

STATE OF NEW MEXICO
LEGISLATIVE EDUCATION STUDY COMMITTEE

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MINUTES
LESC MEETING
DECEMBER 14-16, 2009

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

Senator Cynthia Nava, Chair, called the Legislative Education Study Committee (LESC) to order at 9:13 a.m. on Monday, December 14, 2009, at the State Capitol, Room 322, Santa Fe, New Mexico.

The following LESC members were present:

Senators Cynthia Nava, Chair, Mary Jane M. García, Gay G. Kernan, and Lynda M. Lovejoy; and Representatives Rick Miera, Vice Chair, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, Dennis J. Roch, and Jack E. Thomas.

The following LESC advisory members were present:

Senators Vernon D. Asbill, John Pinto, and Sander Rue; and Representatives Ray Begaye, Eleanor Chávez, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, Karen E. Giannini, Sheryl Williams Stapleton, and Shirley A. Tyler.

Also in attendance was Representative Benjamin H. Rodefer.

PUBLIC SCHOOL SUPPORT RECOMMENDATIONS FOR FY 11

The Chair recognized Dr. Veronica C. García, Secretary of Public Education, and Mr. Peter B. van Moorsel, LESC staff, for a presentation on the Public Education Department's (PED) FY 11 Public School Support Request.

Mr. van Moorsel stated that current law requires PED to review the financial needs of each school district or state-chartered charter school for the succeeding fiscal year and to submit annually, on or before November 30, to the Secretary of Finance and Administration its recommendations for public school support; appropriations for the succeeding fiscal year to the public school fund for inclusion in the executive budget document; and appropriations for the succeeding fiscal year for pupil transportation and instructional materials.

Mr. van Moorsel reported that, on November 30, 2009, PED submitted its Public School Support Recommendations for FY 11 to the Department of Finance and Administration (DFA), and provided copies to the LESC, the Legislative Finance Committee (LFC), the Office of Education Accountability (OEA), and the Office of the Governor. In a letter included with the recommendations, the Secretary of Public Education reported that the request was developed with the following major considerations:

- the overall state revenue picture;
- DFA guidelines;
- Governor Richardson's education priorities;
- education reform initiatives;
- efforts to close the achievement gap;
- compliance with statutory requirements; and
- compliance with the *No Child Left Behind Act of 2001* (NCLB).

Secretary García discussed the PED request for public school support and related appropriations for FY 11, indicating that the department has requested a grand total of over \$2.6 billion in funding for FY 11, a \$356.4 million, or 15.7 percent, increase over the FY 10 appropriation after it was reduced during the 1st Special Session of the 49th Legislature. The request includes:

- almost \$2.4 billion to the State Equalization Guarantee (SEG), an increase of \$291.8 million, or 13.9 percent. This includes over \$254 million to restore both the reductions made for FY 10 solvency and those reductions that were replaced with federal *American Recovery and Reinvestment Act* (ARRA) funds;
- approximately \$187.6 million in categorical public school support, an increase of \$62.9 million, or 50.4 percent; and
- approximately \$47.3 million in related recurring appropriations, an increase of \$1.7 million, or 3.7 percent.

In addition, Secretary García reported that the request considers two years of reduced funding:

- during the 2009 session the original appropriation to the SEG of approximately \$2.4 billion for FY 09 was reduced by 1.0 percent, or \$23.8 million; and
- during the 1st Special Session of the 49th Legislature, the original appropriation to the SEG of approximately \$2.2 billion for FY 10 was reduced by approximately 4.1 percent, or \$89.4 million

Committee Discussion

In response to a committee member's question where enrollment growth units are generated, Mr. Don Moya, Deputy Secretary for Finance and Operations, PED, stated that the growth units are typically generated by districts such as Rio Rancho and Las Cruces, adding that this year, due to the economic recession, growth units may be generated by other districts in which students leave private schools or home schools to attend public schools. Mr. Moya also noted that the actual growth units would be known when the department collects 40th day data.

In response to a committee member's question how ARRA funds are allocated, Mr. Moya stated that they are allocated on a formula basis, adding that in the case of Title I and IDEA-B funds, the same formula is used as the regular (non-ARRA) federal funds for these programs.

In response to a committee member's question regarding Governor Richardson's priorities with respect to public school support, Secretary García stated that priorities included increased accountability for the way that school districts use state funds. The Chair stated that this would also be a focus of the LESC during the 2010 interim, indicating that the committee would investigate school finances, including the capacity of school district personnel to perform their duties and avoid fraud, waste, and abuse.

SUMMER SCIENCE PROGRAM

Senator Nava recognized Mr. Eric Korevaar, President, Summer Science Program, Inc. (SSP) to describe and discuss the program and present a request for funding to the LESC.

Mr. Korevaar began by discussing the history of the program, noting that the program is in its seventh year in New Mexico and that the state appropriated \$50,000 for full-tuition scholarships for New Mexico students. The students receiving scholarships during 2009 SSP came from Alamogordo High School, Albuquerque Academy, Carlsbad High School, Hot Springs High School, and La Cueva High School.

Mr. Korevaar stated that, in 2005 Los Alamos National Laboratory (LANL) funded scholarships to the SSP for any New Mexico resident, but that after a 2006 restructuring, that funding was discontinued.

Mr. Korevaar reported that SSP's 2010 budget is \$453,000 for 72 students (approximately \$6,300 each), and he requested an appropriation of \$54,000 from the Legislature in order to sponsor eight New Mexico students. Mr. Korevaar stated that SSP is dedicated to expanding the program, with hopes of receiving at least one application from every large public high school in the state.

Mr. Korevaar also spoke to the demographic of SSP enrollees, stating that special efforts are being made to increase the 10 percent figure of minorities enrolled in the program. He also noted the high degree of achievement that many former SSP enrollees experience, with many attributing some of their success to their attendance at the SSP. Evidence of this point, he said, is the fact that most SSP funding comes from alumni. Sixty percent of SSP graduates go on to ivy-league universities and 40 percent of them receive a PhD, according to Mr. Korevaar.

