unanimously approved.

c. Correspondence

Dr. Rindone reviewed items of correspondence and noted that all of the items are also included in the permanent file in the LESC office.

d. Written Reports

Dr. Rindone reviewed the following written reports that had been submitted to the LESC office prior to the December LESC meeting. She said that summarized findings of each report were attached to each of the documents.

Written Report: Class Loads, Waivers, and Costs

Dr. Rindone said the *40th Day Class Overloads Report 2005-2006* was in response to statute requiring the Public Education Department (PED) to report to the LESC regarding each school district's ability to meet class load requirements imposed by law.

Dr. Rindone directed the committee's attention to the report, noting that there were 44 districts with no class overloads and 45 districts with class overloads. She said that the report contained a summary of teacher and class overloads reported by district and by schools within the districts and included the specific type of overload. Dr. Rindone explained that, for example, in Alamogordo Public Schools, at Chaparral Middle School, there were 10 teachers reported with some type of overload, that "Total All Classes" indicated three teachers had a daily teaching load in excess of 160 students, and that seven teachers had an overload in a required English/Language Arts class. Dr. Rindone said that depending on the type of overload reported, a teacher may have more than one reported overload, which means that the number of specific overloads reported at a school may be more than the number of teachers reported with an overload.

In conclusion, Dr. Rindone said that the Secretary of Public Education has approved waiver requests from Cloudcroft Municipal Schools, Las Vegas City Public Schools, Albuquerque Public Schools, and Farmington Municipal Schools, and that a request from Deming Public Schools is pending.

In response to a committee member's question whether there is a connection in funding programs through the Public School Funding Formula, Dr. Rindone replied that the funding formula funds the programs, but that there is no factor that deals with class overloads.

A committee member asked a question regarding the number of class overloads statewide and requested a report of the 80th day class overloads before the January meeting. Responding to the question, Dr. William Blair, Deputy Director, Assessment and Accountability Division, PED, said that the reason there were so many class overloads statewide was the high mobility of students in many districts. He added that an 80th day class overloads report to the LESC would be possible if school districts respond on time.

A brief discussion ensued on the rules and regulations for class size overloads for 1st grade and the entitlement of instructional assistants to those classes with overloads.

Vice Chair Miera requested PED to provide a report on class loads that outlines the maximums and that identifies those class loads that exceed the maximum by school and by district based on the 80th day membership.

Written Report: Examine School Social Studies Curricula, SJM 29

Dr. Rindone said that, Senate Joint Memorial (SJM) 29, *Examine School Social Studies Curricula*, requested that PED assess the alignment of school districts' social studies curricula to state standards over the past five years, with emphasis on the content standards dealing with government and civics. In response to the memorial, PED had the following recommendations based on a "sampling of school districts, surveys, and other conversations with educators" to:

- provide a one-time appropriation to districts to support implementation of the graduation requirement in New Mexico history enacted by the 2005 Legislature, as follows:
 - \$821,000 for implementation; and
 - \$100,000 for professional development resources;
- include social studies in the New Mexico Standards Based Assessments, not only at the 11th grade level, but in grades 3 through 9 as well;
- recognize the needs for improving social studies education reported by teachers, including:
 - access to online materials and services;
 - up-to-date, inexpensive, readily accessible and useable classroom materials;
 - statewide conferences and workshops for teachers;
 - networking opportunities with other teachers and administrators; and
 - summer institutes for teachers;
- continue to support community involvement in schools with active participation of public officials; and
- continue and expand teacher training in cultural diversity.

Written Report: School Meal Nutrition Rules, HB 61

Dr. Rindone said that, during the 2005 regular session, the Legislature passed House Bill (HB) 61, *School Meal Nutrition Rules*, which required that PED, in collaboration with the Department of Health (DOH) and others, adopt rules no later than December 31, 2005 governing foods and beverages sold in all public schools to students outside of school meal programs, addressing nutrition standards, portion size, and times when students may access these items. Dr. Rindone said that included in the report are two rules that will be adopted by June 30, 2006 – one relating to the Nutrition Rule governing food and beverages sold in all public schools to students outside of the school meal programs, and the other a Wellness Policy Rule, which will require all public school districts to have wellness policies, including components related to coordinated school health, nutrition, and physical activity. Dr. Rindone noted that the report developed in response to SJM 2, *Study Ways to Improve Health of Youth*, further examines some of the issues addressed in HB 61.

In response to a committee member's question about the schedule at public hearings on the school meal nutrition rules, Dr. Kristine M. Meurer, Director, School and Family Support Bureau, PED, said that public hearings on both rules are scheduled for January 4, 2006 in Las Cruces and January 6, 2006 in Santa Fe.

In response to a committee member's question regarding which rules relating to health can be accessed on the PED website, Dr. Meurer said that the Physical Education Performance Standards, Emergency Drills, Health Education Performance Standards, Physical Education Performance Standards, Wellness Policy, and Nutrition Rules are all available.

In response to a committee member's question regarding where sex education is included in the standards, Dr. Meurer said that these rules are located in the Health Education Performance Standards.

Written Report: Study Ways to Improve Health of Youth, SJM 2

Dr. Rindone reported that, during the 2005 regular session, the Legislature passed Senate Joint Memorial (SJM) 2, *Study Ways to Improve Health of Youth*, which requests the DOH and PED to:

- collaborate in a study of methods to increase the physical activity and improve the eating habits of youth;
- develop strategies that can be implemented administratively; and
- report to the appropriate interim committee of the Legislature on their findings and recommendations, including those strategies that require legislative approval or funding to implement.

In response to SJM 2, Dr. Rindone said, DOH and PED established a Nutrition Rule Committee and a Wellness Policy Committee to examine the nutritional aspects of the memorial and submitted a report that:

- reviews the changes to the requirements that the Legislature amended in 2005 to restore health education as a required subject in grades 1-3 and as an elective in grades 4-8 and high school;
- states that the performance standards developed by PED will be established by rule in January 2006 for implementation in school year 2006-2007; and
- outlines the funding appropriated by the Legislature in 2005 for obesity prevention programs and physical education in elementary schools, including a summary of how funds were utilized.

Dr. Rindone said the recommendations of the SJM 2 report are to:

- implement a phase-in for elementary physical education;
- implement school breakfast programs for all schools, beginning with elementary schools;
- provide funding for obesity prevention programs, which include the before- and after-school programs and CATCH (Coordinated Approach to Children's Health) programs; and
- support the school-based health center initiatives for obesity prevention.

A brief discussion ensued on the transmission of this information to the children and the communities and the effectiveness of nutrition programs. As a part of this discussion, a committee member mentioned that, between 1900 and 2000, the life expectancy increased from age 43 to age 78 because of public health changes, such as immunizations and life style; however, he cautioned that the current life style is going the opposite direction and stressed the importance of making the kinds of life-style changes that will prolong life.

Written Report: Suicide Prevention Programs in All Schools, SJM 61

Dr. Rindone said that, during the 2005 regular session, the Legislature passed Senate Joint Memorial (SJM) 61, *Suicide Prevention Programs in all Schools*, which requests that PED, the Commission on Higher Education (now the Higher Education Department), DOH, and New Mexico colleges and universities collaborate to address the issue of youth suicide by:

- developing and providing training programs for teachers and students;
- developing a suicide prevention and response protocol;
- establishing suicide prevention and response programs in all public schools and universities in New Mexico; and
- reporting to an appropriate interim committee of the Legislature by November 2005.

Dr. Rindone said that, in response to SJM 61, the report prepared by PED, the Higher Education Department (HED), and the DOH, *Report on SJM 61, Suicide Prevention Programs in All Schools* was included and that attached to this report was *Governor Richardson's Youth Suicide Prevention Task Force: Preventing Youth Suicide*.

Dr. Rindone reported that the agency recommendations focused on three actions steps, which coincide with recommendations from *Governor Richardson's Youth Suicide Prevention Task Force: Preventing Youth Suicide*:

Action Step 1: Training for School Personnel and Students, including funding requests for:

- \$50,000 to support existing youth conferences to include suicide prevention components;
- \$500,000 for year one implementation to include development and implementation of a two-hour training for all school employees and suicide prevention training at state administrator and school board meetings and conferences;
- \$150,000 recurring in year two to train new staff and booster training of current school employees;
- \$10,000 to train school health and behavioral health staff using a “train the trainer” model;
- \$50,000 for additional and more in-depth training for school behavioral health staff around intervention models; and
- \$5,000 for other training sources.

Action Step 2: Suicide prevention and response protocol expansion, which could include using as models (with permission) the suicide prevention and response protocols already in place in some districts. (This step includes no funding request.)

Action Step 3: Establishing suicide prevention and response “programs” in all public schools and institutions of higher education in New Mexico with “program” defined as “a model for sustaining training, enabling regular protocol updates and re-assessment, and expanded model implementation.”

Dr. Rindone explained that for this action step, HED recommends a basic level of campus response for all New Mexico higher education institutions, including an appropriation of \$600,000 for awards to six institutions to develop awareness/prevention programs as best practices for a campus coordinator, development of printed materials, training of students and counselors, staffing information lines, and screening.

In conclusion, Dr. Rindone noted a finding from the report on SJM 61 that bringing suicide awareness education to the public schools and institutions of higher education will help decrease the youth suicide rate in New Mexico.

In response to a committee member's question whether the suicide prevention programs are in the public school support recommendation, Dr. Meurer replied that they were not but that the funding went to the DOH. Dr. Meurer assured the committee that the programs would include alignment with the performance standards.

A brief discussion ensued on several incidents of suicide in Carlsbad Municipal Schools in which the children had been referred and placed in the system, but the medical community had not intervened.

Various concerns were expressed about the insufficient amount of funding that is being requested, the amount of paperwork that is involved, and the limited hours suicide prevention facilities are open.

Written Report: Use of Professionals for School Computers, HM 15

Dr. Rindone reported that, during the 2005 regular session, the Legislature passed House Memorial (HM) 15, *Use of Professionals for School Computers*, which requested PED to study the feasibility of including network administrators and other information technology professionals as a category of instructional support providers and to provide a written report outlining findings and recommendations to the LESC prior to the 2006 legislative session.

Dr. Rindone said that, in response to the memorial, PED provided an attached report indicating that, in order for these personnel to be included as a category of instructional support providers, current law must be amended. Doing so would not affect the three-tiered licensure and salary system because instructional support providers are not included.

Dr. Rindone added that the report included the following data:

- there are 29 network administrators and other information technology professionals statewide; however, there are 218 active licenses with the information technology coordinator endorsement (for example, a principal might also serve as the district's technology coordinator);
- \$52,527 is the average salary for the position;
- 14 years of experience is the average for the position;
- to obtain a license as an information technology coordinator, a candidate must hold a minimum of a baccalaureate degree, which may be in teaching or in information technology; and
- competencies for the position are identified in rule [Section 6.64.9 NMAC].

SCHOOL LIBRARY MATERIAL FUND

Ms. Sonja Halsey, LESC staff, introduced Mr. Gilbert Perea, Assistant Secretary for Program Support and Pupil Transportation Division, Public Education Department (PED), who reported on the allocation of the 2005 appropriation for public school libraries; and Mr. Omar Durant, Director, Library Media Services/Instructional Services, Albuquerque Public Schools (APS), representing the New Mexico Task Force for School Libraries, who discussed current and future needs of public school libraries.

Ms. Halsey said that in 2003, the Legislature passed and the Governor signed the *School Library Material Act*, similar to the *Instructional Material Act*. Among its provisions, the act:

- establishes the School Library Material Fund to provide for the distribution of funds for the purchase of school library material based on a per-student cost based on the 40th day student membership of the current school year;
- requires PED, on or before July 1 of each year, to allocate not less than 90 percent of the estimated school year appropriation to public school districts and state supported schools;
- requires PED, on or before January 15 of each year, to re-compute each allocation and to distribute the balance of the annual appropriation, adjusting for any over- or under-estimation made in the first allocation;
- allows public school districts and state supported schools that have funds remaining for the purchase of school library material at the end of a fiscal year to retain the funds for expenditure in subsequent years; and
- requires public school districts and state-supported schools to maintain and report inventory and cost records to PED on an annual basis.

Mr. Perea said that in 2005 the Legislature appropriated a total of \$2.0 million from the General Fund: \$1.0 million to the School Library Material Fund and \$1.0 million in General Fund dollars in the capital outlay projects bill for the purchase of library books statewide. He said that the latter appropriation had not been distributed as of this date, but it would be allocated in January 2006 when the 40th day membership was complete.

Mr. Durant thanked the committee for its support of the New Mexico Task Force for School Libraries in past years and said that the goal of the task force is to generate \$6.0 million in funding per year, an amount that, based on the current public school student population and the average cost of a quality library book, would provide approximately one book per student per year. He said the task force has been working for several years toward this goal. For each fiscal year since FY 04, the Legislature has appropriated \$1.0 million to the School Library Material Fund, although the FY 04 appropriation was vetoed. Additional funding for library material has come from General Obligation Bonds (GOBs) in 2002 and again in 2004. He said the \$7.7 million approved by voters in 2002, distributed by the Office of Cultural Affairs, provided each approved public school library program with a \$5,000 base amount, with the remainder divided on the basis of student membership. Mr. Durant said that, for the \$6.2 million (approximately \$3.0 million distributed in FY 05 and again in FY 06) approved by voters in 2004, PED made allocations to districts based on student membership. Mr. Durant concluded by saying that for FY 07 the task force is requesting \$3.0 million from the Legislature, an amount that, together with the GOB (if approved by the voters in November 2006), would meet the \$6.0 million per year goal.

At the invitation of the Chair, several students and their teachers expressed their appreciation for the support of the Legislature and explained how the funding has benefited and improved their school libraries.

Committee Discussion:

Referring to Attachment 3, which showed the allocation of the 2005 GOB, a committee member expressed concern about library facilities in state- supported schools such as the J. Paul Taylor Center, which received a small allocation because of the few students in the facility. Mr. Perea explained that, while the 2002 GOB was distributed with a base amount per school library with the remainder distributed by membership, there was no language to support this method of distribution; therefore, the allocation for the 2004 GOB was made on a per-member basis. In explaining PED's rationale for using this method of distribution, he added that, in some cases, such as in a correctional facility, a library might not qualify to receive funding.

In response to a committee member's question why a facility's library would not qualify for funding, Mr. Durant explained that it might not meet all of the criteria used for the distribution of the 2002 GOB, which defined a qualifying library to include: a space dedicated to housing a library material collection, availability to students of the library material, and library staffing to assist students in selecting and checking out library material. Mr. Durant added that, only one of the charter schools in APS currently meets the criteria in the definition. Mr. Perea agreed that it might be beneficial to look at modifying the definition of a qualifying library.

A committee member stated that, as a member of the Funding Formula Task Force, he would suggest including the need for an adequate library in the list of needs of schools that are addressed by that task force.

In response to a committee member's question, Mr. Durant provided a breakdown of the \$53.5 million proposed by the Library Bond Task Force for New Mexico libraries that would need approval by the voters in 2006. If successful, he said, this GOB would provide \$18.0 million for public libraries in New Mexico, \$18.0 million for public school libraries, \$15.0 million for academic libraries, and \$2.5 million for state libraries and statewide services. Mr. Durant recommended including language that the public school library allocation be distributed with a base amount to each approved library program, with the remaining funds to be distributed based on student membership.

A committee member added that libraries serve as a sanctuary for many children, a quiet place to read, and that they may even help in suicide prevention.

The Chair advised the group of students who spoke in support of the School Library Material Fund to be ambassadors and to get the word out to vote for the library bonds.

There being no further questions, the Chair thanked the presenters.