Senator Nava then recognized former SSP participants Ms. Erica Debenedictus and Ms. Paula Tapia, who shared their enthusiasm for the program with the committee, discussed the strong bonds formed among SSP participants, and also noted that the program developed character and built confidence.

Committee Discussion

In response to committee inquiry, Mr. Korevaar discussed the method of recruitment, stating that in addition to posters and literature provided to high schools, former SSP participants and involved teachers encourage students to apply.

THE SCHOOL PRINCIPAL AND STUDENT ACHIEVEMENT

Senator Nava recognized Mr. George Bickert, Principal, Crownpoint High School, Gallup-McKinley County Public Schools, to provide the committee with a report on the plan and techniques he used at Tohatchi Elementary School to help that school rapidly increase performance and make adequate yearly progress.

Mr. Bickert had been invited to address the committee after the LESC learned of the increased achievement levels among students at the school: between 2006 and 2009, student proficiency in math increased from 15 percent to nearly 78 percent and in reading from 28 percent to almost 71 percent. Senator Nava noted that this story had attracted both local and national media attention.

Mr. Bickert stated that the first part of the plan was to look at where the elementary school was when he began and then focus on the individual students and their scores in math and reading. Mr. Bickert also mentioned that instruction, remediation, and support were given to each student in math and reading based on their level or scores in those subjects.

Mr. Bickert stated that, at Crownpoint High School, he plans to use various techniques that were effective at the primary school level, including encouraging parental involvement and making sure that the staff exhibits an active interest in the success of students. He noted that such measures ultimately enhance the degree to which students feel connected and invested in their education and the school they attend.

Committee Discussion

In response to a committee member's inquiry whether absenteeism was an issue at the elementary school, Mr. Bickert replied that it was at first; however, he added, once the school started seeing success, reaching top 10 and then number one, the students just wanted to come to school and attendance ceased to be an issue. Parental participation at the school also increased.

In response to a committee member's question whether he planned to address discipline at the high school through any method other than suspension, Mr. Bickert reported that he is looking into an in-school suspension program that will keep students in school so that teachers can work with them there instead of having them sent home.

Many members shared their appreciation and offered congratulations to Mr. Bickert in all of his successes at Tohatchi.

COLLEGE AND CAREER-READY POLICY INSTITUTE: FINAL REPORT

The Chair recognized Dr. Catherine Cross Maple, Deputy Secretary, Learning and Accountability, Public Education Department (PED), to present the final report of the College and Career-Ready Policy Institute (CCRPI).

Summarizing the CCRPI initiative and speaking from a PowerPoint presentation provided to committee members, Dr. Cross Maple said that eight states, including New Mexico, were selected from 21 that applied to participate in an 18-month effort to develop state-specific

plans focused on graduating all students ready for college and careers. The project was supported by five partner organizations – Achieve, Education Counsel, Jobs for the Future, the Data Quality Campaign (DQC), and the National Governors Association – and it was funded by the Bill & Melinda Gates Foundation. Dr. Cross Maple said that, as the representative of PED, the lead agency in the New Mexico CCRPI team, she chaired the state Leadership Team, and that the team included representatives of the LESC, the Higher Education Department, the Office of Education Accountability, the Department of Workforce Solutions, the offices of the Governor and Lieutenant Governor, and private sector representation from the New Mexico Business Roundtable. A 40-member working team included Leadership Team members and representatives of other state agencies, school districts, higher education, community, business and industry.

Dr. Cross Maple said that the primary focus of the CCRPI process was to develop a comprehensive state policy plan. She said that a draft plan had been completed in June 2009 and that, while the original deadline for submission of the final plan to the partners for review had been December 2009, several states, including New Mexico, were taking advantage of an extension of the deadline to late January 2010. She said that the partners would provide feedback to the state team by late February, and then the final policy plan would be presented to governing bodies in the state for action.

Dr. Cross Maple enumerated the four goals that the team had established for the New Mexico plan:

- increase the high school graduation rate, as measured by both four-year and five-year cohort graduation rates;
- improve student readiness in math and English language arts for college and careers, as measured by the percentage of students proficient in math and reading on the 11th grade standards-based assessment;
- increase college participation and completion, as measured by:
 - the percentage of high school graduates going directly into two-year or four-year colleges; and
 - the number of certificates and degrees awarded; and
- increase the number of New Mexicans employed in high-wage/high-value careers in the state, as measured by the number and percentage of people employed in jobs outlined in the seven career clusters defined by the New Mexico Career Clusters Guidebook.

Dr. Cross Maple explained that the plan would establish action items for 2010 and 2011, as well as intermediate and ultimate outcome measures for 2012 and 2015, for each of six policy areas:

- data systems and governance;
- academic standards and courses;
- assessments;
- early warning systems, supports, and interventions;
- accountability; and
- communications for advocacy and policy.

Ms. Frances Ramírez-Maestas, LESC Director and a member of the state Leadership Team, noted that the New Mexico team had benefited from the support of the CCRPI partners, including CCRPI state leads Mr. Marc Frazer of Achieve and Ms. Amy Starzynski of Education Counsel, as well as Ms. Aimee Guidera, Director, DQC, who helped the state team outline strategies to move forward on development of the P-20 data system, an LESC goal since at least 2005. Ms. Ramírez-Maestas said that the state had applied for a \$20.0 million State Longitudinal Data System grant from the US Department of Education (USDE) and expected to be notified of the result in early 2010.

Committee Discussion

In response to a committee member's question concerning options available to students who were not interested in attending college, Dr. Cross Maple mentioned apprenticeships and pre-apprenticeship programs and industry certification programs. She said information about those programs were available through the Department of Workforce Solutions, a participant in the CCRPI and a partner in creating the new "Carve Your Path" electronic college and career planning tool that had been demonstrated to the committee in September 2009.

A committee member raised concerns about students who do not "fit the usual mold" for some reason; for example, they might prefer to leave high school to earn a general educational development (GED) certificate in order to start their postsecondary education early, or they might be gifted students who could pass the new graduation exam before the 11th grade. Dr. Cross Maple replied that, unlike the previous New Mexico High School Competency Exam geared to 8th grade knowledge and skills, the new assessment tested students on 11th grade standards and content. She noted, however, that the law also provides for an "alternative demonstration of competency" for high school graduation, which will be developed at the school district level.

In response to a question from a committee member regarding what is being done to ensure that students are ready to succeed on the new, more rigorous, high school graduation test, Dr. Cross Maple noted that it was up to districts to determine which students qualify to be 11th graders who would take the test, based on their coursework completion.

The Chair observed that, during the 2010 interim, the committee might wish to take a look at the steps school districts were taking to prepare students for the new high school graduation test.

INNOVATE-EDUCATE NEW MEXICO UPDATE

Senator Nava recognized Mr. Jami Grindatto, Director, New Mexico Corporate Affairs, Intel Corporation; Ms. Jamai Blivin, Executive Director, Innovate-Educate New Mexico (IENM); and Mr. Gordon Freedman, US Lead, IENM.

Mr. Freedman described recent developments and highlights for the organization, which included discussions regarding IENM's role in policy development moving forward. Items of specific interest, Mr. Freedman stated, are Science, Technology, Engineering, and Mathematics, dropout prevention, and the growth of e-learning through Innovative Digital Education and Learning in New Mexico (IDEAL-NM). These items, according to Mr. Freedman, will shape how the state aligns resources, enables innovators to work within the

system, and visualizes what the next form of education will look like, all to the end of improving education in New Mexico.

Ms. Blivin described a national survey project funded by the IENM Board, one element of which is “Speak up for New Mexico,” a survey designed to help state participants understand technology in the schools and the perceptions that students and administrators have of that technology.

Hearing no committee discussion, Senator Nava thanked the presenters.

EDUCATOR ACCOUNTABILITY REPORTING SYSTEM (EARS) REPORT

The Chair recognized Ms. Eilani Gerstner, LESC staff, and Dr. Jerry Harmon, Dean, College of Education and Technology, Eastern New Mexico University (ENMU), for a presentation on the educator accountability reporting system (EARS).

Ms. Gerstner first provided an overview of the 2009 EARS report and related issues. Legislation enacted in 2007, she said, amended the *School Personnel Act* to require the Public Education Department (PED) to collaborate with teacher preparation programs and with the Higher Education Department (HED) to create a uniform statewide Teacher Education Accountability Reporting System (TEARS) to measure and track teacher candidates from pre-entry to post-graduation in order to benchmark the productivity and accountability of New Mexico’s teacher workforce. She said that in 2009, the act was amended again to add candidates for administrative licensure to the system, changing the name of the reporting system to EARS.

The staff testimony explained several issues related to the implementation of EARS:

- one public postsecondary institution has not participated in either of the 2008 or 2009 reports as required by law;
- the average cost per student credit hour in initial licensure preparation coursework exceeds the reimbursable amount for Tier I of the higher education funding formula, which represents upper division coursework where most of undergraduate educator preparation occurs; and
- according to PED, the mechanisms are not yet in place to report EARS into the Student Teacher Accountability Reporting System (STARS) at PED, as required by law, and additional funding would be required to make the necessary modifications.

Representing the deans and directors of New Mexico teacher preparation programs, Dr. Harmon next provided the committee with details of the report. The full report included a summary of all institutions’ data, as well as each institution’s individual report. He highlighted several of the findings: educator preparation programs attract academically prepared candidates; standards for admission to teacher education programs use common factors that enhance transparency and seamless transferability among institutions; field and clinical experience candidates are placed with highly qualified teachers; and improvements had been made in collection and analysis of financial data since the 2008 report.

Dr. Harmon also highlighted some data limitations and the following recommendations to address them:

- PED, in conjunction with the New Mexico deans and directors of teacher education, should modify the New Mexico Teacher Assessments application procedures to validate students' institutional affiliation.
- Participating institutions should develop similar data systems that address EARS reporting needs. PED and HED should involve the deans and directors of teacher education in ongoing work to create a fully functional P-20 longitudinal data system.
- PED should work with appropriate stakeholders to ensure that the information in STARS regarding the institution preparing the candidate for licensure is accurate.
- All institutions should report in 2009, as required by state law. Those institutions not participating at this time will be required to report to the Educator Preparation Committee of the Professional Practices and Standards Council, a council established in PED rule to establish procedures for assessing educator preparation programs' compliance with standards approved by PED and to recommend standards to govern the approval of preparatory programs.

Committee Discussion

In response to a committee member's question, Dr. Harmon stated that ENMU, College of Education, receives less annual funding from the formula than it expends.

In response to committee inquiry, Dr. Harmon acknowledged that some figures contained in the EARS report appear unlikely, and stated that various institutions' representatives expressed concern regarding their accuracy. Dr. Harmon also reported that questionable figures would be re-tabulated and reported back to the LESC.

Ms. Frances Ramírez-Maestas, LESC Director, said that during the 2011 60-day legislative session, it may be in the best interest of the committee to examine funding for colleges of education, particularly as it relates to practicum costs.

Finally, a committee member reiterated his wishes that HED develop and utilize a reporting system commensurate with secondary institutions' systems, stating that if they wish to be eligible to move to a higher funding tier, data must be available to support such an increase.