CHARTER SCHOOL RECOMMENDATIONS

Dr. David Harrell, LESC staff, introduced Dr. Veronica C. García, Secretary of Public Education; Mr. Willie Brown, General Counsel, Public Education Department (PED); and Dr. Lisa S. Grover, Executive Director, New Mexico Coalition for Charter Schools, to present recommendations for amending the *1999 Charter Schools Act*. Dr. Harrell noted that, during the November meeting, the committee had heard tentative recommendations from PED and the coalition but that, because those recommendations were in preliminary draft form, the Chair had invited both parties to return in December with more formal recommendations.

Dr. García said that these recommendations were still in draft form but that they were more fully developed than they had been in November. The central recommendation, she continued, was to allow a single charter school authorizer through the creation of the Charter Authorizer Commission. Mr. Brown explained that this commission would consist of 10 members appointed to four-year terms by the Governor and confirmed by the Senate. In addition, the appointed members would represent certain disciplines such as education, business, and community organizations; and the commission, through PED rules, would have the authority to grant or deny initial applications and requests for renewals and to suspend or revoke charters. Any decisions of the commission could be appealed to the Secretary of Public Education.

Mr. Brown then reviewed some of the other recommendations that would be included in the legislation to strengthen the *1999 Charter Schools Act*:

- apply to charter schools a nepotism policy similar to that imposed on public school districts and local school boards;
- prohibit a charter school superintendent/headmaster from serving on a governing council;
- require charter schools to have a minimum of a five-member governing council;
- require charter schools to hold a charter school community election after two years to elect a permanent governing council;
- require charter schools in their initial applications to address in detail how they will handle discharges and terminations of all employees;
- require each charter school to be its own board of finance;
- prohibit municipalities, counties, private postsecondary educational institutions, and for-profit entities from starting a charter school;
- limit the planning year to development of a charter school's curriculum, ordering books, and finding suitable space and not allow the planning year for the completion, refinement, or correction of a charter application;
- permit the sole authorizer to suspend the authority of a charter school for the same reasons currently enumerated under the revocation of a charter;
- provide school districts with an appropriation for a 0.1 unit to pay for charter school students' participation in district activities governed by the New Mexico Activities Association (NMAA);
- change the charter renewal date to January of the year in which the charter terminates;
- assign each charter school the ultimate responsibility of providing a free appropriate public education (FAPE) to disabled children under the *Individuals with Disabilities Education Improvement Act* (IDEA); and

- reduce the amount of formula funding flowing to charter schools from 98 to 96 percent to accommodate the increased administrative costs to the Charter Authorizer Commission and PED.

Secretary García explained some considerations or options for addressing capital outlay:

1. require charter schools to develop their own five-year master plan that would be evaluated under the same conditions as school districts with no advance standing in the rankings for capital projects;
2. make the lease payment reimbursement permanent through an established fund but require that any charter school not in a public building by 2010 and using monies from this fund would not receive capital funding from the Public School Capital Outlay Fund;
3. consider obtaining revenue for capital projects from General Obligation Bonds that would be approved by voters across the state or from investing in Industrial Revenue Bonds (IRBs); and
4. work with the Public School Capital Outlay Council (PSCOC) on other recommendations.

Dr. García added that lease funding to charter schools could be made contingent upon the charter school's demonstration of sustained viability, noting that, in some instances, the enthusiasm wanes after the founding families leave.

Dr. García concluded her remarks by noting that 12 states already use a single statewide authorizer, by emphasizing her intention that local school districts have opportunities for input into decisions of the Charter Authorizer Commission, and by reminding the committee of the role of charter schools in developing educational innovations.

Dr. Grover said that she worked with Secretary García on these recommendations and that the New Mexico Coalition for Charter Schools supports the idea of a sole authorizer. She said the coalition is sympathetic to the burden placed on the school districts for incorporating charter schools into their facilities master plans, and it is her belief that a sole authorizer would alleviate many of these problems.

Dr. Grover reported that the coalition would continue to support the following four long-term recommendations during the coming legislative session as it has done during the last three legislative sessions:

1. increase the lease payment reimbursement to \$600;
2. continue monitoring school districts including charter schools in the development of the facilities master plans;
3. study the use of IRBs and other creative mechanisms to fund charter school facilities; and
4. study the possibility of a 90th school district.

Committee Discussion:

Before opening the discussion to committee questions, Representative Miera asked for comments from the audience and the following individuals provided input:

- Mr. J. Mack Mitchell, Executive Director, New Mexico School Boards Association (NMSBA), said that a sole authorizer is one step away from replacing local autonomy with state bureaucracy and control. He also questioned PED's need for 4.0 percent of the funding formula money when school districts receive only 2.0 percent, and he questioned why the Charter Authorizer Commission would be appointed rather than elected.
- Mr. Tom Sullivan, Executive Director, New Mexico Coalition of School Administrators, noted that the 2004 LESC/PED Charter Schools Work Group had recommended dual chartering authority (local school boards and PED), and he expressed concern that the host districts, which will be the most affected, had not been invited to the table for deliberation of this issue.
- Ms. Joyce Bustos, a member of the governing council of Turquoise Trail Elementary School, and Ms. Greta Roskom, Principal, Robert F. Kennedy Charter School, said that the PED proposals would facilitate the operation of charter schools and help resolve conflicts in current law.

In response to a committee member's question whether the local school districts would be expected to provide matching funds for capital outlay if there is a separate district for charter schools, Secretary García said that PED was researching this issue; however, she did not believe the expense would be to the district but to the special Charter School Fund that would be created.

In response to a committee member's question whether such a funding source would affect the *Zuni* lawsuit, Secretary García said that the PSCOC would have to research this issue further before a final decision could be made.

In response to a committee member's question whether a charter school had ever taken advantage of issuing bonds to seek support for its capital needs, Secretary García said that it was doubtful but that she would research the issue to be sure. In response to a related question regarding the consideration of using General Obligation Bonds to provide funding for charter schools' capital projects, Secretary García said that the proposed legislation is fluid in terms of recommendations and that she expected the Public School Capital Outlay Oversight Task Force to have its own recommendations.

A committee member recalled his service on the House Education Committee in 1999, when charter schools were proposed as a compromise to the idea of vouchers. At that time, the main topic was that charter schools would save money, but there seems to have been a shift, philosophically, from this idea. He suggested a moratorium be placed on charter schools until the impact on school districts and on student success can be determined.

In response, both Dr. García and Dr. Grover objected to a moratorium: the one because it would not be in the best interest of the charter movement, in general, and the other because, when moratoriums have been imposed elsewhere, they have proved difficult to reverse.

In response to a committee member's question whether there would be one piece of legislation or several to accomplish PED's proposals for the 2006 legislative session, Secretary García said this legislation is still being discussed and will be drafted for the session. In response to a related question whether PED and the New Mexico Coalition for Charter Schools would propose separate legislation, Dr. Grover said there would be only one piece of legislation, as the two entities would merge their suggestions.

In response to a committee member's question whether a special election would be held to elect the members of a charter school's permanent governing council, Secretary García said that the election would not be conducted like a special election under the authority of the county clerk but would be conducted as specified in the charter. Two committee members then recommended that the election be treated and publicized like any other election – water boards and local school boards, for example – to ensure community input and to enhance the credibility of the officers.

In response to a committee member's question whether the parents of a charter school student can serve on the governing council, Secretary García said that the practice varies from school to school.

Noting that the LESC had heard a recommendation to require local school board members to receive training in charter schools and charter school authorizing, a committee member asked what training would be provided for members of a charter school's governing council. In reply, Dr. Grover said that the New Mexico Coalition for Charter Schools had just received a grant from Colorado to provide this type of training and that the coalition is willing to work with the NMSBA to provide specific training to governing councils. In addition, Dr. Grover stated that, in November, 76 school board members, representing 26 schools, attended a coalition – sponsored training session, which included budgeting and the role and responsibility of the local school board member. She noted that there is another training session scheduled for February 2006.

In response to a committee member's question about the inclusion of charter schools in school districts' five-year master plans, Mr. Robert Gorrell, Director, Public School Facilities Authority, said that Santa Fe Public Schools has incorporated charter schools into its facilities master plan; however, the plan is not finished. In addition, Albuquerque Public Schools has been working on its plan for about a year, and the district expects to complete it within the next 60 days, whereas Clayton Public Schools is moving slowly to try to incorporate its charter school in its master plan. Mr. Gorrell said that many charter schools are in the master plan inclusion process; however, because charter schools are using rented spaces, it will take 12 to 24 months to have all of the charter schools included in the facilities plans. Representative Miera alerted Mr. Gorrell about the possibility of calling on him in the future to report on how this issue will affect the *Zuni* lawsuit.

In response to a committee member's question whether data show that students attending charter schools do better academically than students attending public schools, Secretary García said that, in regard to making Adequate Yearly Progress (AYP), the performance of charter schools and that of regular public schools are virtually the same.

As the discussion progressed, committee members raised a number of other concerns, among them: that the state's providing both the local match and the appropriation for capital expenses of charter schools would be a disservice to school districts, which must provide the local match themselves, and might violate the terms of the *Zuni* lawsuit; that in some cases, charter school

students receive more funding per MEM than regular public school students; that charter schools in general are not producing any better results than regular public schools in general; that the keys to student success, whether in a charter school or a regular public school, are effective teachers and involved parents; that many regular public schools are accomplishing extraordinary things; that the state should consider options and alternatives other than charter schools; and that charter schools should be supported as potential arenas for innovation.

The Chair concluded the discussion by indicating her support in general of PED's proposals but also by suggesting that, rather than create an entirely new entity in the Charter Authorizer Commission, PED consider designating the Public Education Commission, a pre-existing elected body, as the charter authorizer. The Vice Chair added that he would defer the rest of his questions until the January meeting, when he hoped the recommendations would be in final form, ideally in a bill draft.

PUBLIC SCHOOL SUPPORT RECOMMENDATIONS FOR FY 07

Dr. Veronica C. García, Secretary of Public Education, and Mr. Don Moya, Deputy Secretary, Finance and Operations, Public Education Department (PED), presented the public school support request for FY 07. Secretary García stated that the following members of her staff were also available to answer questions: Mr. Gilbert Perea, Assistant Secretary for Program Support and Pupil Transportation; Mr. Steven Burrell, Director, School Budget and Finance Analysis Bureau; and Dr. Patricia Parkinson, Assistant Secretary for Instructional Support.

To begin the presentation, Secretary García outlined a number of PED accomplishments since the 2005 legislative session: implementation of New Mexico PreK programs statewide; an evaluation of full-day kindergarten using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS); implementation of the first phase of a multi-year free breakfast program for elementary students; PED's spearheading of an 80-member team tasked with implementing high school reform; 22 community conversations with the Secretary held across the state; a reduction in the number of teachers on waiver in high-poverty schools from 14.7 percent in school year 2000-2001 to 3.5 percent in school year 2004-2005; implementation of the School Improvement Framework; completion of the first phase of the data warehouse; and the Uniform Chart of Accounts.

Stating that education is in crisis, Secretary García noted that just over half of both 4th grade students (51.7 percent) and 8th grade students (51.4 percent) have achieved proficiency or above on the criterion-referenced tests (CRTs) in reading and that only 39.1 percent of 4th grade students and 23.7 percent of 8th grade students have achieved proficiency or above in mathematics. In order to "make the grade," Secretary García said, New Mexico must make schools work. She added that future progress will be assessed on the basis of student achievement in reading and math; academic standards and assessments; teacher quality; parent partnerships and other measures of school climate; dollars in the classroom; student access to technology; and the achievement gap.

Mr. Moya then presented PED's public school support request for FY 07. Noting that the department is projecting a decrease in the credits and in other state funds, he highlighted the following additions to program cost:

- \$16.5 million for enrollment growth;
- approximately \$3.2 million for fixed costs and \$27.4 million for insurance costs;
- a total of \$89.7 million to provide raises of 6.0 percent for all teachers (including those receiving the Level 3 minimum salary), instructional support staff, educational assistants, and principals; and 4.0 percent for all other public school employees;
- approximately \$15.7 million to implement the \$45,000 minimum salary scheduled to go into effect for Level 3 teachers in FY 07;
- \$12.8 million to cover the cost of the 0.75 percent increase in the employer's contribution to the Educational Retirement Fund; and
- \$4.8 million to fund elementary fine arts programs in FY 07 at a student full-time equivalent (FTE) of 1.0.

In reviewing PED's requests in regard to categorical school support, Mr. Moya noted that the transportation appropriation includes a 4.0 percent raise for transportation employees and explained that PED is requesting approximately \$3.8 million in capital outlay funds rather than in operational funds to cover the cost of scheduled bus replacements. He explained that other requests are primarily flat with the exception of \$36.1 million for the Instructional Material Fund, an increase of \$5.6 million, and \$10.4 million for the Schools in Need of Improvement Fund, which has been funded in past years with federal revenue.

Finally, Mr. Moya presented the department's requests with regard to recurring and nonrecurring related appropriations. He pointed out that several programs funded in FY 06 as nonrecurring are being considered recurring for FY 07, including pre-kindergarten, breakfast for elementary students, and elementary physical education. Other PED requests, he added, include \$500,000 in nonrecurring revenue to train district and department staff in the use of the new Uniform Chart of Accounts and a \$9.8 million data processing appropriation to continue the development and implementation of PED's data warehouse.

Committee Discussion:

A committee member asked how PED had calculated the amount, namely \$15.7 million, being requested to implement the \$45,000 minimum salary for Level 3 teachers. Mr. Moya explained that PED, in cooperation with the Office of Education Accountability (OEA) at the Department of Finance and Administration (DFA), had surveyed all school districts and charter schools and compared the results with data from the Accountability Data System (ADS) in order to arrive at the estimate. Secretary García said that she supported distributing the appropriation through the Public School Funding Formula rather than categorically in FY 07. When the Chair asked for audience comments, Mr. Tom Sullivan, Executive Director, New Mexico Coalition of School Administrators, said that he agrees with the Secretary.

A committee member asked if PED had considered accelerating implementation of the \$50,000 minimum salary for Level 3 teachers that is scheduled to go into effect in FY 08. Secretary García said that the executive recommendation is to ensure that all teachers receive a 6.0 percent raise in FY 07 and that acceleration of the \$50,000 minimum had not been considered.

Several committee members expressed concern that, if the various categories of public school employees receive different percentage raises, the resulting disparity could cause morale issues in the school districts.

A committee member asked why the Executive is proposing a breakfast program for elementary school students when there is a federal program designed to provide the same service. Mr. Perea stated that the additional funding being requested would be used to leverage the federal funds in order to expand the program to include more students. In response to another question on the same topic, Mr. Perea said that school districts that are already providing breakfast for elementary school students using their own resources could be reimbursed through the Executive's program.

In response to a committee member's concern regarding the speed with which the Uniform Chart of Accounts is being implemented, Mr. Moya said that after required training of school district staff is completed, those individuals will agree that implementation of the revised Uniform Chart of Accounts during spring 2006 is possible. He also explained that, after feedback from the districts about the chart of accounts, PED went back to the drawing board and reduced the number of object codes by half.

In response to a committee member's question concerning the impact on the Public School Funding Formula as a result of potential changes recommended by the Funding Formula Task Force to the new chart of accounts, Mr. Moya said that there would be no impact.

In response to a committee member's question how PED had estimated the insurance costs for FY 07, Mr. Moya explained that the department had used information from the New Mexico Public Schools Insurance Authority (NMPSIA) and Albuquerque Public Schools (APS) to determine any expected increases and decreases in the premiums for health, liability, and other insurance and applied those rates to school districts' budgeted expenditures. Specifically, Mr. Moya noted, APS anticipates a 5.0 percent increase in property and liability insurance premiums, a 6.0 percent increase in health and medical insurance premiums, and a 6.0 percent increase in dental insurance premiums; while NMPSIA projects a 72 percent increase in property and liability insurance premiums, a 13 percent increase in health and medical insurance premiums, and a 3.0 percent decrease in dental insurance premiums.