SCIENTIFIC READING AND MATH INSTRUCTION

Senator Nava recognized Dr. Richard Howell, Chair, New Mexico Deans and Directors of Colleges of Education, in order to provide the committee with a report of scientific reading instruction at the University of New Mexico. Dr. Howell began with an overview. Since the November LESC meeting, the New Mexico Deans and Directors made a request to the state's colleges and programs of education to provide information related to their reading programs. Seven of the 14 programs responded, Dr. Howell said. He also reported on the data received from the requests.

Dr. Howell said that he had spoken with Representative Stewart to discuss the possibility of her support of a memorial in reading, allowing the state's colleges and programs of education to demonstrate their incorporation of the tenants of scientific reading in their educational practices. He reported that Representative Stewart supports the idea and would like to work on the memorial, to be presented at the LESC's final meeting before the start of the regular session.

Committee Discussion

In response to a committee member's question, Dr. Howell reported that the reading course discussed in the presentation could be transferred.

In response to a committee member's question whether the science of reading instruction applies different approaches to teaching adults rather than children, Dr. Howell said that it depends upon the reading level of the adult.

There being no other business, the Chair, with the consensus of the committee, recessed the LESC meeting at 3:40 p.m.

MINUTES LESC MEETING DECEMBER 15, 2009

Senator Cynthia Nava, Chair, called the Legislative Education Study Committee (LESC) to order at 9:18 a.m. on Tuesday, December 15, 2009, at the State Capitol, Room 322, Santa Fe, New Mexico.

The following LESC members were present:

Senators Cynthia Nava, Chair, Mary Jane M. García, Gay G. Kernan, and Lynda M. Lovejoy; and Representatives Rick Miera, Vice Chair, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, Dennis J. Roch, and Jack E. Thomas.

The following LESC advisory members were present:

Senators Vernon D. Asbill and Sander Rue; and Representatives Ray Begaye, Eleanor Chávez, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, Karen E. Giannini, Sheryl Williams Stapleton, and Shirley A. Tyler.

INCLUDE DYSLEXIA IN DISABILITIES (HJM 43)

The Chair recognized Ms. Cynthia Romero, Data Supervisor, Public Education Department (PED); Mr. Albert Gonzales, Assistant General Counsel, PED; and Ms. Minerva Carrera, Program Manager, Data Collection and Reporting Bureau, PED, to provide a report from the department in response to HJM 43, *Include Dyslexia in Disabilities*, passed by the 2009 Legislature.

Ms. Romero noted that HJM 43 requested that PED include dyslexia in the state definition of disabilities for the purpose of interpreting the federal *Individuals with Disabilities Education Improvement Act* (IDEA); identify effective interventions for students with dyslexia; and establish certification criteria for specialists who assist students with dyslexia.

Ms. Romero described the data collection and training efforts undertaken by PED to determine how many students, in which districts, were identified with dyslexia under the special education category of specific learning disability and reported in the Student Teacher Accountability Reporting System (STARS), as required starting in school year 2009-2010. However, she said that, because PED staff was still in the process of working with districts on submitting or correcting their December 1st data, final numbers were not yet available.

Ms. Romero reported that a survey of state advisory members and school districts indicated that students with dyslexia are considered to have a specific learning disability (SLD) and are reported that way. Ms. Carrera added that, according to some school districts, identification of students' dyslexia as an SLD was in paper records, not electronic files, requiring more time to review. Ms. Romero said that students are not screened for dyslexia as part of a Tier II intervention in the Response to Intervention (RtI) framework, nor are they automatically screened for dyslexia as part of the Tier III evaluation process. She described the Tier II interventions used for students with reading difficulties prior to referral for a special education evaluation, and she named the instruments used to evaluate students with SLDs including dyslexia in Tier III. Ms. Romero said that some students received Tier II interventions under Section 504 (of the federal *Americans with Disabilities Act*) plan, but most of those identified as having dyslexia were served through an IDEA individualized education program (IEP).

As to requirements for teachers working with students with dyslexia, Ms. Romero said that the PED rule for beginning reading teachers and teachers seeking an endorsement in reading requires competencies in language development; cognition and learning; knowledge of the reading process; knowledge of effective instruction; and knowledge of instructional strategies that incorporate methods effective in teaching students with dyslexia. The PED rule also requires special education teachers to have competencies in methods that are effective in teaching students with dyslexia.

Ms. Romero summarized the recommendations in the PED report, as follows:

- PED did not recommend that dyslexia have its own disability category, but rather that it remain within the category of SLDs, and that districts follow the SLD section of the New Mexico Technical Evaluation Manual;
- teachers should not screen students for dyslexia; instead, identification should be done by a diagnostician;
- a group of diagnosticians should develop training for other diagnosticians on how to recognize dyslexia during the special education evaluation process;
- if students do not meet the criteria for an SLD, or demonstrate a need for special education services, they should be referred back to the Student Assistance Team for Tier II services; and
- if students have an SLD that includes dyslexia, they should receive Tier III services through an IEP.

PED further recommended training for school districts on how to “ramp up” their Tier II interventions to work for all students struggling in reading; for teachers on how to teach students struggling in reading, including strategies for students with dyslexia; and for Student Assistance Teams on how to recognize reading difficulties and recommend interventions. Finally, Ms. Romero indicated that PED planned to provide that training.

Committee Discussion

In response to a committee member’s question regarding how long it takes for a student to move through the tiers in the RTI process to be evaluated for a specific learning disability, Mr. Gonzales stated that it can take an extended period of time to try other interventions; however, he added that parents always have the option to ask for a special education evaluation and that if the district declines to conduct one, it must inform parents of their due process rights. He said that if the district agreed to do the evaluation, it must be completed within 60 days of the request. Mr. Gonzales indicated that the actual time required could depend on the diagnostic resources available to districts, and he noted the process for parents to have an independent evaluation done. Ms. Romero stated that diagnosticians in some districts indicated that they felt confident evaluating a student for dyslexia whereas others had requested more training, which PED would provide.