Noting the large difference between the APS and NMPSIA estimates, a committee member asked if it is the rates or the plans that make the difference. Mr. Burrell said that, although the plans vary, the difference is primarily attributable to the size of each entity's fund balance and to the number of claims submitted. Secretary García said that she would prefer that NMPSIA explain the difference in the data of the two entities.

Referring to legislation introduced during the 2005 legislative session that, had it been enacted, would have required NMPSIA to provide school districts with liability coverage for community groups using school facilities after hours, a committee member asked if PED's request took into account extra costs incurred by districts that permit outside groups to use their facilities after hours. Mr. Moya stated that nonprofit groups carry their own liability insurance.

In response to a committee member's question how PED had estimated the cost of the 0.75 percent increase in the employer's contribution to the Educational Retirement Fund, Mr. Moya stated that PED had used the figure provided by the Educational Retirement Board (ERB); he added that the figure had been developed by the board's actuaries and that he would ask the

board's director for a detailed explanation. A committee member asked if there has been an in-depth audit of the Educational Retirement Fund or if PED is relying solely on ERB's actuaries for the estimate. Secretary García explained that a task force composed of legislators and accountants has been looking into the problem but that the actuaries have taken into account future liabilities in projecting the funds needed to restore the fund to solvency. The chair announced that Dr. Evalynne Hunemuller, Director, ERB, would address the committee at its Wednesday session regarding these issues.

In response to a committee member's question regarding the funding for the Core Curriculum Framework, Secretary García said that PED has made a commitment to increase funding for Advanced Placement but has made no funding recommendation for the Core Curriculum Framework. The committee member then asked if any districts had applied for the core curriculum funds available for school year 2005-2006. Dr. Parkinson replied that several districts had applied and that the money has been distributed.

Expressing concern that PED's proposed Summer Reading and Math Institutes do not include science as recommended by the Mathematics and Science Education Town Hall, a committee member asked PED to explain why reading, and not science, is included in the department's proposal. Secretary García explained that originally the department had considered sponsoring institutes devoted only to mathematics but had decided to add reading because of a concern that New Mexico's students are not sufficiently proficient in reading to learn mathematics.

In response to a committee member's question regarding the increase being requested for the Instructional Material Fund, Mr. Perea noted that the increase is due to two factors: an increase in the number of students, particularly in charter schools, and the adoption cycle – science, health, and physical education – which is one of the more expensive cycles.

In response to a committee member's question regarding distribution of the FY 06 appropriation to the Teacher Professional Development Fund, Mr. Moya said PED is revising the contracts and completely redesigning the approval process in an effort to reduce the amount of time that it takes for recipients to receive their funds.

A committee member asked how PED plans to use the \$10.4 million in General Fund money that it is requesting for the Schools in Need of Improvement Fund. Explaining that the federal *No Child Left Behind Act of 2001* continues to be under-funded, Secretary García stated that the \$10.4 million would be used to extend the school day and year, provide additional training to school district staff, provide incentives to attract teachers to lower-performing districts, develop short-cycle assessments, and support other activities designed to assist schools designated as in need of improvement.

A committee member asked why PED had not included a recommendation for an appropriation to the Charter Schools Stimulus Fund. Secretary García noted that, with the increased number of charter schools, there is no longer a need to provide a stimulus for establishment of these schools.

Representative Vigil asked PED to determine if DFA is willing to include funding for bus replacements in the Executive's General Fund recommendation for transportation operational expenditures for FY 07 rather than in the Executive's capital outlay request and further requested PED to inform the LESC of DFA's response.

CORRECT EDUCATIONAL TECHNOLOGY DEFICIENCIES, HB 511

Ms. Frances R. Maestas, LESC staff, introduced Mr. Tom Ryan, Co-chair, Council on Technology in Education (CTE); Dr. Carmen Gonzales, former Chair, CTE; and Dr. Catherine Cross Maple, Deputy Secretary of Learning and Accountability, Public Education Department (PED), to respond to legislation enacted in 2005 that charged PED to develop and implement a standards-based process for funding educational technology needs.

Ms. Maestas explained that the 2005 legislation included in HB 511 added a new section to the *Technology for Education Act* to require PED, in collaboration with CTE, to define minimum educational technology standards to supplement the adequacy standards developed by the Public School Capital Outlay Council; to identify educational technology deficiencies statewide; to develop a methodology for prioritizing and funding deficiencies from the Educational Technology Deficiency Correction Fund when money becomes available; and, by December 1, 2005, to provide a report to the Legislature and the Governor, including a cost estimate for correcting educational technology deficiencies statewide.

Referring the committee to a handout, *HB 511 Update, Educational Technology Adequacy Standards*, Dr. Cross Maple outlined the workplan and timelines developed by PED and CTE. She reported that PED, in collaboration with CTE, had completed three activities: (1) researched existing technology standards and models in New Mexico school districts and in other states; (2) completed the development of minimum educational technology adequacy standards for public schools in New Mexico; and (3) integrated these standards into the New Mexico State Educational Technology Plan. Between January and June 2006, she stated, PED anticipated completing a review of educational technology infrastructure needs in public schools statewide; developing a model, based upon the public school capital outlay standards-based process to identify, prioritize, and correct any deficiencies; developing cost estimates; conducting a public hearing to solicit input on the educational technology adequacy standards for New Mexico's public schools; and evaluating school district requests to correct deficiencies. In July, if dollars are available, Dr. Cross Maple emphasized, PED would be ready to distribute funds to address the educational technology infrastructure deficiencies and to replace obsolete computer and network devices in public schools statewide.

Dr. Gonzales reported that the infrastructure minimum adequacy standards developed by PED and CTE for educational technology include:

- one T1 internet connection per school building;
- four network connections per classroom;
- a 100 megabyte connection for each computer/printer for labs, libraries, and offices;
- wireless access points or network connection for cafeterias, auditoriums, and gymnasiums;
- fiber connection with high speed switches/routers for network distribution facilities; and
- anti-virus, filtering, firewall for security measures.

The review of educational technology infrastructure statewide, she indicated, will allow PED and CTE to assess network capacity deficiencies at the classroom level and to inventory computer and network devices that are considered obsolete if they are five years old or older and, therefore, need to be replaced. The goal of PED and CTE activities, she emphasized, is to ensure that the learning environment of every New Mexico student includes adequate access to reliable, capable educational technology systems that support teaching and learning.

Mr. Ryan stated that the methodology to prioritize projects requires school districts to complete an online gap analysis that allows PED and CTE to identify the extent of local deficiencies based on the number of classrooms that do not meet the minimum adequacy standards. In addition, the new State Educational Technology Plan, he reported, is designed to capture how a district is performing relative to the educational technology adequacy standards, and it provides guidance to school districts in developing data-driven cost estimates to meet those standards.

To conclude, Mr. Ryan reported that PED and CTE had developed a state network infrastructure cost projection of approximately \$94.3 million and an annual computer and network equipment replacement cost of \$24.2 million. The infrastructure estimate, he reported, which was adjusted to reflect the higher cost of rural school districts in obtaining network access, is based on a survey that requested school districts to self-report their costs in meeting the minimum educational technology adequacy standards. The equipment replacement cost estimate, he explained, considered the cost of replacing obsolete computers and network devices statewide over a five-year period based on a ratio of three students to one computer as follows:

Average Annual Student Enrollment	Total Computers based on ratio of three students to one computer <i>(330,000 students divided by 3)</i>	Approximate Replacement Computer Cost	Total Five-Year Replacement Cost <i>(110,000 computers times \$1,100)</i>	Average Annual Replacement Cost <i>(\$121,000,000 divided by 5 years)</i>
330,000	110,000	\$1,100	\$121,000,000	\$24,200,000

Committee Discussion:

In response to a committee member’s question whether the infrastructure cost projection of \$94.3 million considered the cost of new schools meeting the minimum educational technology adequacy standards, Mr. Ryan stated that the estimate included only existing schools. However, the CTE, he added, is recommending that the technology adequacy standards be incorporated into current standards of the Public School Capital Outlay Council for new or remodeled public school facilities.

In response to a committee member’s question relating to other states that may have similar plans to address educational technology deficiencies in public schools, Mr. Ryan noted that the state of Arizona has addressed its needs in a similar fashion for the last three years.

In response to a committee member’s question whether the CTE would support an increase in the Educational Technology Fund, Mr. Ryan explained that the council focused on providing the LESC with recommendations that addressed the infrastructure and equipment needs as required in HB 511. However, he emphasized, continued support for the Educational Technology Fund will allow school districts to meet their personnel and internet connection costs.

HIGHER EDUCATION DEPARTMENT ACT IMPLEMENTATION AND OTHER ACTIVITIES

Dr. Kathleen Forrer, LESC staff, introduced Dr. Beverlee J. McClure, Secretary Designee of Higher Education, to provide a status report on the organization and activities of the Higher Education Department (HED) and to make recommendations regarding amendments to the *Higher Education Department Act*. Dr. Forrer also introduced Dr. Jozi De Leon, Deputy Secretary for Academic Affairs, Planning, and Research, HED; and Dr. Catherine Cross Maple, Deputy Secretary for Learning and Accountability, Public Education Department (PED), to discuss the alignment of high school curricula and end-of-course tests with the various placement tests used by New Mexico's postsecondary institutions.

Explaining that she had brought members of her staff to the meeting in order to give the committee a sense of the expertise available in the core HED functions, Dr. McClure introduced the following individuals: Mr. Miguel Hidalgo, Deputy Secretary, Finance and Administration; Mr. Brandon Trujillo, Special Assistant to the Cabinet Secretary; Dr. Maggie George, Director, Academic Affairs and Indian Education; Mr. Alex Salazar, Director and Chief Financial Officer; Mr. Tino Pestalozzi, Director, Institutional Finance; Mr. Paul Landrum, Director, Planning and Research Division; and Ms. Laura J. Mulry, Director of Communications.

Dr. McClure began her presentation with an overview of HED's responses to the findings in the Legislative Finance Committee's (LFC) January 2005 audit of the statutory responsibilities and staffing of the former Commission on Higher Education (CHE). She added that the department's responses provide a clear indication of the transition underway from the old CHE to the new executive department. HED will:

- identify irrelevant statutes and revisit others, such as the *Learning Center Act* and the *Off-Campus Instruction Act*, to determine if they can be eliminated or consolidated with other similar acts;
- review the department's less-important statutory responsibilities to see if they can be eliminated;
- revisit the important statutes and ascertain that they are adequately addressed in the agency's strategic plan;
- prepare an agency-wide activities calendar supported by detailed workplans and incorporate all important statutory responsibilities with timelines for completion;
- align resources with important statutory responsibilities, identify staff skill sets, and provide appropriate professional development; and
- recommend amendments to statute to reflect current agency names.

With regard to the role of HED as delineated in the *Higher Education Department Act*, Dr. McClure said that the first task for HED is to develop a statewide strategic plan that is reflective of the department's policymaking role. To help the agency accomplish this mission, she explained, HED has formed four task forces that include higher education, business, legislative, and student representatives: the Alignment Task Force, which has been concerned with aligning high school exit competencies with college entrance requirements; the Articulation Task Force, which has been addressing the articulation and transfer of college credits; the Geographic Service Areas Task Force, which is examining the most efficient ways to deliver services throughout the state; and the Formula Enhancement Task Force, which has developed and will be testing a performance-based funding model. Dr. McClure stressed that HED seeks to be responsive to constituents, to become an advocate for higher education, and to have educated, trained, and energetic staff.

Finally, Dr. McClure briefly highlighted a few of HED's recommendations for the upcoming legislative session:

- \$50.0 million to fund the College Affordability Endowment Fund, which will provide need-based financial aid to those students who do not qualify for the Lottery Success Scholarship program;
- \$6.0 million to establish a community service graduate assistantship program at New Mexico's public universities;
- \$2.0 million to support the Nursing Enhancement Performance Fund, which funds expansion of nursing programs by providing competitive grants to institutions for staff salaries and/or expanded facilities;
- \$10.0 million for a pilot performance-based funding model to reward increased minority participation and graduation rates at New Mexico's public postsecondary educational institutions;
- \$500,000 to fully fund the Adult Basic Education workload formula;
- \$500,000 to help replace the expected loss in federal revenue for the Gear Up program, which supports outreach activities aimed at student populations underrepresented in postsecondary institutions; and
- support for PED's request for \$1.0 million to fund the cost of aligning high school competencies with college placement tests.

Dr. De Leon and Dr. Cross Maple then discussed the formation and work of the Alignment Task Force. Dr. De Leon stated that the task force was created in response to an LESC request for a joint HED/PED policy initiative regarding the alignment of high school competencies and college placement requirements, including early assessment of student needs for college preparation, improving college preparation and retention, and establishing methods of ongoing cooperation between high school and higher education leaders to maintain the alignment process.

Noting that the task force had met twice to date, Dr. De Leon reported that there are 26 members, representing universities, community colleges, school districts, the National Education Association (NEA), the New Mexico Association of Community Colleges (NMACC), the New Mexico Coalition of School Administrators (NMCSA), and LESC members and staff. She explained that the task force has formed four work groups and developed the following workplan:

- initiate and complete a formal alignment process prescribing the default college preparation curriculum by June 2007;
- effectuate more efficient use of high school testing for mastery of competencies and college placement by June 2007;
- incorporate the November 2005 New Mexico First Town Hall recommendations on math and science education in the aligned competencies and curriculum; and
- establish a communication plan, including regional meetings and teleconferences, to involve all stakeholders in the alignment process. (This plan was completed in June 2005.)

By June 2007, Dr. Cross Maple stated, the task force would like to see the state endorse no more than two to three tests to be given during the period between grade 8 and grade 12. During this same period of time, she said, the task force will look at the role of the New Mexico Standards Based Assessment and try to get all parties to agree on scoring ranges for high school and

college examinations. Dr. Cross Maple added that, based on other states' experiences, the ongoing alignment process is an iterative process that requires constant assessment and reevaluation of state standards, assessments, and alignment among high schools and institutions of higher learning.

The next steps, Dr. Cross Maple said, are to consider joining the American Diploma Project to review New Mexico benchmarks, assessments, and the accountability system by January 2006 and to convene the individual work groups by January 2006. She noted that the next meeting of the Alignment Task Force would be held in March 2006 and that the task force would be ready to present a progress report to the LESC in June 2006.

Committee Discussion:

In response to a committee member's question whether the HED budget request had been developed with or without executive input, Dr. McClure said that, although there had been executive input, the review process was not complete and there might be additional legislative priorities developed prior to the upcoming legislative session.

In response to a committee member's question regarding the cost if the state chooses to participate in the American Diploma Project, Dr. De Leon said that she did not know at this time.

Representative Ben Lujan, Speaker of the House, said that HED had reported at an LFC hearing that only 56 percent of high school seniors in New Mexico take the American College Test (ACT). He expressed concern that so few students appear to be planning to attend college. Dr. McClure explained that the percentage of students taking the ACT may not accurately reflect students' postsecondary aspirations. She noted that there are four college placement tests that students wishing to attend a postsecondary institution may choose to take: the Scholastic Aptitude Test (SAT) and the ACT, which are used by four-year institutions; and ACCUPLACER and COMPASS, which are used by two-year institutions.

In response to a committee member's question whether high school students are made aware of the financial resources available to them to attend New Mexico's higher education institutions, Dr. McClure said a "number one" priority for HED is to keep students informed, adding that HED works closely with the institutions' financial aid offices and with the New Mexico College Awareness Coalition.

Several committee members asked why both HED and PED were requesting \$1.0 million for FY 07 to cover the cost of aligning high school competencies with college placement tests. Dr. McClure stated that, although HED had included the item among its own legislative priorities, HED had done so in support of PED's request and was not asking for an additional appropriation. A committee member then asked how PED planned to use the \$1.0 million. Dr. Cross Maple said that the money would be used to develop and administer a high school exit exam, which would not only replace the current New Mexico High School Competency exam but also potentially serve as a college placement exam.

In response to a committee member's question whether HED's performance-based funding pilot program would include high schools, Dr. McClure said that at this time only higher education institutions would be included.