In response to a committee member’s question regarding when a student’s dyslexia could be identified, Mr. Gonzales indicated that dyslexia usually becomes evident when the child has trouble learning to read. He said that the parent is often in the best position to notice, but that teachers also have a role in identifying potential SLDs. He restated the parents’ right to request an evaluation and to pursue their due process rights under the law.

Several committee members noted that they had heard from parents in their districts about the frustrating and time-consuming process they faced to obtain help for students with dyslexia. The members indicated that parents should not have to exercise their due process rights or hire lawyers in order to receive evaluations and appropriate interventions for their children. They also questioned whether parents were adequately informed of their rights.

In response to a question from a committee member whether PED was making any progress in addressing the needs of students with dyslexia, Ms. Romero stated that the Special Education Bureau’s (SEB) dual-discrepancy work group was having its final meeting that day to conclude its recommendations, including criteria, specific guidance, strategies, and technical assistance that districts had requested.

In response to a committee member’s question regarding involvement of organizations that work with families of students with dyslexia on that work group, Ms. Romero said that those groups had been invited to today’s meeting.

Dr. Anne Tafoya of the Albuquerque Public Schools (APS) Special Education Department noted that the Texas model that had been discussed at the November LESC meeting operated outside the special education system. If it were implemented in New Mexico it could result in the loss of funding for many students with dyslexia who already had IEPs. She also observed that Texas had a uniform screening system across the state, whereas New Mexico districts used a variety of different assessments. Ms. Melissa Stotts, Reading/Learning Disabilities Coordinator, APS, said that APS was using federal stimulus funds to implement standard

protocols to identify students who need interventions. The APS staff requested an opportunity to discuss the proposed legislation as it was being drafted.

The Chair noted that, in general, the RtI process had been good because it provided early intervention to students who were struggling before placing them in special education where they might not necessarily need to be; however, in the case of students with dyslexia, parents were frustrated by the need to proceed through the tiers of intervention when they believed that more intensive services were needed immediately. The Chair said that, pending word from the meeting of the PED dual-discrepancy work group, the committee intended to look at legislation based on the Texas model, which contains a definition of dyslexia, a screening process, and procedures for school districts and teachers to follow to provide timely, appropriate interventions. She indicated that LESC staff would be in touch with those who had expressed an interest in being involved in crafting the legislation.

P-20 DATA SYSTEM COUNCIL REPORT

The Chair recognized Dr. Peter Winograd, Education Policy Advisor at the Office of the Governor, to provide a report on the P-20 Data Warehouse Council, created by Executive Order 2009-019.

Dr. Winograd explained that New Mexico needs a P-20 data system to:

- identify ways to improve student success from Pre-Kindergarten to K-12 through postsecondary education and/or the workforce;
- provide teachers, principals, and others with timely data that will help improve student achievement;
- use the data in the system to improve the effectiveness and efficiency of New Mexico's efforts to improve education; and
- meet the accountability requirements of the *American Recovery and Reinvestment Act* (ARRA) funds.

Dr. Winograd provided a brief history of data-related policy and legislation in New Mexico, citing the following as notable actions:

- 2003: enactment of HB 212, *Public School Reforms*;
- 2004: implementation of a unique state identification (ID) number for each public school student;
- 2005: establishment of the Student Teacher Accountability Reporting System (STARS) at the Public Education Department (PED);
- 2007: requirement for the Higher Education Department (HED) to use the state-issued student ID number for students enrolled in higher education; and establishment of the statewide teacher education accountability reporting system which, in 2009, was expanded to include candidates for administrative licensure;
- 2008-2009: introduction of legislation to develop a PreK-20 data system;
- 2009: enactment of legislation requiring high schools and PED to include the state-issued student ID in student transcripts and general educational development (GED) diplomas; and requiring, upon request from a secondary school, a public postsecondary

educational institution to provide a report on the academic progress of students who enroll in the institution within three years of graduation from that high school; and

- 2009: issuance of Executive Order 2009-019.

In reference to Executive Order 2009-019, Dr. Winograd explained that the order created the New Mexico Data Warehouse Council, established an advisory panel, and set the council's goals and duties. He further outlined the membership of the council and provided a status report on the council's duties and accomplishments.

- As of December 2009, the council had completed a proposal for the US Department of Education State Longitudinal Data Systems Grant, and had assisted the agencies in developing interagency agreements that enable data to be used across and between agencies, define appropriate uses of data, assure researcher's access to data, and assure the security of the data system.
- In process were (1) the establishment of a longitudinal data system that meets the requirements of ARRA, and (2) a report to the Governor on the progress and status of reports available from the Data Warehouse Council.
- Some of the council's duties, Dr. Winograd explained, are outlined in the grant application itself, which requests \$20.0 million for the three-year project. New Mexico Achieving Collaborative Heights In Education Via e-Systems (NM-ACHIEVeS), the grant application calls for:
 - the creation of a management plan that assigns authority and responsibility for the operation of a data warehouse among the agencies whose data will be included;
 - the development of a strategic plan including policies to ensure effective and timely data use;
 - descriptions of the reports that help improve student success, training and professional development provided to the users of the data warehouse, and appropriate measures to safeguard the confidentiality of personally identifiable student and educator data; and
 - assurance that the appropriate state agencies produce timely and useable reports necessary to assess the performance of the data system.

Dr. Winograd further explained that grant applications will be reviewed in February 2010, and award announcements will be made at the end of April or early May 2010.

As to key indicators that the Data Warehouse will provide to New Mexico, Dr. Winograd said that it will link student records from pre-kindergarten through post-graduate education and on into the workforce; connect public school education data to student data; provide high school longitudinal graduation and dropout data; supply postsecondary remediation data; illustrate freshman-year outcomes of New Mexico public high school students enrolled in the state's public postsecondary educational institutions; show postsecondary student completion status; and relate performance with financial information at all levels.