In response to a committee member's question why a cabinet secretary rather than someone outside state government had been appointed to the Higher Education Advisory Board to represent Native Americans, Dr. McClure said that the individual chosen has immediate access to input from Indian nations, tribes, and pueblos.

In response to a committee member's question regarding what steps New Mexico is taking to attract foreign graduate students to its research universities, Dr. McClure stated that most efforts in this regard are at the national and not the state level.

Representative Lujan requested that HED provide information regarding the number of students taking and the number of students passing each of the four college placement tests administered in New Mexico for school year 2004-2005: the SAT, the ACT, ACCUPLACER, and COMPASS.

Representative Heaton requested that HED provide information regarding any initiatives being undertaken at the national level to attract foreign graduate students, particularly those pursuing degrees in engineering and science, to universities in the United States.

Senator Papen requested that HED provide a trend analysis of the number of foreign graduate students enrolled in each of New Mexico's postsecondary education institutions to include the student's country of origin, area of study, and the degree being sought.

Senator Nava thanked the presenters and, with the consensus of the committee, recessed the LESC meeting at 5:30 p.m.

**MINUTES
LESC MEETING
DECEMBER 13, 2005**

Senator Cynthia Nava, Chair, called the Legislative Education Study Committee (LESC) meeting to order on December 13, 2005, at 9:20 a.m., Room 307, State Capitol, Santa Fe, New Mexico.

The following LESC members were present:

Senators Cynthia Nava, Chair, Gay G. Kernan, Mary Kay Papen, and William E. Sharer; and Representatives Rick Miera, Vice Chair, Joni Marie Gutierrez, Dianne Miller Hamilton, Mimi Stewart, Thomas E. Swisstack, and W. C. "Dub" Williams.

The following LESC advisory members were present:

Senators Vernon D. Asbill, Mark Boitano, Mary Jane M. Garcia, John Pinto, and Leonard Tsosie; and Representatives Ray Begaye, William "Ed" Boykin, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, John A. Heaton, and Richard D. Vigil.

Additional legislator present:

Speaker of the House Ben Lujan, Santa Fe, New Mexico, was also in attendance.

PUBLIC SCHOOL FUNDING FORMULA STUDY RECOMMENDATIONS

Ms. Frances R. Maestas, LESC staff, introduced Representative Mimi Stewart, Co-chair, Funding Formula Study Task Force; and Ms. Jonelle Maison, Bill Drafter, Legislative Council Service (LCS), to summarize the 2005 interim activities and recommendations of the Public School Funding Formula Task Force. Ms. Maestas also noted that the 2005 Legislature had appropriated \$200,000 in the *General Appropriation Act of 2005* to support this study; however, despite signing the legislation creating the task force, the Governor vetoed the appropriation. Subsequently, the Legislative Council approved a 2005 workplan submitted by the task force outlining the composition of the task force, a proposed meeting schedule, and the proposed activities of the task force for the interim that focused on understanding the historical development and public policy decisions of the current funding formula.

Representative Stewart began her presentation by emphasizing Article 12, Section 1 of the *Constitution of the State of New Mexico*, which states: “A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained.” This clause, Representative Stewart said, served as a frequent theme in the deliberations of the task force.

Representative Stewart then reviewed the composition of the task force (14 voting members and 16 advisory members), noting that, early in the 2005 interim, the Legislative Council had approved the membership as well as the proposed meeting schedule and activities. The task force, she continued, held five two-day meetings during the 2005 interim. She said some of the testimony included a presentation by Dr. Richard A. King, a national expert on school finance policy and education law, who provided the task force with a 30-year retrospective on the New Mexico Public School Funding Formula; a joint presentation from staff of the LESC, Legislative Finance Committee (LFC), LCS, and the Public Education Department (PED), outlining the methodology used in the calculation of program cost and the distribution of the appropriation provided each year by the Legislature for the State Equalization Guarantee; and input from school district personnel and other interested parties.

As background, Representative Stewart said that the Public School Funding Formula was enacted in 1974 according to these guiding principles: (1) revenue should reflect need; (2) the formula should achieve fiscal neutrality by crediting certain local and federal support and then distributing state support in an objective manner; and (3) all operating funds should be non-categorical to allow local autonomy and discretionary use of dollars to address local needs. Representative Stewart added that, while these principles still operate in the Public School Funding Formula, other questions have arisen: (1) Is program cost set at a level to satisfy the New Mexico constitutional requirement of “sufficient” education? (2) Are there adequate resources to meet individual needs and high, but realistic, expectations? and (3) Can districts and schools enable all students to achieve high standards?

Regarding the recommendations of the task force for the 2006 legislative session, Representative Stewart explained that, early in their deliberations, the members of the task force agreed that they did not want to make or support any proposals that would change the Public School Funding Formula until after the study was completed; however, she continued, while the state waits for the results of the comprehensive study, there are still several areas in public school funding that can be improved.

As its two primary recommendations, Representative Stewart said the task force is proposing that the 2006 Legislature (1) extend the life of the task force and appropriate \$1.0 million to fund the study in FY 06 through FY 08; and (2) appropriate \$196.0 million to increase the unit value by 10 percent. This increase, she emphasized, must be in addition to the funding that is required to “open the doors”: that is, on top of fixed cost increases, insurance, and last year’s \$51.8 million to provide the minimum salary increases for Level 2 and Level 3 teachers, which is now rolled into the base. Representative Stewart further explained that the increase in the unit value is only a start toward a solution to provide adequate funding for small school districts that are required to subsist on emergency supplemental funding, or for high-growth districts that do not have the funds to open new schools, or for any district trying to meet the requirements of the federal *No Child Left Behind Act of 2001* (NCLB) in the face of inadequate resources.

Continuing with other recommendations, Representative Stewart said that the task force proposes to endorse and support initiatives that:

- distribute the FY 07 minimum salary for teachers through program cost;
- accelerate (in FY 07) the implementation of minimum salaries for teachers (the current law requires a \$45,000 minimum salary in FY 07 and a \$50,000 minimum salary in FY 08), and the salaries of principals, which the 2005 Legislature delayed until FY 08;
- amend current law restricting school district cash balances to allow the districts to maintain a reserve for unforeseen costs;
- increase the appropriation for emergency supplemental distributions; and
- create a start-up fund for school districts opening a new school (also a recommendation of the Public School Capital Outlay Oversight Task Force, or PSCOOTF).

In addition, Representative Stewart identified two issues that greatly affect public schools but that are not funding formula problems *per se*. One is the requirement that school districts pay local impact fees, and the other is that school districts have no input when local governments decide to issue Industrial Revenue Bonds (IRBs) and take real property off the tax rolls. The task force, Representative Stewart said, supports the PSCOOTF’s proposal to exempt school districts from paying impact fees and its proposal to require input from school districts before IRBs are issued. The task force, she said, also hopes for LESC endorsement of its continued work.

To conclude her remarks, Representative Stewart introduced the Funding Formula Study Task Force members who were in attendance: Senator Vernon D. Asbill; Dr. V. Sue Cleveland, Superintendent, Rio Rancho Public Schools; Mr. Dick Pool, Superintendent, Silver Consolidated Schools; Mr. Manuel F. Valdez, Superintendent, Chama Valley Independent Schools; Mr. Robert Archuleta, Superintendent, Jemez Mountain Public Schools; Mr. James M. Phipps, Superintendent, Artesia Public Schools; and Ms. Karen White, Superintendent, Gallup-McKinley County Public Schools.

After recognizing them, the chair opened the presentation for discussion by the other task force members.

Senator Asbill observed that, after a number of piecemeal amendments, the Public School Funding Formula is due for an in-depth study, particularly to consider the effects of charter schools, the issue of adequate funding, and the use of emergency supplemental funds. Dr. Cleveland added that external factors like NCLB and the federal *Individuals with Disabilities Education Improvement Act* (IDEA) warrant a re-examination of the Public School Funding Formula, as do internal factors such as caps on cash balances, the three-tiered licensure system, and opportunities for cyber education.

Committee Discussion:

In response to a committee member's question about the desired outcomes of the study and adjustments to the Public School Funding Formula, Representative Stewart said that a good study should resolve the problems that keep arising: for example, the funding of alternative schools, which, unlike charter schools, currently are ineligible for small-school designation; the full funding of the three-tiered system; and proper compensation for other professional school employees like counselors and social workers.

In response to a committee member's question regarding the next steps for the task force, Representative Stewart said that the task force hopes to issue a request for proposals for the study and have a contract in place by July 1, 2006, submit a final report in 2007, and have proposed legislation ready for the 2008 legislative session.

As the discussion progressed, committee members voiced support for a comprehensive study of the Public School Funding Formula. Several committee members noted, in particular, the high costs of due process hearings and lawsuits under IDEA and the unpredictable effects they can have on school district budgets and operations. Among other points, committee members also discussed the meaning of an adequate public educational system; the lawsuits and court orders in other states addressing funding inequities; the effect that the study in New Mexico may have on the volatility of oil and gas revenues, whose proceeds are used to fund public schools; and the funding of high-growth and small school districts.

Senator Nava concluded the discussion by noting that, on the following day, the committee would consider the task force's proposals along with other potential legislation for the 2006 legislative session.

NEW MEXICO TOWN HALL: ALBUQUERQUE PUBLIC SCHOOLS ORGANIZATION AND STRUCTURE FOR SUCCESS/MATH AND SCIENCE EDUCATION TOWN HALL RECOMMENDATIONS

Dr. Kathleen Forrer, LESC staff, introduced Ms. Barbara Brazil, President, New Mexico First, to review the Town Hall process and present the consensus recommendations from both the Albuquerque Public Schools Organization and Structure for Success Town Hall held in September 2005 and the New Mexico First Mathematics and Science Education in New Mexico Town Hall/Summit held in November 2005. Dr. Forrer also stated that Mr. Jack Jekowski, Interim Co-President, New Mexico Partnership for Mathematics and Science Education, was available to answer questions regarding the Mathematics and Science Education Town Hall.

To begin the presentation, Dr. Forrer noted that the 2005 Legislature had appropriated \$47,500 to the Department of Finance and Administration (DFA) to fund a study to determine whether Albuquerque Public Schools (APS) should be divided into two or more school districts. Explaining that APS is the largest school district in the state, she stated that the Public Education Department's (PED) 2004-2005 40th day Accountability Data System membership report showed that APS enrollment exceeded 87,000, not including charter school enrollment, and that the next largest district in the state, Las Cruces, had an enrollment of approximately 23,000.

As introduction, Ms. Brazil recounted the formation of New Mexico First and described its unique consensus process. Noting that New Mexico First will soon celebrate its 20th anniversary, Ms. Brazil explained that, in 1986, US Senators Pete Domenici and Jeff Bingaman, along with other civic and business leaders, established New Mexico First as an independent, nonprofit, nonpartisan organization that, through the Town Hall process, enables citizens to become involved in government in ways that influence policy direction. In addition to education, she continued, town halls have addressed a variety of issues, including federal spending, taxes, energy, water, tribal relations, health care, economic development, border issues, and smart business development. Ms. Brazil said that over the years the Town Hall process has been revised to include an implementation component to follow through on the recommendations developed by the participants, adding that the work of the implementation teams is reflected in the state's water and tax policies and in various economic development and education initiatives.

Ms. Brazil stated that, on behalf of the LESC, New Mexico First convened a specialized Town Hall on September 22-24 at the University of New Mexico (UNM) to address the long-standing issue of whether the current organization of APS is optimal for meeting the educational needs of its students. She noted that there were 125 participants and observers at the Town Hall. To ensure that the conversation was not dominated by APS district leadership, she stressed, no more than 25 percent of the registrants were permitted to be APS administrators; ultimately, 17 APS administrators participated. Ms. Brazil also reported that, although a registration fee was charged, in a further effort to encourage diversity of opinions, 37 full and partial scholarships were made available to students, teachers, parents, and community members in order to ensure that anyone wishing to participate could do so.

Ms. Brazil indicated that New Mexico First did not convene the APS Town Hall with any specific outcome in mind, except to examine the organization and structure of the school district, including the pros and cons of making changes. She stated that the purpose of the Town Hall was to obtain stakeholder input for improving the district and that the resulting recommendations could have—but did not—include deconsolidation. To assist Town Hall participants in their discussions, she said, New Mexico First commissioned a background report, *Albuquerque Public Schools' Organization and Structure for Success*, which was prepared by professors from UNM.

Ms. Brazil then summarized the 15 APS Town Hall consensus recommendations:

1. APS remains a single school district and emphasizes its role as the unifying force by improving its core relationships with government, businesses, families and community, using research-based practices;
2. APS leads a comprehensive community-wide system of education from pre-K to postsecondary that involves business, community, family, and all education partners in preparing students for life and career;
3. each school develops an effective program that increases parent involvement in all school and district-level decision making, including the development of the strategic plan and work with the Legislature on incentives, such as tax breaks, that would facilitate parental involvement;
4. APS identifies opportunities for more collaboration on efficient, innovative, and effective operations;
5. APS leads a community-wide partnership that places a high value on, and generates passion about, education by collaborating with city and county agencies and the private sector to advance the community school concept;

6. policymakers recognize that the needs of Albuquerque are different than the needs of other districts. Flexibility should be allowed at the state level for meeting the needs of large urban districts, as well as for meeting the needs of other districts;
7. APS strengthens communication practices and relationships within the district;
8. APS provides flexibility (within state mandates) through site-based management;
9. a system is implemented whereby APS policies, organizational structures, and directives are periodically reviewed; data are collected and analyzed to determine if the implemented policies, organizational structures, and directives have impeded or enhanced student performance;
10. APS moves toward a pure feeder cluster structure to increase the ability of the clusters to innovate in order to meet community needs, including: (1) flexible use of all funds (including special education); (2) alternative structures within clusters, such as K-8, year-round and vocational schools; and (3) more opportunities for students to move across clusters to meet their needs;
11. APS implements a responsive, efficient, and effective research-based process for the recruitment and retention of high-quality personnel;
12. APS is provided with options (e.g. magnet career prep high schools) similar to those that charter schools have without loss of negotiated agreements for school employees;
13. the APS board is responsible for:
 - setting policy;
 - entrusting the superintendent to make administrative and instructional decisions and maintain the stability of the district; and
 - recognizing and rewarding outstanding educators and administrators;
14. a significantly lower pupil-teacher ratio is funded and national standards for pupil-to-support staff ratios are met; and
15. APS closes achievement gaps by adopting high academic standards and attending to socio-economic needs and emotional and physical wellness in a safe learning environment to ensure that students have the maximum opportunity to increase learning and be successful.

Ms. Brazil also noted that the APS Town Hall participants had identified the following strengths and obstacles inherent in the current APS organization:

- Strengths:
 - the district's size;
 - outstanding, culturally diverse and highly qualified employees compared to other districts;
 - the use of a standards-based system focused on core content;
 - community support; and
 - funding capacity and master planning process.
- Obstacles:
 - the lack and allocation of resources;
 - high-cost services expected by the community but not reimbursed, such as social workers, counselors, and librarians;
 - broken communication links on complex issues such as resource allocation and academic rigor;
 - unfunded external mandates; and
 - prejudice and discrimination.

In conclusion, Ms. Brazil noted that, although the 2005 Legislature had appropriated funds “to study the division of the Albuquerque public school district into two or more school districts,” in the end, APS Town Hall participants had chosen not to recommend deconsolidation. She reminded the committee that the last major examination of the issue in 1993 had produced the same result. She suggested that, if lawmakers choose to reopen this question, they must assess whether student achievement will likely increase as a result of deconsolidation.

After discussing the APS Town Hall, Ms. Brazil reviewed the issues addressed in the Mathematics and Science Education Town Hall. She first noted that New Mexico is a low-achieving state and that the United States as a whole is a low-achieving country. Directing the committee’s attention to the final report from the Town Hall, she explained that in 2005 the results of the National Assessment of Educational Progress (NAEP) indicate that 36 percent of the nation’s fourth graders are proficient in mathematics but only 19 percent of New Mexico’s fourth graders are proficient. The results for eighth graders, she stated, are even worse: for 2005, 29 percent of students nationwide and 14 percent of students in New Mexico scored proficient on the NAEP. What is needed, she said, is a commitment from the highest policy levels of the state to elevate the importance of mathematics and science at all levels of education. Ms. Brazil stressed that, until mathematics and science education become a high priority for the state, New Mexico will not have enough competent teachers, motivated students and families, and well-educated and skilled workers to meet its needs.

Ms. Brazil noted that the Town Hall participants developed the following eight consensus recommendations in order to address the challenge of adequately preparing the state’s students in the areas of mathematics and science. The participants, she said, concluded that implementation of the recommendations will require the Governor, the Legislature, PED, and the school districts to work together:

1. create a mathematics and science initiative that establishes consistency in how teachers are educated, what they teach, and the standards that govern curriculum, student learning,
2. establish this initiative with strong leadership from top levels of state government, the education community, and stakeholders; it should be permanently staffed, supported by a strategic plan with budget projections, based on on-going collaborative partnerships across government, education, research, and business sectors, and use statewide and national data, best practices, exemplary models, and student input;
3. create a division of mathematics and science at PED reporting directly to the Secretary;
4. create a New Mexico mathematics and science educational model that aligns curriculum and funding at the district level; includes teacher professional development, school and district leadership development, and school-based support; and partners districts with higher education and aligns licensure programs;
5. increase rigor at the postsecondary level in the mathematics and science requirements for new teachers;
6. increase opportunities for teachers and students to translate knowledge from classroom experience to practical, timely, and relevant applications, through internships, lab and fieldwork experience, student-identified research, classroom visits by professionals, and out-of-school-time activities;
7. develop and implement a structure for comprehensive, sequential, on-going professional development for teachers to develop and refine content knowledge they need to effectively teach mathematics and science to all students; and provide teachers with the funding and time they need to participate, including dedicated time within the school day; and
8. create highly visible and on-going public awareness programs to increase public interest and enthusiasm for science and mathematics.

Committee Discussion:

Committee members expressed concern regarding the current state of mathematics and science education in New Mexico's schools. Ms. Brazil responded that all 50 states are facing similar problems and that, if the country as a whole does not address the issue of mathematics and science education at all levels, the United States will lose its world edge in research and technology development.

In response to a committee member's question regarding the role that the national laboratories might play in improving mathematics and science education in the state, Mr. Jekowski cited Los Alamos National Laboratory's Math and Science Academy, which provides middle school teachers with opportunities to do research and engage in other professional development activities designed to strengthen instructional practices and thereby increase student learning. However, he cautioned that the responsibility for improving mathematics and science education does not rest exclusively with the national laboratories but also with the Legislature, parents, and communities.

A committee member asked if any studies have been done to determine how well prepared teachers are to teach mathematics and science. Mr. Jekowski said that there have been several such studies, all of which indicate that teachers are not well prepared to teach these subjects when they leave colleges of education. As an example, he cited the forthcoming *Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future*, a report prepared by the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine. The report, he said, concludes that this country's previous superiority in mathematics and science education has been eroded over the years and recommends that K-12 science and mathematics education be greatly improved by:

- annually recruiting 10,000 science and mathematics teachers by awarding four-year scholarships and thereby educating 10 million minds;
- strengthening the skills of 250,000 teachers through training and education programs at summer institutes, in master's programs, and in Advanced Placement (AP) and International Baccalaureate (IB) training programs; and
- enlarging the pipeline of students who are prepared to enter college and to graduate with a degree in science, engineering, or mathematics by increasing the number of students who pass AP and IB science and mathematics courses.

Promising to provide committee members with a copy of the executive summary of *Rising Above the Gathering Storm*, Mr. Jekowski noted that New Mexico's colleges of education will have to work closely with the colleges of arts and science in order to build a new teacher workforce in science and mathematics education that can help students meet the challenges of the new global economy.

A committee member asked if New Mexico First has a process to monitor the recommendations made at a Town Hall and to hold someone accountable for following up on them. Ms. Brazil said that every Town Hall (whether the annual New Mexico First Town Hall or a specialized Town Hall conducted on behalf of a client) has an implementation team charged with carrying out the consensus recommendations. However, she continued, in the case of a specialized Town Hall, the final report belongs to the client, who determines the next steps.

Senator Nava thanked the presenters.

LITERACY PROGRAM BLOCK

Mr. Mark Shriver, Executive Vice President and Managing Director, US Programs; and Dr. Paula Hale, Literacy Specialist, Western Office, Save the Children, described Save the Children's literacy program block proposal to the committee and provided a one-page handout outlining the program.

Mr. Shriver said that Save the Children is proposing a \$1.5 million public-private partnership to fund a rural literacy initiative for children in grades K-8, at 10 sites serving low-income students in rural New Mexico. Save the Children will provide \$500,000 and is requesting that New Mexico include \$1.0 million for the program in its FY 07 budget. Save the Children would collaborate with and train local school partners to implement structured literacy services after school and during the summer, and would provide additional resources for in-school programs, Mr. Shriver said. Save the Children's goal is that every child will read at grade level or above.

Dr. Hale provided more details about the program. She said the literacy program block occurs for at least one hour daily within Save the Children's after-school and summer school programs. In order to achieve its goal, she said, three over-arching elements must receive careful consideration:

1. material selection: developmentally appropriate, hands-on (active, playful, engaging) activities are selected that are at an appropriate difficulty level to ensure student success (independent or instructional);
2. grouping choices: children participate in activities in ways that allow for maximum learning (whole group, small group, paired, individual); and
3. amount of adult support: children receive the least amount of support for the most success.

Mr. Shriver said that on a daily basis the program incorporates three core activities in after-school and summer programs: read-aloud, reading practice, and fluency support. He said these activities have been carefully selected based on the parameters of their literacy program model to be a supplemental provider of activities implemented through the use of trained paraprofessionals working in partnership with a school to increase the reading achievement of at-risk children.

Committee Discussion:

In response to a committee member's question how long the program has been operating in New Mexico, Dr. Hale said about two years, with approximately 1,500 low-income, predominantly Native American students participating.

In response to a committee member's question whether families are involved, Dr. Hale said the parents were leery at first because of the extra time their children would have to spend after school, until they witnessed their children's academic success.

Members of the committee suggested that Save the Children work with Dr. Jim Holloway, Assistant Secretary for Rural Education at PED. Members also suggested that the project might be eligible for funding through the *Indian Education Act*.

In response to a committee member's question whether the presenters could identify some schools that already want their services, Dr. Hale said the schools are in the San Juan, Farmington, Newcomb, and the Four Corners areas. Mr. Shriver added that they will work with PED to determine the areas of greatest need.

Senator Nava said the committee would do what it could to further this partnership, and she thanked the presenters.

SERVICE LEARNING IN THE PUBLIC SCHOOLS

Ms. Pamela Herman, LESC staff, introduced Dr. Paula Papponi, Associate State Director for Professional Development and School Improvement, North Central Association of Colleges and Schools, to provide an overview of the educational benefits of service learning; and Ms. Paula García, Executive Director, New Mexico Acequia Association, to describe the "*Sembrando Semillas: Acequia Youth Project*" service learning initiative in northern New Mexico. Ms. Herman also introduced Ms. Rose Sherman, Director, Advanced Placement Bureau, Public Education Department (PED), and Dr. Wendy Wintermute, Director of Organizational Development and Training, New Mexico Forum for Youth in Community, who were present in the audience to respond to committee questions regarding service learning programs statewide.

Ms. Herman said that, in public school reforms that were enacted in 2003, the Legislature required high schools to offer service learning as an elective. She said that in addition, since 2000, the Legislature has appropriated funds for service learning as follows:

- for FY 00 and FY 01, special appropriations of \$100,000 each year; however, the Governor vetoed these appropriations;
- for FY 04, a special appropriation of \$100,000, which PED states that it used to support projects in 10 public school districts through contractors; and
- for FY 06, through language in the *General Appropriation Act of 2005* stating that the appropriation to the Teacher Professional Development Fund included funding for service learning. Ms. Herman stated that, according to PED, \$70,000 from the fund has been allocated through a joint powers agreement (JPA) with the Children, Youth and Families Department (CYFD) for a contract with a service learning provider, the New Mexico Forum for Youth in Community.

Ms. Herman said that service learning projects in schools are also supported by federal and private foundation grants, and she indicated that the New Mexico Acequia Association project is an example of such a program.

Dr. Papponi said that service learning is a philosophy, a community development model, and a teaching and learning method. Service learning is important because, according to a national study of Learn and Serve America programs, service learning improves grades, increases attendance in school, and develops students' sense of personal and social responsibility. She reported that a growing body of research recognizes service learning as an effective strategy to help students by promoting learning through active participation in service experiences and providing structured time for students to reflect by thinking, discussing, and writing about their service experience. In addition, it provides an opportunity for students to use skills and knowledge in real-life situations, extends learning beyond the classroom and into the community, and fosters a sense of caring for others.

What make service learning work, Dr. Papponi said, are connections to learning objectives (not an add-on), and partnerships between young people and the broader community. She said that key components are connection to curriculum, youth voice, reflection, and partners in the community, adding that education works best when students are able to see a larger purpose to their actions.

Dr. Papponi described how integrating service learning into core academic programs improves student academic proficiency and civic engagement. In describing service learning, she said that picking up trash on a riverbank is service, while studying water samples under a microscope is learning; but when science students collect and analyze water samples, document their results, and present findings to a local pollution control agency, that is service learning. Dr. Papponi stated that service learning is a teaching method that enriches learning by engaging students in meaningful service to their schools and communities. She said young people apply academic skills to solving real-world issues, linking established learning objectives with genuine needs. They lead the process, with adults as partners, applying critical thinking and problem-solving skills to concerns such as hunger, pollution, and diversity.

Dr. Papponi provided examples of what other states are doing in the are of service learning. She said that in Arizona the state department of education has directly linked service learning projects with student academic achievement. The effort includes a service learning curriculum framework that identifies specific competencies students are expected to master in their service learning projects. The curriculum links the competencies with the appropriate state academic standard being addressed at each grade level. Another example, she said, is Maine, where for more than 10 years the KIDS (Kids Involved Doing Service) Consortium has been working closely with school districts across New England to make service learning an integral part of school life. The project started in 1990 as part of a state-level program that required all of Maine's cities and towns to prepare plans for the future on a wide range of civic issues, such as capital improvements, protection of natural resources, transportation policies, and affordable housing needs. Today, KIDS is an award-winning model that challenges K-12 students to identify, research, design, and implement solutions to real needs and issues in their schools and communities.

Ms. García provided the committee with a brief handout describing the New Mexico Acequia Association service learning project. She introduced several project participants and mentors from the audience: Mr. Miguel Santistevan, project coordinator, from Taos; Mr. Antonio A. Medina, mentor and association president, from Mora; and students Mr. Joshua Rivera, from Mora Independent Schools; Mr. R. J. Chavez, Ms. Louann Romero, and Ms. Karen Mirabal, from Taos Municipal Schools; and Ms. Janice Varela, from Santa Fe Public Schools.

Ms. García stated that the New Mexico Acequia Association's *Sembrando Semillas*: Acequia Youth Project is being implemented in three rural northern New Mexico school districts: Taos Municipal Schools, Peñasco Independent Schools, and Mora Independent Schools. She said that the mission of *Sembrando Semillas* is to keep the land-based traditions of New Mexico alive by providing opportunities for New Mexico's youth to participate in and experience first-hand the tradition and customs intertwined with the acequias. She said the project was established out of the need to build a new generation of acequia leaders who have a caring for place and people that is part of their culture and who can advocate for the well-being of their communities.

Ms. García said that youth participants work with local mentors who are experienced farmers and ranchers to participate in and learn about land-based traditions. She said that, with their training in video, audio, and creative writing, youth are producing multimedia storytelling pieces, documentation that will be used to develop curricula for local school districts. Ms. García acknowledged the key leadership of Mr. Santistevan, who is a licensed high school science teacher, and Mr. Medina, mentor and president of the association, in the success of the project.

Committee Discussion:

In response to a committee member's question why service learning has not "taken off" in New Mexico since the results are so positive, Dr. Papponi said that her sense is that educators regard it as an add-on program, rather than a program linked to educational standards and benchmarks. She pointed to the need for a stable source of funds so that districts and teachers can incorporate service learning into the regular curriculum. Dr. Papponi said that, once established, service learning is a very low-cost program.

In response to a committee member's question whether a recommendation will be forthcoming from PED for service learning in the context of high school reform, Ms. Sherman stated that PED has no recommendation at this time regarding service learning.

In response to a committee member's question regarding what the students enjoy most about *Sembrando Semillas*, Mr. Chavez said that it gives him a wider perspective and that he is opening doors and gaining more knowledge. Ms. Romero said the project makes the past meaningful in the present day. Mr. Medina said that service learning is an academic project in which students take knowledge to action and from that experience gain a clearer understanding and new awareness, leading to a deeper level of learning. He said that he sees the *Sembrando Semillas* project as using work with water and the natural elements to give students a way to understand life and the universe in their own personal value system.

The committee briefly discussed the value of this program. Mr. Chavez thanked Mr. Santistevan and Mr. Medina for helping to raise him academically and spiritually. The committee members congratulated the mentors for their important role in this program and thanked the administrators and students, as well as Dr. Papponi, for their presentations.

ARTICULATION AND TRANSFER OF CREDITS: COMMON COURSE NUMBERING AND NAMING SYSTEM

Ms. Pamela Herman, LESC staff, introduced Dr. Jozi De Leon, Deputy Secretary, Academic Affairs, Planning and Research, Higher Education Department (HED); Dr. William V. Flores, Provost, New Mexico State University (NMSU); and Dr. Steven Gamble, President, Eastern New Mexico University (ENMU), who presented an overview of the work of the HED Articulation Task Force. She also introduced Dr. Brad Bankhead, Associate Vice-President, NMSU, to describe the design of the common course numbering system.

Ms. Herman provided historical background on HED's Articulation Task Force. She said that in 2005 the LESC endorsed and the Legislature enacted SB 161, *Common Lower-Division College Course Numbers*, to address concerns about articulation and transfer of college credits that were presented to the committee in testimony during the 2003 and 2004 interims. In those presentations the Commission on Higher Education (CHE, now HED), deans of teacher

preparation programs, and the New Mexico Association of Community Colleges (NMACC) testified that New Mexico students transferring between postsecondary educational institutions were sometimes required to repeat substantially equivalent courses to earn a baccalaureate degree. These articulation problems occur both for courses in the general education core and those in specific degree programs; cause additional expense for students and the Lottery Tuition Scholarship Fund; and lengthen the time required to complete a degree or even discourage students from doing so.

Dr. De Leon said that, in anticipation of the enactment of SB 161, the CHE created the Articulation Task Force in June 2004 and charged it with responding to the issues that had been raised regarding articulation. She said the task force assumed responsibility for developing a system that would ensure the transferability of the statewide general education core, creating a set of competencies for each area of general education, creating a common template for communicating competency components, and developing a common course numbering and naming system. The task force is co-chaired by Dr. Flores and Dr. Gamble, and the membership consists of representatives from the two- and four-year institutions and HED, with 21 institutions involved in the work of the task force (12 community colleges, six four-year universities, and three tribal colleges).

Dr. Flores said that SB 161 requires that the general education core, the discipline modules for business and early childhood education, and the common course numbering and naming system for all courses in these modules be in effect by spring 2006, and the printed materials of all institutions conform to the system by fall 2006. A minimum of three additional discipline modules shall be in effect no later than fall semester 2007 and an additional three discipline modules by fall semester 2008. He said that the Articulation Task Force also adopted an unofficial charge: "To guarantee the statewide transfer of selected courses and ensure that these courses are accepted to meet specific (not elective) degree requirements."