Finally, Dr. Winograd identified a number of questions that the data system will answer and summarized next steps for the New Mexico Data Warehouse Council as follows: the Council will submit the NM-ACHIEVeS Initiation Certification request to the Department of

Information Technology Project Certification Committee; initiate work on NM-ACHIEVeS through staffing and project schedule planning and identifying data elements required to create reports; and schedule recurring data warehouse governance meetings that oversee other grant applications, provide leadership to NM-ACHIEVeS and other statewide education projects, and address governance issues as they arise.

Committee Discussion

In response to a committee member's question regarding the inclusion of parents and students on the Advisory Panel, Dr. Winograd said that an end-user advisory group would include parents and students.

In response to a committee member's concern regarding the privacy of data, Dr. Winograd clarified that student data would be protected according to federal standards such as those outlined in the *Family Educational Rights and Privacy Act* (FERPA). The committee member urged Dr. Winograd and other stakeholders in the data system to include parent input earlier in the process to ensure that no violations of student privacy occur.

A committee member noted that, although the P-20 data system proposed the inclusion of New Mexico Pre-K data, that information is not currently included as a part of the federal E-rate or of the public school funding formula. The committee member further suggested that the inclusion of New Mexico Pre-K in the E-rate could produce cost savings.

In response to an audience member's statement regarding the connection between teacher evaluations and student performance, Dr. Winograd clarified that such a connection is both a goal of the data system and a requirement of the NM-ACHIEVeS grant.

The Chair asked whether the data system would provide the capacity to link student performance to teacher evaluations and back to the preparing postsecondary institution. Dr. Winograd confirmed that the data would be available and that such comparisons would be possible through the system, but he also encouraged additional research concerning the district and mentorship programs.

DUAL CREDIT PROGRAM EVALUATION

Senator Nava recognized Dr. David Harrell, LESC staff, for a report on the evaluation of the dual credit program by the Higher Education Department (HED) and the Public Education Department (PED). Dr. Harrell introduced the two presenters: Ms. Ally Hudson, P-20 Policy Analyst, HED; and Dr. Don Duran, Assistant Secretary, Charter Schools Division, PED. Dr. Harrell also acknowledged in the audience Dr. Viola Florez, Secretary of Higher Education, and Dr. Veronica C. García, Secretary of Public Education.

Dr. Harrell reminded the committee that, during the September 2009 meeting, there had been a staff report about the implementation of the Dual Credit Program, which had been established through LESC-endorsed legislation in 2007 and amended, also as endorsed by the LESC, in 2008. He then reviewed provisions in law that require HED and PED to "evaluate the dual credit program in terms of its accessibility to students statewide and its effect on:

1. student achievement in secondary education;
2. student enrollment and completion of higher education; and
3. school districts, charter schools, state-supported schools and public post-secondary educational institutions.”

The two departments, Dr. Harrell continued, are further required to make an annual report, including recommendations, to the Governor and the Legislature.

Dr. Harrell concluded his remarks by noting that, because both legislation and agency rules have been in effect only since school year 2008-2009, there are limited data at this point related to the evaluation measures prescribed in law. Nonetheless, he said, the LESC staff report in September had provided some preliminary indications – for example, increased accessibility in terms of increased enrollment in dual credit courses, as shown by data provided by HED – and the evaluation by PED and HED will provide additional insights.

Concurring with Dr. Harrell’s point about limited evaluation data, Ms. Hudson described school year 2008-2009 as a transition period wherein the varied practices of the past were being superseded by the more uniform practices prescribed in legislation. She and Dr. Duran then reviewed the main points in their respective departments’ evaluation of the Dual Credit Program.

The first point was an update on the distribution of dual credit textbook funds. Dr. Duran explained that PED had followed the recommendation of the New Mexico Coalition of School Administrators by estimating the amounts based on requests in the annual program budget questionnaire and by planning two distributions: fall 2009 and spring 2010. The process, Dr. Duran said, will be refined through experience; therefore, neither PED nor HED is proposing legislation on this matter for the 2010 session. He added that allowing a percentage of the funds to be used for administration would help alleviate the burden on PED staff.

Ms. Hudson previewed some possible revisions to agency rules that the two departments had been discussing:

- expanding the opportunities for core courses to be taken through the Dual Credit Program under certain circumstances;
- specifying that physical education activity courses and any courses taken for audit are not eligible for the Dual Credit Program;
- alternating the leadership of the Dual Credit Council between the two departments every two years; and
- adding certain data elements to the Dual Credit Request Form that students complete in order to facilitate longitudinal study.

Next, Ms. Hudson and Dr. Duran discussed two issues that they identified as “areas of opportunity”: articulated courses and geographic areas of responsibility.

Articulated courses, they explained, are taught on the high school campus by a high school teacher, usually in consultation with a faculty member at a postsecondary educational institution. Through an arrangement with the postsecondary institution, students can demonstrate college-level competency; and, after enrolling at the partnering institution, they can earn college credit without repeating a similar course at the college. Such arrangements

are not fundable under the Dual Credit Program, however, because the college credit is earned only after the student enrolls in the postsecondary institution, not when the student completes the course. Another issue with articulated courses, Ms. Hudson and Dr. Duran added, is that most of them have been offered for core credit, whereas the core course offerings under the current dual credit rules are more limited. “Consequently,” the evaluation report states, “districts and postsecondary institutions with a history of articulation agreements have encountered frustrating obstacles” in adapting to the terms of the Dual Credit Program.

Created by HED rule in 2007, geographic areas of responsibility (GARs) are designated service areas assigned to community colleges in an effort to reduce program duplication and general inefficiencies caused by one community college offering courses and programs in areas traditionally served by another. The GARs have sometimes become an issue with dual credit, Ms. Hudson and Dr. Duran said, when community colleges sign uniform master agreements with school districts outside their GAR, especially if the community college in the GAR is unable or unwilling to provide a requested course for dual credit yet objects to the district’s seeking the course from another community college.

Finally, Ms. Hudson and Dr. Duran reviewed the fiscal impact of the Dual Credit Program, in terms of the reimbursements for tuition waivers for dual credit students and of the projected long-term return on investment. On the latter point, they reported findings of studies conducted elsewhere showing reduced college costs, increased rates of student success in college, and a long-term economic benefit to the state in that students finish college and enter the workforce more quickly and at higher income levels than they would have otherwise.

In response to an invitation from the Chair:

- Secretary García said that the Dual Credit Program is a major element of high school redesign and that it can be a particular benefit to students who have exhausted the course offerings at their high school;
- Secretary Florez concurred, adding that, to improve the quality of postsecondary education, it is necessary to improve the quality of K-12 education;
- Mr. Tom Sullivan, Director, New Mexico Coalition of School Administrators, identified core courses for dual credit as a lingering issue; and
- Mr. Danny Earp, Director, New Mexico Independent Community Colleges, suggested making the opportunity to earn core credits through the Dual Credit Program as broad as possible.

Committee Discussion

In response to a committee member’s question whether the proposed rule changes will narrow or broaden the opportunities for high school students to take core classes for dual credit, Ms. Hudson explained that current rule allows core courses only under certain exigent circumstances. Secretary García noted her concern that few higher education faculty members meet the “highly qualified” teacher criteria that the *No Child Left Behind Act of 2001* requires for core courses, and she reiterated her view that the Dual Credit Program can supplement the core courses in the high school curriculum, especially when the courses are offered through IDEAL-NM. From his perspective, Mr. Earp said that, while college rigor must be maintained, the rule must also be flexible enough to meet local needs.

In response to a committee member's questions about combined classes taught at a high school, in which some students take the course for dual credit and others only for high school credit, Dr. Duran said that supplying or supplementing textbooks can be problematic; Ms. Hudson said that teachers typically try to differentiate instruction and assignments; and Secretary Florez stated her concern that combined classes may find it more difficult to enforce college-level rigor for the dual credit students.

In response to a committee member's question about the extent of parental intervention when their children are taking dual credit classes, Dr. Duran said that the Dual Credit Council has been examining that issue, especially within the context of the student's satisfying the eligibility criteria of the New Mexico Activities Association. He added that it is important to remember that the students in question are high school students, not college students. Also in response, Ms. Hudson noted that the Dual Credit Request Form that students submit requires the signature of a parent or guardian.

Finally, in response to a committee member's question about special education students participating in the Dual Credit Program, Dr. Rick Scott, Director of P-20, HED, said that the postsecondary institutions make accommodations as needed in terms of the students' individualized education plan (IEP), as prescribed in agency rules.

PERFORMANCE-BASED COMPENSATION PROJECT

The Chair recognized Mr. Carlos Atencio, Executive Director, Northern New Mexico Network, to provide the committee with a status report on the design and implementation of the Performance-based Compensation Program (PBCP), a collaborative between northern New Mexico school districts and the Northern New Mexico Network. PBCP was established to pilot and, if successful, institutionalize a system that provides monetary incentives to teachers, principals, supplemental service providers, and educational aids to increase student achievement.

The Northern Network's PBCP is funded in part by a US Department of Education (USDE) grant in the amount of \$7,647,796 over five years. According to the Northern Network, Los Alamos National Laboratory Foundation provides \$1.2 million in additional funding for the program in Española Public Schools. The remaining districts receive approximately \$20,000 from USDE funding for small and rural schools.

Mr. Atencio described the four-year implementation timeline of the program and the method that would determine incentive pay awarded, which relies on data pertaining to two areas of performance: skills and knowledge of qualifying staff and student achievement:

1. the skills and knowledge portion of the incentive will be earned when identified criteria in the areas of curriculum, instruction, assessment, professional development, and governance are met as evidenced in teacher walkthrough results and improvement on McREL's Balanced Principal Leadership Framework Survey; and
2. the student achievement portion will be earned when the number of students reaching proficiency has risen by at least 5.0 percent.

Mr. Atencio then described the expected outcomes of a successful PBCP:

- improvement of student achievement as a result of increased teacher and principal effectiveness;
- reformation of teacher and principal compensation systems to reward them for increases in student achievement;
- increases in the number and quality of teachers serving poor, minority, and disadvantaged students in hard-to-staff schools and subject areas; and
- creation of an interlocking system to support student achievement and teacher and principal performance in rural, northern New Mexico schools.

Mr. Atencio stated that three of the four original districts (Cimarron Municipal Schools, Des Moines Municipal Schools, and Springer Municipal Schools) declined to participate due to unforeseen financial difficulties, but that Taos Municipal Schools has joined Española Public Schools in moving forward with the proposed project.

Committee Discussion

In response to a committee member's question regarding the amount of incentive pay in the plan, Mr. Atencio stated that the schedule allocates \$700,000, \$1,000,000, and \$1,100,000 for the first, second, and third years, respectively.

LEGISLATIVE FINANCE COMMITTEE (LFC) REPORT: 2009 INTERIM REVIEW OF BLOOMFIELD SCHOOLS, AZTEC MUNICIPAL SCHOOLS, BERNALILLO PUBLIC SCHOOLS, LAS VEGAS CITY PUBLIC SCHOOLS, AND WEST LAS VEGAS PUBLIC SCHOOLS

Senator Nava recognized Mr. Manu Patel, Deputy Director, Legislative Finance Committee (LFC), and Mr. Charles Sallee, Program Evaluation Manager, LFC, for a presentation of a report on an LFC performance review of five school districts: Bloomfield Schools, Aztec Municipal Schools, Bernalillo Public Schools, Las Vegas City Public Schools, and West Las Vegas Public Schools.

Mr. Sallee explained that he would provide a brief overview of the LFC evaluation report, *Program Evaluation: Global Summary*, which summarizes the findings and recommendations for all five school districts. Individual reports for each of the five school districts, he added, had just been released and were posted on the LFC website.