Dr. Gamble said that at the present time, the two-year and four-year institutions have submitted their lower division general education equivalent courses to HED, and HED is in the process of reviewing them. He said this review will be completed by January 10, 2006, and the equivalent courses for all institutions will be posted on HED's web page. He said in addition to the general education module, three 65-hour transfer modules in business, early childhood education, and criminal justice have been articulated. These three modules were developed by faculty in the disciplines and will be posted on HED's web page by January 10.

Dr. Gamble described HED's web page that will be the primary mechanism to ensure that communication about the articulation system occurs. He said the task force hopes to complete the articulation of five more disciplines by January 2007, including modules in nursing, teacher education, engineering, mathematics, and social science, so that by then eight majors will have been articulated.

Dr. Bankhead gave more detail about the common course numbering system and called the committee's attention to handouts that summarized his presentation and illustrated its technical aspects. Dr. Bankhead explained that the statewide common course numbering system would not require institutions to replace the numbers in their catalogs. Instead, it consists of a matrix of courses across the state that share equivalent content, with a "single universal course designation" that shows the place of each course within the matrix. The system includes a "neutral statewide course identifier" with a four-letter prefix indicating the subject and a four-digit number that indicates the course level, where the course falls in a sequence of courses, and how many credits apply. Dr. Bankhead provided the following crosswalk table with examples for four of the general education core requirements:

STATE CROSSWALK EXAMPLE

General Education Core Course	NM Common Course Number	NMSU	UNM	ENMU	Mesa Lands CC	Northern NMCC	Diné College
College Level English	ENGL 1113	ENGL 111	ENGL 101	ENG 102	ENG 102	ENGL 111	ENG 101
College Level Writing	ENGL 1123	ENGL 112	ENGL 102	ENG 104 or 109	ENG 104	ENGL 112 or 116	ENG 102
College Level Algebra	MATH 1113	MATH 185	MATH 121	MATH 119	MATH 110	MATH 150	MATH 110
Macro-Econ	ECON 2113	ECON 251	ECON 105	ECON 221	ECON 251	ECON 200	ECON 200

Dr. Bankhead explained that underlying the numbering system is a list of learning outcomes or competencies capable of assessment that faculty members from each discipline had agreed reflect the learning that is expected for college students who complete the courses deemed to be equivalent and included in the matrix.

Dr. Bankhead said that a campaign to publicize the articulation program will be underway in spring 2006, and the initiative to make the appropriate designations of courses on transcripts, catalogs, and websites will be partially completed. He said that by fall 2006, the printed material of all two-year and four-year institutions will conform to the requirements contained in SB 161, and all appropriate designations of courses on transcripts, catalogs, and websites will be completed.

Committee Discussion:

In response to a committee member’s question how the committee can help the task force reach the next stage of development of the articulation system, Dr. Gamble said that one-time funds would be required in FY 07 to invest in the web page and the literature sent to faculty and students, and that in the next legislative session there would also be a need for 1.5 full-time equivalents (FTEs) to maintain the articulation program on an on-going basis. Dr. De Leon concurred, adding that, while the task force has done a lot of work, much remains to be done. She explained that the website would require maintenance and upgrading to make it more interactive, and that staff would be required to continually review courses at all institutions as they are added or changed to make sure that information on the website is current and correct.

From the audience, Dr. Frank J. Renz, Executive Director, NMACC, asked the committee to keep in mind that the website, if done right, would be an aspect of the P-20 initiative since it will provide links to each institution’s on line catalog and serve as a tool for high school students’ next-step plans.

In response to a committee member’s question regarding whether a “D” grade would transfer from one institution to the next, Dr. Gamble said that is a policy question for each institution to decide.

Committee members discussed the need to include the tribal colleges in the system and to involve and educate the faculty at all institutions in implementing the system.

Representative Miera requested that HED provide an estimate of the amount required to create a dynamic articulation website prior to the opening of the legislative session.

Senator Nava stated that she was encouraged by the presentation and thanked the presenters.

<> AREA SUPERINTENDENTS AND COMMUNITY INPUT

Input: A-Plus Program: Computerized Learning System

Mr. Gene Martinez and Mr. “Smiley” Gallegos spoke in support of the American Education Corporation, A-Plus Program: Computerized Learning System. Mr. Gallegos said that Pecos Independent Schools has a 0.0 percent dropout rate because of the A-Plus Program, noting that one of the pilot programs, the Bernalillo County Juvenile Detention Center, had success with this program. He added that Zuni Public Schools, with a 95 percent Native American student population, also had good results with the program. Mr. Gallegos stated that the Legislature provides funding for the A-Plus Program.

In response to committee members’ questions, Mr. Martinez provided the following information: in Pecos Independent Schools, all of the teachers use the program (as well as some parents) and computers are available for most students in the district; the program cost ranges from \$25,000 to \$35,000, with the larger cost providing a bigger package; once a school district buys the product, there is no recurring cost; and there are various ways to use the program, such as having the computers in the classrooms or having the computers in a lab with an assistant to help the students.

Input: Postsecondary Dental Hygiene Training

Mr. Bill Valentine, DMD, NM Dental Association, and Dr. Frank J. Renz, Executive Director, New Mexico Association of Community Colleges, presented information on dental hygiene programs and emphasized the serious shortage of dental hygienists in New Mexico.

Mr. Valentine said the Legislature has been very supportive of expanding dental hygiene programs in New Mexico and has made the following appropriations: \$405,000 to upgrade facilities at Doña Ana Branch Community College in Las Cruces to meet accreditation requirements; \$10.3 million for a 12-chair dental facility and \$296,000 for hygiene equipment for Eastern New Mexico University at Roswell; and \$30,000 for accrediting the dental hygiene programs.

Mr. Valentine stated that New Mexico dentists have contributed or pledged over \$92,000 for a program to create a model public/private partnership. He added that community colleges are not funded by the state until two years after programs are begun, that dental hygiene programs are extremely expensive to set up, and that the program must have directors and instructors in order to be accredited in advance of accepting students. According to Mr. Valentine, schools will need legislative support for the next three years for start-up costs and that \$565,000 is being requested for the first year.

Input: New Mexico Early Childhood Alliance (NMECA)

Dr. Baji Rankin, Director, New Mexico Association for the Education of Young Children (NMAEYC), spoke on behalf of the New Mexico Early Childhood Alliance (NMECA), whose four founding statewide members are The New Mexico Child Care & Education Association, the New Mexico Head Start Association, Parents Reaching Out, and NMAEYC. Dr. Rankin said that the mission of NMECA is to “advocate as a collective voice on behalf of all of New Mexico’s children to secure a system of high quality early care and education.” She presented the four major areas of the Alliance’s Early Learning Agenda requiring approximately \$28.6 million to implement: \$6.0 to \$10.0 million (for full funding) to increase eligibility of child-care assistance to all children up to 200 percent of the federal poverty level, including funding the transition of families for 90 days past the time when they are no longer eligible for child-care assistance; \$4.0 million to increase by 5.0 percent the rate for licensed child-care assistance; \$4.1 million to increase funding for quality initiatives including T.E.A.C.H. (\$1.0 million), WAGES (\$1.0 million), Aim High (\$2.0 million), and Accreditation (\$100,000); and \$10.5 million to continue to phase in and adequately fund Pre-K programs.

Input: New Mexico Association of Nonpublic Schools

Mr. Steven Ulibarri, Senior Lobbyist, New Mexico Association of Nonpublic Schools, said that he represents 32,000 students in about 208 nonpublic schools, most of which do not have access to quality educational technology. Mr. Ulibarri noted that many of these students are in rural areas. He presented a copy of SB 89, *Accredited Private Schools Technology Funding*, which was considered by the 2002 Legislature but did not pass. Mr. Ulibarri said that the bill would have allowed accredited nonpublic schools to receive distributions from the Educational Technology Fund, and he hoped that the Legislature would pass similar access to technology legislation. Mr. Ulibarri emphasized that the Educational Technology Fund was set up to help all New Mexico students and that it follows the same model as federal Title I programs – student focused, not school focused.

Input: Adventures in Supercomputing Challenge

Mr. Joe Watts, Adventures in Supercomputing Challenge, explained that the Supercomputing Challenge is a statewide, mentored program in which teams of middle- and high-school students, assisted by a teacher, complete a year-long computational science program using high-performance supercomputers. Mr. Watts stated that approximately 350 students participated in the program during the past year and that over 8,000 students, representing most school districts in the state, have participated in the Supercomputing Challenge since 1990. He said the program has an excellent record of gender equity as well as regional and ethnic diversity. In conclusion, Mr. Watts stated that the Supercomputing Challenge is requesting \$160,000 from the Legislature to be used exclusively for students and teachers participating in the program, including the Summer Teacher Institute, the Kickoff Conference, school outreach, and awards day.

Input: New Mexico Tribal Extension Task Force

Ms. Linda Yardley and Ms. Patricia Quintana represented Dr. Samuel E. Suina, Director, Coop. Extension Service, the Tribal Extension Service, NMSU, and Director of the New Mexico Tribal Extension Task Force, who was unable to attend the meeting.

Ms. Yardley explained that the mission of the New Mexico Tribal Extension Initiative is to develop and deliver community-based education programs that will revitalize indigenous agriculture, provide economic opportunities, implement culturally appropriate youth leadership projects, and improve the health and nutrition of individuals, families, and communities. She explained that the goal of the initiative is to establish permanent tribal extension services to adequately address the needs of the 22 pueblos and tribal nations.

According to Ms. Yardley, the New Mexico Tribal Extension Task Force and the supporting agencies and organizations are working together to develop and implement eight permanent cooperative extension service centers on pueblo and tribal lands. Ms. Yardley noted that the centers will be housed in existing tribal schools and cultural centers, estimating the total cost to develop the centers at \$3.0 million. Ms. Yardley said the task force is requesting \$250,000 from the Legislature for start-up costs for two of the eight centers. In conclusion, Ms. Yardley stated that these centers would provide a base for intercultural youth programs, health-based programs, and natural resource and agriculture information services that are currently not provided in these communities.

Input: Teach for America – New Mexico

Mr. Sean VanBershot, Executive Director, Teach for America – New Mexico, thanked the committee for the \$50,000 legislative appropriation that the organization had received in school year 2005-2006. He directed the committee's attention to a packet of material containing the budget, the regional expense statement, and a report that describes the effects of Teach for America on students and that provides the results of a survey of principals in schools with Teach for America corps members. Mr. VanBershot explained that Teach for America corps members are outstanding recent college graduates of all academic majors who commit two years to teach in low-income urban and rural public schools and who become lifelong leaders in the effort to expand educational opportunity. To conclude, Mr. VanBershot said that the goal of Teach for America is to close the achievement gap. Toward that end, the program will seek cultural funding for FY 07, he said.

Input: Inquiry Facilitators, Inc.

Mr. Russ Fisher-Ives, Executive Director, Inquiry Facilitators, Inc., introduced himself as a high school teacher of math and science and then introduced a few members of his committee. He said that Inquiry Facilitators, Inc., a nonprofit organization, is the New Mexico host committee for the Intel International Science and Engineering Fair (Intel ISEF) 2007, produced each year in May in a different city. In 2007, the fair will be held in Albuquerque. Mr. Fisher-Ives explained that corporate guidelines prohibit Intel from funding the host committee, and that the sponsoring communities are encouraged to support the fair as a global event. Mr. Fisher-Ives added that the event will bring about 5,000 visitors from more than 40 countries, regions, and territories to the state for a week in May 2007. He noted that Intel ISEF provides a strong spotlight on math, science, and engineering education in state, national, and global settings. In conclusion, Mr. Fisher-Ives stated that Inquiry Facilitators, Inc. is requesting \$1.3 million from the Legislature to be utilized for statewide educational outreach, international marketing of the state, multiple events for 5,000 visitors, and local transportation for the events over a 10-day period.

Input: New Mexico Mathematics, Engineering, Science Achievement, Inc. (NM MESA)

Dr. Mary Lynne Herr, Executive Director, New Mexico MESA, explained that the organization, with the assistance of technology, builds career and college awareness in math and science. Dr. Herr provided a packet of information to the committee that included an annual report. She explained that the groups targeted for the program are those that are historically underrepresented in the fields of mathematics, engineering, and science (i.e., Hispanic, Native American, African-American, rural, and low income). She added that there are approximately 5,000 students participating in NM MESA in grades 6-12 in 99 schools throughout New Mexico.

In response to committee members' questions, Dr. Herr provided the following information:

- for FY 06, NM MESA received a legislative appropriation of approximately \$914,400;
- for FY 07, the organization is requesting an additional \$162,000 to \$216,000 to expand the program to two to three schools in each region in the state (to serve approximately 118 schools altogether) and to offset the increased cost of transportation for field trips;
- Las Cruces Public Schools has programs in seven schools, Gadsden Independent Schools has programs in three schools, and requests for the program have come from public schools in Taos Municipal Schools, Hatch Valley Public Schools, Artesia Public Schools, and Albuquerque Public Schools;
- at the recent parent institute in Las Cruces, NM MESA offered several workshops in Spanish; and
- 55 percent of current NM MESA participants are female, 63 percent are Hispanic, and 10 percent are Native American.

Input: New Mexico Educational Licensure Coalition

Ms. Ellen Reavis (occupational therapist), Mr. Bill Greaves (school social worker), and Ms. Fonda Kirchmeyer (school counselor) provided the committee with a copy of HB 83, *Educational Support Provider Licensure*, considered but not passed in 2005. Ms. Reavis explained that the bill had been designed to bring non-teaching professional staff into a system similar to that provided for teachers in the three-tiered licensure system.

Ms. Reavis stated that, although educational support providers are not teachers, they are highly trained professionals: speech and language therapists, occupational therapists, social workers, nurses, and counselors. Ms. Reavis provided the committee with the licensing requirements and a list of responsibilities for each of these positions. She explained that all educational support providers work with students with disabilities and/or emotional and behavioral issues that affect a child's ability to learn. Ms. Reavis further stated that, since HB 83 had not passed, Albuquerque Public Schools, Rio Rancho Public Schools, Santa Fe Public Schools, and other districts had placed educational support providers on the same salary scale as teachers, with placement dependent on their Public Education Department licensure level. In conclusion, Ms. Reavis said that is her hope that the Legislature will pass legislation to bring highly trained, educational support professionals onto a licensure system in parity with teachers.

Input: New Mexico Education Partners

Mr. Tom Sullivan, Executive Director, New Mexico Coalition of School Administrators, and Mr. Eduardo Holguin, President, National Education Association-New Mexico (NEA-NM), spoke on behalf of the New Mexico Education Partners, which consists of the Albuquerque Teachers Federation, NEA-New Mexico, AFT New Mexico, New Mexico Coalition of School Administrators, New Mexico PTA, and New Mexico School Boards Association.

Mr. Holguin explained that the primary purpose of the New Mexico Education Partners is to work in partnership with elected officials, state agencies, parents, and school districts to identify policies that ensure that New Mexico's public schools are able to perform at the highest possible level. He said that to achieve this purpose, they are committed to working collaboratively with their elected officials to ensure that education dollars are spent wisely to support every aspect of student learning. In conclusion, Mr. Holguin stated that New Mexico Education Partners recommend an increase for public schools for FY 07 of at least \$271.4 million.

There being no further business, the Chair recessed the LESC meeting at 4:43 p.m.

**MINUTES
LESC MEETING
DECEMBER 14, 2005**

Senator Cynthia Nava, Chair, called the Legislative Education Study Committee (LESC) meeting to order on December 14, 2005, at 9:13 a.m., Room 307, State Capitol, Santa Fe, New Mexico.

The following LESC members were present:

Senators Cynthia Nava, Chair, Gay G. Kernan, and Mary Kay Papen; and Representatives Rick Miera, Vice Chair, Joni Marie Gutierrez, Mimi Stewart, Thomas E. Swisstack, and W. C. "Dub" Williams.

The following LESC advisory members were present:

Senators Mary Jane M. Garcia, John Pinto, and Leonard Tsosie; and Representatives Ray Begaye, William "Ed" Boykin, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, John A. Heaton, Sheryl M. Williams Stapleton, and Richard D. Vigil.

Additional legislator present:

Representative Ted Hobbs, Minority Floor Leader, Albuquerque, New Mexico.

***EDUCATIONAL RETIREMENT FUND YEARLY REPORTS, HJM 15, AND STUDY
CHANGING EDUCATIONAL RETIREMENT SYSTEM, HJM 9 AND SJM 17***

Ms. Frances R. Maestas, LESC staff, introduced Dr. Evalynne Hunemuller, Director, Educational Retirement Board (ERB), and Messrs. Chris Conradi and Flick Fornia, Senior Consultants, Gabriel, Roeder, Smith & Company, to discuss ERB's responses to three memorials passed by the 2005 Legislature and other issues relating to the solvency of the Educational Retirement Fund.

Ms. Maestas explained that Dr. Hunemuller would address HJM 15, *Educational Retirement Fund Yearly Reports*, which requests the ERB to report yearly to its members and to the LESC on the status of the solvency of the Educational Retirement Fund. Mr. Conradi and Mr. Fornia, she added, would discuss a study that was conducted in response to HJM 9 and SJM 17

(identical), *Study Changing Educational Retirement System*, which requested ERB to study the implications of moving from a defined benefit plan to a defined contribution plan for new education employees.

As background information, Ms. Maestas noted that, during the 2004 interim, the ERB notified the LESC that, as of the end of FY 04, the Educational Retirement Fund had become insolvent, which means that its funding period – that is, the amount of time it takes a pension to become fully funded – had increased from 78 years in FY 03 to “infinity” in FY 04. Theoretically, she reported, the fund’s current rate of contributions would never amortize the fund’s unfunded actuarial accrued liability (UAAL) if no measures were instituted to remedy the situation.

After considering a number of options to restore solvency to the fund, Ms. Maestas noted, the 2005 Legislature increased the employer and employee contributions to the Educational Retirement Fund. She explained that the employer contribution will increase by 5.25 percent over seven years (a .75 percent increase per year), which will take the employer contribution from 8.65 percent in FY 05 to 13.9 percent in FY 12. The employee contribution, she added, will increase by .30 percent over four years (a .075 percent increase per year), which will take it from 7.6 percent in FY 05 to 7.9 percent by FY 09. For comparison purposes, Ms. Maestas noted that under the *Public Employees Retirement Act* (PERA), the current employer contribution rate is 16.59 percent and the current employee contribution rate is 7.42 percent.

To conclude, Ms. Maestas reported that the 2005 Legislature appropriated approximately \$12.1 million to fund the FY 06 employer contribution cost increase for public school employees and approximately \$5.4 million for higher education personnel. For FY 07, she stated, ERB estimates the employer contribution cost increase to be approximately \$13.5 million for public school employees and approximately \$5.1 million for higher education personnel.

Dr. Hunemuller explained that ERA is New Mexico’s largest retirement program, with 65,200 active members, 25,000 retirees, and 26,000 inactive members. She explained that ERA is a “defined benefit plan,” which means that when members retire, their respective monthly benefits are guaranteed and that the employer assumes the investment risk. The more the fund earns, she reported, the less the employer must contribute; but the less the fund earns, the more the employer must contribute. She noted that the employer’s obligation to the members of the defined benefit plan is not fulfilled until the last benefit recipient dies.

Dr. Hunemuller emphasized that, using an actuarial assumption of not less than an 8.0 percent annual projected investment return and based on the implementation of employer and employee contribution rate changes as outlined by Ms. Maestas, the Educational Retirement Fund would meet the 30-year Governmental Accounting Standards Board (GASB) standard for amortization of ERB’s UAAL by FY 11 and would reach the benchmark of an 80 percent funding ratio (actuarial assets as a percentage of actuarial liabilities) by 2019.

An actuarial valuation as of June 30, 2005, Dr. Hunemuller stated, indicates that, as of June 30, 2005, ERB’s UAAL is \$3.1 billion, a \$695.0 million increase from the June 30, 2004 UAAL of \$2.4 billion. The funding period to amortize the UAAL remains at infinity. However, she added, the actuaries predict that the UAAL will continue to increase until 2019 primarily because of baby boomer retirements and because increased employer and employee contributions need to occur before the fund will begin to reflect a turnaround. Dr. Hunemuller emphasized that, as long as actuarial assumptions relating to teacher pay, retirements, and annual investment returns of at least 8.0 percent each year hold firm, the 2005 amendments will continue to improve the

ERB solvency problem. The decline in the funding ratio, she noted, is expected to begin thereafter in FY 10, and by 2009, the funding period should go from infinity to 54.2 years and continue to decline.

Finally, Dr. Hunemuller reported that it is her understanding that the Legislative Finance Committee's (LFC) FY 07 recommendations include a total compensation increase of 6.0 percent, including a 4.5 percent salary increase and a 1.50 percent increase in the employer contribution to the Educational Retirement Fund. The 1.50 percent increase, she explained, consists of the .75 percent increase for FY 07 and an additional .75 percent increase to accelerate the employer contribution to the fund by an additional year. However, she emphasized, the actuary's assumptions relating to teacher pay are based on a 5.0 percent salary increase each year, and each 1.0 percent increase considered above the 5.0 percent would require an additional .08 percent increase in the employer's contribution to the fund in order to maintain the momentum of reaching solvency of the fund.

In a joint presentation, Mr. Fornia and Mr. Conradi summarized the actuary's examination of the advantages and the disadvantages of moving from a defined benefit plan to a defined contribution plan for new education employees. The comparison of the plans, including an analysis of costs and benefits under each plan, Mr. Fornia noted, was performed in response to HJM 9 and SJM 17.

Mr. Conradi reported that New Mexico currently provides a defined benefit plan, which provides retired employees with a fixed monthly annuity based primarily on the employee's salary history and the employee's years of service. Under a defined benefit plan, he added, the employer bears the investment risk. He noted that a few other states offer defined contribution plans, wherein an employer guarantees to make a predetermined fixed contribution into an account established by the employer for the employee. An employee may then elect or be required also to contribute some of his compensation. In a defined contribution plan, he noted, the employee bears the investment risk of meeting the employee's retirement income goals.

The study's findings, Mr. Conradi concluded, revealed that providing a defined contribution retirement plan for future ERB employees would result in:

- decreased retirement benefits;
- increased total costs;
- a deteriorated funded position of the ERB defined benefit program provided for current ERB members; or
- some combination of the above.

Committee Discussion:

In response to committee member's concerns relating to the LFC's FY 07 recommendation that adjusts the salary increase for teachers to 4.5 percent from 6.0 percent to account for the 1.50 increase recommended for the employer's contribution to the Educational Retirement Fund, Mr. Paul Aguilar, LFC Principal Analyst, explained that the LFC considered a total compensation package for teachers that provides a 6.0 percent increase. The total increase, he noted, considered the committee's recommendation to accelerate the employer's contribution rate for an additional year, as outlined by Dr. Hunemuller. In comparison, Mr. Aguilar stated, the LFC recommendation includes a 5.0 percent salary increase for state employees in FY 07.

In response to a committee member's question requesting a cost estimate of the .08 percent increase of the employer contribution rate required if the Legislature considers a salary increase for teachers above 5.0 percent, Mr. Forna reported that an additional appropriation of at least \$2.2 million would be required for each 1.0 percent increase above 5.0 percent.

Senator Tsosie requested ERB to provide a list of states that provide defined benefit and defined contribution retirement plans for their members.

EDUCATION-RELATED ISSUES FOR THE 2006 LEGISLATIVE SESSION

a. Endorsement of Public School Support Recommendations

Directing the committee's attention to the information behind tab 13a in their folders, Dr. Rindone stated that the LESC Chair and Vice Chair had worked with staff to develop the committee's recommendations for public school support for FY 07.

In summarizing the recommendations, Dr. Rindone reported that the proposed LESC recommendations provide more than \$2.3 billion in total public school support and related appropriations. Program cost, she noted, reflects an increase of \$217.3 million, or 10.7 percent, from the FY 06 appropriation. It includes:

- \$47.1 million to open the school doors in FY 07—including enrollment growth, fixed costs, and insurance increases;
- \$104.9 million to provide a 6.0 percent raise for all school employees (an additional \$2.5 million is included in the transportation appropriation to provide a 6.0 percent salary increase for transportation staff);
- a total of almost \$23.9 million (1) to implement the \$45,000 minimum salary for Level 3 teachers scheduled to go into effect in FY 07 and (2) to accelerate implementation of the \$50,000 minimum salary for Level 3 teachers scheduled to go into effect in FY 08, taking into consideration implementation of a 6.0 percent raise prior to implementation of the minimum salaries;
- approximately \$5.7 million to implement a career ladder for educational assistants, taking into consideration implementation of a 6.0 percent raise prior to implementation of the career ladder;
- \$4.0 million to accelerate implementation of minimum annual salaries for principals and assistant principals that include a responsibility factor by school level, taking into consideration implementation of a 6.0 percent raise prior to implementation of the minimum salaries;
- \$13.2 million to support a 0.75 percent increase in the employer's contribution to the Educational Retirement Fund for all employees (an additional \$325,500 is included in the transportation appropriation);
- \$13.6 million to accelerate payment of the employer's contribution to the Educational Retirement Fund for FY 08; and
- \$4.8 million to fund elementary fine arts programs in FY 07 at a student full-time equivalent (FTE) of 1.0.

Dr. Rindone noted that the \$2.2 billion recommendation for the State Equalization Guarantee (SEG) reflects a total of \$57.6 million in credits derived from federal Impact Aid and forest reserve funds and the 0.5 mill for operational funding, plus an additional \$850,000 in revenue derived from driver's licenses fees directed to education.

In categorical appropriations, Dr. Rindone stated that the recommendations include funding for public school transportation operations, supplemental distributions, the Instructional Material Fund, the Educational Technology Fund, the Incentives for School Improvement Fund, and the Schools in Need of Improvement Fund. Dr. Rindone noted that, although in past years, the Public Education Department (PED) had indicated that sufficient federal funding was available for the Schools in Need of Improvement Fund, for FY 07, PED was requesting \$10.4 million to serve approximately 352 schools, including those served in past years with federal funds. She noted that PED had not provided a detailed explanation of how the department would use the additional General Fund revenues, nor had the agency indicated what the expected level of federal funding was for FY 07. She added that, while LESC staff agreed that some General Fund revenue would be required to assist the additional schools identified as "Schools in Need of Improvement" in FY 07, due to the lack of supporting data from PED, staff had estimated a need of approximately \$30,000 per newly identified school, based on the amount of federal funds allocated in past years.

Dr. Rindone stated that the \$16.9 million in recurring related appropriations provides dollars for public school initiatives such as apprenticeship assistance, beginning teacher mentorship programs, the Core Curriculum Framework, the *Family and Youth Resource Act*, Graduation Reality and Dual-Role Skills (GRADS), the *Indian Education Act of 2003*, continuation of Kindergarten Plus beyond the initial pilot program, and expansion of the pre-kindergarten program. She noted that language would be included in the *General Appropriation Act* to designate \$1.0 million of the \$2.5 million appropriation for the *Indian Education Act of 2003* for a contract with a nonprofit organization to provide a rural literacy initiative (Save the Children), contingent on \$500,000 in matching funds to support new after-school and summer literacy programs for students in grades K through 8 in schools with a high proportion of Native American students.

Pointing out the recommendations for the expenditure of nonrecurring dollars for related appropriations, Dr. Rindone said that these recommendations include nearly \$37.3 million for such projects as Advanced Placement expansion; PED assessment and test development; the Professional Development Fund; the School Library Material Fund; a comprehensive study of the Public School Funding Formula, funding for which was appropriated by the 2005 Legislature but vetoed by the Governor; a contingency appropriation to assist small school districts with operational expenses; an appropriation to restore the State Support Reserve Fund to its statutory level; expansion of the elementary physical education pilot program; implementation of a statewide outdoor classroom program and a curriculum and film integration program for middle schools; breakfast for elementary students; summer institutes for mathematics and science; support to enable all schools to apply for North Central Accreditation Association accreditation; and training for school district and PED staff implementing the National Center for Education Statistics chart of account.

To conclude, Dr. Rindone stated that the proposed recommendations also include \$28.3 million in capital outlay funding for three projects (increasing the *Public School Capital Improvements Act* state guarantee from \$60 to \$90 per mill per unit, providing start-up cost assistance for school districts opening a new school, and implementing the Indoor Quality Tools for Schools

program) and \$53.7 million in General Fund dollars for higher education programs, including the College Affordability Endowment Fund, Engaging Latino Communities for Education (ENLACE), and a statewide demonstration school leadership center at New Mexico State University.

Committee Discussion:

A committee member asked whether PED rather than the individual school districts should cover the school district's costs of administering state and federally mandated tests. Dr. Rindone noted that PED had not included any recommendation regarding the issue in its public school support request. Chairman Nava asked Mr. Gilbert Perea, Assistant Secretary for Program Support and Student Transportation, PED, if he could clarify the department's position. Mr. Perea indicated that the PED executive team had not yet developed a recommendation.

A committee member requested that the committee consider increasing the recommended appropriation for Kindergarten Plus from \$600,000 to \$1.0 million, noting that \$1.0 million would fund an additional 24 classes.

In response to a committee member's question whether PED requires school districts to issue an official report on public meetings held to announce the status of a district's schools with regard to Adequate Yearly Progress, Ms. Ruth Williams, Legislative Liaison, PED, stated that she would check.

A committee member asked if the proposed \$3.5 million General Fund appropriation for the Schools in Need of Improvement Fund included support for supplemental educational services (SES) for non-Title I schools. Dr. Rindone stated that the recommendation did not include funding for SES. Several committee members inquired if the federal money now appropriated to support SES in Title I schools would be withheld if the state were to mandate that SES providers be certified teachers. Chairman Nava requested that PED and LESC staff clarify the issue at the committee's January meeting.

Expressing concern about the inability of some school districts that serve rural populations, particularly in Native American communities, to receive federal funding designated for rural school districts, a committee member asked if the Public School Funding Formula Task Force was addressing the problem. Representative Stewart, Chair of the task force, explained that PED is attempting to align its definition of rural school district with the federal definition in order to clarify which districts are eligible for federal funding and/or state assistance. Chairman Nava suggested that the LESC consider endorsing a memorial requesting PED to develop appropriate definitions of both "rural school district" and "rural school" as part of the effort to find a permanent solution for districts that serve rural populations but that are not themselves considered rural.

On a motion by Representative Swisstack, seconded by Representative Miera, the committee unanimously agreed to approve the recommendations with the following changes:

- move that portion of the appropriation for accelerating the employer's ERB contribution for FY 08 for school transportation staff from program cost to the school transportation appropriation;
- increase the appropriation for Kindergarten Plus from \$600,000 to \$1.0 million; and

- include any additional appropriations resulting from approval of other bills under committee consideration that would require appropriations in the final LESC Public School Support Recommendations for FY 07.

The committee also requested LESC staff to provide cost estimates for the following items for possible consideration by the committee in January:

- a hold-harmless provision to offset the possible losses some districts might incur if all of the funding for implementation of the minimum salaries for Level 2 and Level 3 teachers flows through the Public School Funding Formula; and
- the amount of funding necessary to increase the employer's contribution to the Educational Retirement Fund by an additional .08 percent for all employees, based on testimony from the director of the Educational Retirement Board that any raise above 5.0 percent would require a .08 percent increase in the employer's contribution.

b. Endorsement of Potential Legislation

Dr. Rindone directed the committee's attention to a packet of proposed legislation prepared by the LESC staff, working with the Legislative Council Service, based on the items requested by the committee at its November 2005 meeting. She noted that the summary of legislation was followed by copies of the draft bills. The committee considered each item, on the understanding that votes on the proposed legislation would not preclude non-substantive drafting changes made before the final form of the bills was presented to the committee for assignment at its January meeting. The results of the committee's deliberations, as noted in italics, were as follows:

ASSESSMENT AND ACCOUNTABILITY

1. Amend statute to add accountability and reporting provisions regarding the use of funds from the Incentives for School Improvement Fund.
2. Introduce legislation to amend the *Procurement Code* to allow contracts of up to eight years for services related to the development and implementation of standardized tests of students in grades K-12 to ensure comparability of data from year to year.
3. Introduce a memorial requesting PED to study assessments appropriate for grades K-2 and their success in other states, and to provide alternative choices for the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) currently being used in New Mexico.
4. Introduce a memorial to request that the Office of Education Accountability assume responsibility for compiling and publishing the annual Quick Facts brochure formerly published by PED, using the most current data available prior to the legislative session. *By consensus, the committee voted to amend this item to include a reference to publication on the PED website.*

On a motion by Representative Stewart, seconded by Senator Papen, the committee voted unanimously to endorse items 1 through 4.

CAPITAL OUTLAY

5. Amend statute to increase the state guarantee amount in the *Public School Capital Improvements Act* (2 mill levy) from \$60 to \$90 per mill per unit to provide additional state funding for the maintenance of public school facilities and public school grounds statewide.
6. Appropriate funds to PED to implement an Indoor Air Quality Tools for Schools initiative in New Mexico's public schools to ensure a safe and healthy learning environment for public school students and staff statewide.

On a motion by Representative Stewart, seconded by Senator Kernan, the committee voted to endorse items 5 and 6.

7. Amend the Water Law to include public schools among those entities that are allowed to implement a 40-year water use plan.

On a motion by Representative Miera, seconded by Representative Stewart, the committee voted unanimously to support legislation proposed by the Interim Water and Natural Resources Committee regarding this item.

EARLY CHILDHOOD EDUCATION

8. Introduce a memorial requesting that the Children's Cabinet, CYFD, PED, and the Department of Health, in collaboration with the Child Development Board and other appropriate agencies, develop a plan to create an Office of School Readiness that would coordinate the range of publicly funded programs and services for children from birth through age four currently offered by multiple agencies. Among the programs to be considered are Family Infant Toddler, Child Care, Child Development, Head Start and Early Head Start, special education services for developmentally delayed three- and four-year-olds, Even Start, GRADS, Kindergarten Plus, and New Mexico PreK.

On a motion by Representative Stewart, seconded by Representative Miera, the committee voted unanimously to endorse this item with an amendment to request the agencies to examine the feasibility of establishing, rather than developing a plan to create, an Office of School Readiness.

INDIAN EDUCATION

9. Introduce a memorial requesting the Indian Education Division of PED to study the successful academic initiatives for reducing the achievement gap undertaken in other states that have large Native American populations and to consider implementing the most successful initiatives in New Mexico schools with a high proportion of Native American students.
10. Include language in the *General Appropriation Act* directing that, of the amount appropriated to the Indian Education Fund, \$1.0 million be used to contract with a nonprofit organization (Save the Children), contingent on \$500,000 in matching funds to support new after-school and summer literacy programs for students in grades K through 8 in schools with a high proportion of Native American students.

On a motion by Senator Papen, seconded by Representative Stewart, the committee voted unanimously to endorse items 9 and 10.

P-20 AND HIGHER EDUCATION

11. Amend statute to require a school district to transfer to a two-year or a four-year postsecondary institution the tuition and fees for any student concurrently enrolled, unless the school district and the postsecondary institution have agreed to waive or reduce tuition or fees.
12. Amend statute to require public postsecondary institutions to use the same student identification number assigned to a New Mexico student by PED pursuant to the *Assessment and Accountability Act*.
13. Introduce legislation and appropriate funds to New Mexico State University to implement a statewide demonstration school leadership center that balances rigorous classroom instruction with field experience in school improvement strategies that reflect the needs of New Mexico's diverse students.
14. Appropriate nonrecurring funds to the College Affordability Endowment Fund to provide scholarships from the College Affordability Scholarship Fund for eligible New Mexico students with financial need to attend and receive degrees from public postsecondary institutions in New Mexico.
15. Amend current statute to require that HED's Annual Accountability Report include data regarding retention and graduation rates of students at each of New Mexico's public postsecondary institutions disaggregated by gender, ethnicity, age, length of time at the institution, and length of time since graduating from high school or receiving a GED. *By consensus, the committee agreed that, if this item was not germane, the committee would support the inclusion of language in the General Appropriation Act to accomplish the purpose of Item 15.*
16. Introduce a memorial requesting the LESC to study the standards used by PED to approve school leadership programs to ensure that graduates have the knowledge and skills to manage instructional improvement in the current school environment to make a positive impact on student achievement by October 2006.
17. Introduce a memorial to require colleges and universities that have teacher preparation programs to examine the feasibility of establishing criteria for placing student teachers with teachers holding a Level 3A license and to report their findings and recommendations to the LESC by October 2006.
18. Introduce a memorial requesting HED to study the policies of New Mexico's public postsecondary institutions regarding the granting of tenure to faculty and to examine the current composition of tenured faculty, including gender and ethnicity, and to report the findings and recommendations to the LESC by September 2006.

On a motion by Representative Stewart, seconded by Senator Kernan, the committee voted unanimously to endorse items 11 through 18 as amended.

PUBLIC SCHOOL FUNDING

19. Pending completion of a comprehensive study of the Public School Funding Formula, include language in the *General Appropriation Act of 2006* to appropriate nonrecurring funds for FY 07 to be used upon verification of need by PED to assist school districts with membership of 200 or fewer to cover required operational expenditures, including any legislative salary mandates or guidelines, for which appropriated program cost is insufficient. Eligible school districts must apply for the funding to PED and document the need for the additional funds.
20. Amend current statute to authorize that PED may use the State Support Reserve Fund to provide for needs of school districts over and above emergency supplemental distributions, and appropriate funds so that the fund, at the beginning of the fiscal year, has a credit balance of at least \$10.0 million as required by law.
21. Appropriate funds to PED to provide assistance for start-up costs to a school district that is opening a new school; to be eligible for these funds, a school district must submit a request to PED, and the request must be approved by both PED and Public School Finance Authority (PSFA).

On a motion by Senator Papen, seconded by Representative Gutierrez, the committee voted unanimously to endorse items 19 through 21.

PUBLIC SCHOOL PROGRAMS

22. Appropriate funds to the State Parks Division of the Energy, Minerals & Natural Resources Department to fund the Outdoor Classroom Initiative pilot program in collaboration with PED to use the state's natural and cultural resources to provide students with learning opportunities that address state content standards. *By consensus, the committee agreed to specify that the program be statewide.*
23. Appropriate funds to PED to contract for a program to develop integrated lesson plans using international films for middle school students statewide; the lesson plans must meet state content standards and benchmarks and must be evaluated to show evidence of academic improvement and global understanding.
24. Appropriate funds to PED for Advanced Placement (AP) to expand AP to non-traditional participants; to replace federal funds for AP summer institute; to expand AP programs for rural school students; and to expand AP professional development for teachers.
25. Appropriate funds to support GRADS teen pregnancy prevention and services to teen parents in public schools.
26. Appropriate funds to PED to be distributed to the University of New Mexico, New Mexico State University, and Santa Fe Community College for the ENLACE program.
27. Introduce a memorial requesting PED to identify statutory language to resolve possible inconsistencies in current statute to ensure that districts are reimbursed for the educational services provided to school-age children who have been placed in a public or private facility within a district's boundaries (including residential treatment centers,

juvenile detention centers, foster care, domestic violence shelters, and homeless shelters), and to examine enrollment provisions in the *1999 Charter Schools Act* to determine whether they are inconsistent with the intent of some charter schools to serve targeted populations, and to report findings and recommendations to the LESC by October 2006.

28. Introduce a memorial to request that PED study the *Procurement Code* to determine how to provide the required state match under the federal “e-rate” program.

On a motion by Representative Stewart, seconded by Representative Miera, the committee voted unanimously to endorse items 22 through 28.

SCHOOL PERSONNEL

29. Amend statute and appropriate funds to implement a career ladder for educational assistants in FY 07 that includes the following four licensure levels and minimum salaries:
- a. Level 1—a two-year provisional (nonrenewable) license for beginning educational assistants who do not meet the federal *No Child Left Behind Act of 2001* (NCLB) certification requirements but who meet the current minimum requirements established in PED regulation: \$12,000 (already implemented);
 - b. Level 2—a nine-year renewable license for individuals who are not required to meet NCLB certification requirements but who have held a Level 1 license for two years: \$13,000 minimum salary;
 - c. Level 3—a nine-year renewable license for individuals who meet NCLB certification requirements but who do not have an earned academic degree from an accredited institution (a person seeking a Level 3 license need not have held a Level 1 or Level 2 license): \$15,000 minimum salary; and
 - d. Level 4—a nine-year renewable license for individuals who meet NCLB certification requirements and who also have an earned associate or higher degree from an accredited institution (a person seeking a Level 4 license need not have held a Level 1 or Level 2 license): \$17,000 minimum salary.
30. Introduce legislation to require PED:
- a. effective July 1, 2006, to (1) establish a progressive licensure and compensation framework for all instructional support providers; and (2) issue licenses for instructional support providers, including occupational therapists, physical therapists, school counselors, school nurses, speech-language pathologists, audiologists, psychologists, social workers, diagnosticians, and recreational therapists; and
 - b. by school year 2007-2008, to adopt a highly objective performance evaluation for professional instructional support providers; and provide minimum salary levels for specified instructional support providers at \$30,000 for Level 1, at \$40,000 for Level 2, and at \$50,000 for Level 3.

31. Amend current law and appropriate funds to implement minimum annual salaries for principals and assistant principals that include a responsibility factor and an evaluation component. *By consensus, the committee agreed to combine the acceleration of the implementation of minimum salaries under the three-tiered licensure system with item 31 and draft as one bill.*
32. Amend the *School Personnel Act* to eliminate class size averaging for grade 1. *By consensus, the committee agreed to defer consideration of Item 32 until the January LESC meeting in order to allow staff time to provide a cost estimate.*
33. Amend statute to require PED to distribute available funds for the teacher mentorship program on a per-teacher basis according to the number of beginning teachers on the 40th day of the current year.

On a motion by Representative Miera, seconded by Senator Papen, the committee voted unanimously to endorse items 29, 30, 31, and 33, as amended.

SPECIAL EDUCATION

34. Introduce a memorial requesting New Mexico Public Schools Insurance Authority (NMPSIA), in collaboration with PED and school districts, to conduct a study to determine the most cost-effective means of providing school districts with reimbursement coverage for the costs of due process hearings under the federal *Individuals with Disabilities Education Improvement Act* (IDEA 2004), to study means of reducing the frequency and duration of due process hearings, and to report findings and recommendations to the LESC by August 2006.
35. Add a new section to the *Public School Finance Act* to require the state transportation division at PED to establish standards for school buses equipped with wheelchair lifts and to require factory-installed air conditioning in new buses purchased after June 30, 2006.

On a motion by Representative Stewart, seconded by Senator Nava, the committee voted unanimously to endorse items 34 and 35.

SUPPLEMENTAL EDUCATIONAL SERVICES

36. Amend the *Assessment and Accountability Act* to require school districts to provide supplemental educational services to Title I students in schools that fail to make adequate yearly progress for three or more consecutive years to make the requirement consistent with NCLB; to require PED to adopt rules to require that any provider of supplemental educational services approved for contracts in New Mexico uses only certified teachers as tutors in New Mexico; and to require PED to prescribe a common pre- and post-assessment instrument to measure the gains that students achieve through these services.

By consensus, the committee agreed to defer consideration of Item 36 until the January LESC meeting in order to obtain clarification regarding federal law and regulations relating to the state's prerogative to require that tutors be certified teachers.

OTHER REQUESTED LEGISLATION

37. Appropriate funds to New Mexico State University and the University of New Mexico to support Native American centers.
38. Appropriate funds to HED to allow the University of New Mexico National Cancer Institute to meet the required state match, contingent upon the award of federal funds, for the establishment of a clinical cancer center in Gallup-McKinley County.

On a motion by Representative Miera, seconded by Representative Stewart, the committee voted unanimously to endorse items 37 and 38.

PENDING JANUARY LESC MEETING

39. Pending recommendations from the December LESC meeting regarding the *1999 Charter Schools Act*.

By consensus, the committee agreed to defer consideration of Item 39 until the January LESC meeting pending recommendations from PED.
40. Pending recommendations of the Public School Capital Outlay Oversight Task Force.

In addition to the proposed potential legislation presented, LESC members requested that legislation also be drafted for the following items:

Representative Stewart requested that legislation be drafted to amend statute to extend Kindergarten Plus to a six-year study and to expand the program beyond the original four school districts to any other school district with high-poverty schools. Dr. Rindone pointed out that the committee had already approved an appropriation of \$1.0 million for this item in the Public School Support recommendations.

Senator Nava requested that legislation be drafted to appropriate General Obligation Bond proceeds to PED for public school libraries and local juvenile detention facilities statewide; to Higher Education Department (HED) for academic libraries; and to the Office of Cultural Affairs for New Mexico public libraries. She also requested language to require PED to identify eligible public school libraries and juvenile detention facilities and distribute available proceeds of the bonds by providing a base amount of \$3,000 per library and the remaining balance on a per MEM basis.

Senator Nava requested that legislation be drafted appropriating funds to HED to allocate to two-year and four-year institutions of higher education with teacher preparation programs to support the expansion and improvement of educator preparation field experience courses.

Representative Stewart requested that legislation be drafted, as recommended by the Funding Formula Study Task Force, to extend the Task Force until December 2007, to add one representative of a statewide teacher organization appointed by the Legislative Council Service, and to make an appropriation. Dr. Rindone pointed out that the committee had already approved an appropriation of \$1.0 million for this item in the Public School Support recommendations.

Representative Begaye requested that a joint memorial be drafted requesting the Rural Education Division and the Indian Education Division of PED to develop New Mexico specific definitions of “rural school district” and “rural school” in order to determine those districts and schools eligible for assistance from the Rural Education Division and further requesting PED to work with the US Department of Education on an alternative definition of the term “rural” for federal funding purposes in order to ensure that the largest number of districts possible be designated eligible for federal rural funding.

Senator Kernan requested that legislation be drafted to amend current statute to require a school that has been ranked as in need of improvement to provide documentation in its school improvement plan that the required public meeting has been held. Documentation shall include: date, an attendance roster, and a record of recommendations for school improvement made during the meeting by parents and the public.

Representative Vigil requested that funds for FY 07 school-owned bus replacements be included in the appropriation for school transportation operations.

Senator Nava requested that legislation be drafted to create a Science and Mathematics Division within PED and to appropriate funds for this purpose.

Representative Swisstack requested that legislation be drafted to appropriate funds to PED to support truancy initiatives in public schools statewide.

Senator Kernan requested that staff confirm with PED whether a recommendation would be forthcoming regarding the issue of transfer of school districts administrative costs for assessments to the PED agency budget.

Senator Nava recognized Mr. Bud Mulcock, Lobbyist, New Mexico Coalition of School Administrators, who requested that the committee consider legislation to require NMPSIA to offer optional reimbursement coverage to school districts for the cost of due process hearings under IDEA 2004. Senator Nava requested that Mr. Mulcock work with NMPSIA to craft language for the committee’s consideration regarding this issue.

ADJOURNMENT

There being no further business, Senator Nava thanked LESC staff and, with the consensus of the committee, adjourned the LESC meeting at 12:52 p.m.

_____ Chairperson

_____ Date