Given that local school districts are responsible for spending almost \$4.7 billion in public funds each school year, Mr. Sallee stated, the LFC is evaluating the operations of selected school districts to identify best practices and ensure efficient and effective use of public resources. Evaluation objectives, he indicated, include issues relating to governance, spending, and student outcomes.

Referring to the LFC evaluation report, Mr. Sallee stated that the activities of the evaluation team included:

- reviewing applicable statutes, regulations, policies, and procedures;
- attending applicable district meetings;
- interviewing school board members, teachers, and central office staff;

- examining district budget, teacher, and enrollment data, including special education;
- analyzing and comparing adequate yearly progress results; and
- contracting with an outside entity to conduct information technology audits of each district.

Overall, Mr. Sallee emphasized, each district has staff committed to continuous student improvement and data-driven decision-making. And, though varied, the districts have shown progress in implementing New Mexico's public school reforms, including the use of a continuous improvement process for their educational programs. However, he noted, the districts need to:

- take a more long-term view of their strategic planning, budgeting, and financial planning processes;
- link financial, educational, and operational planning to support district goals; and
- move to a performance-based budgeting process similar to that of state agencies.

Mr. Sallee reported that the evaluation revealed a number of key findings, some similar and some varied by district, indicating that the districts generally:

- do spend most of their funds on instruction;
- submit confusing and poorly justified requests for emergency supplemental funds;
- do not link financial, educational, and operating planning to ensure that spending decisions support district goals;
- struggle to submit financial audits to the State Auditor in a timely manner;
- use district-issued credit cards for purchases, but lack policies, procedures, and oversight of their use; and
- have spending practices that raise concern; for example, one school district spent over \$11,000 on iPods and accessories and charged them to school administration, and another district spent nearly \$1,500 on 10 iPods and seven \$40 gift cards from Lowes for staff.

Another key finding, Mr. Sallee noted, relates to receiving small school size adjustment units from the public school funding formula. For example, he explained, the Bernalillo and West Las Vegas school districts house separate K-5 and 6-8 grade schools in one building and receive small school size funding from the public school funding formula for each school. He added that most Las Vegas City elementary schools generated small school size funds in school year 2008-2009, including two schools separated by a parking lot.

Mr. Sallee then reviewed the key recommendations of the evaluation, requesting that the Legislature consider revising the purpose and classification of small school size. Other recommendations request that the Public Education Department reclassify selected schools in the Bernalillo and West Las Vegas school districts as single schools and examine other schools currently generating small school size program units in the funding formula; and promulgate rules governing the use of school district credit cards.

And, for the five schools districts included in the evaluation, Mr. Sallee added, the districts should implement long-range financial plans to include a system of performance-based budgeting; and examine the feasibility of implementing new accounting systems.

To conclude, Mr. Sallee recognized members of the LFC audit team: Mr. Craig Johnson, Mr. David Craig, Mr. Jacob Candelaria, and Mr. Lawrence Davis.

Committee Discussion

Senator Nava invited the school district superintendents in the audience to address the committee and to participate in the committee discussion.

Dr. Linda Paul, former superintendent of Aztec Municipal Schools and superintendent during the LFC review, emphasized that, while the LFC evaluation report uses the term “credit cards,” Aztec Municipal Schools, as well as all other school districts, use purchase cards or debit cards. Dr. Paul emphasized that staff must submit itemized receipts for every purchase made with a purchase or debit card, which are reviewed and approved by central office staff. Generally, she added, the purchases are related to student activities, such as dinner for a sports team traveling home at night.

In response to a committee member’s question about the source of the money used for the purchase cards, Dr. Veronica C. García, Secretary of Public Education, replied that purchase cards are generally funded with activity funds raised by students and that use of these funds must be for students. State law, she stated, does not allow for the use of credit cards.

In response to a committee member’s question relating to the amount of time allowed for school districts to respond to the LFC’s draft findings and whether any of those findings were amended because of districts’ responses, Mr. Patel indicated that districts were given opportunities to respond to findings throughout the review process but that the LFC did not change any findings as a result of the districts’ responses.

Mr. Joe Rasor, Superintendent, Bloomfield Schools, indicated that, during the LFC review, his district had explained that the purchase of iPods, which the LFC report had questioned, was for instructional use through a grant from San Juan College for that specific purpose; however, this explanation was not included in the final LFC report.

Several committee members expressed their concern that findings that were explained or justified by districts were not amended in the final report and that the school districts’ responses were not reflected in the body of the report but rather appended to the end.

Additional committee discussion focused on a number of other points, among them: school districts’ use of 501(c)3 designations to handle activity funds; the question whether activity funds raised by students were considered public money subject to audit; the possibility that some of the findings in the LFC report should be classified instead as observations or suggestions for improvement; and the difficulty that some members had encountered in trying to access details about school district budgets and expenditures on the district websites.

DIRECTOR’S REPORT

a. Correspondence and News Stories

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

- A letter of support for the New Mexico proposal for funding from the LESC to the Selection Committee on *Grants for Statewide, Longitudinal Data Systems Under the American Recovery and Reinvestment Act of 2009*;
- a letter to superintendents and charter school administrators from Dr. Catherine Cross Maple, Deputy Cabinet Secretary, Learning and Accountability, Public Education Department (PED), regarding new compulsory school attendance requirements;
- a letter to local school district superintendents from Dr. Veronica C. García, Secretary of Public Education, regarding requirements for school district report cards;
- a letter to the New Mexico Coalition of School Administrators, New Mexico Coalition for Charter Schools, et al. from Secretary García, regarding the creation of a restraint and seclusion work group;
- a letter to superintendents and charter school directors from Secretary García regarding length of school day for school year 2010-2011;
- a letter to all state employees from Ms. Sandra K. Perez, Director, New Mexico State Personnel Office, outlining Executive Order 2009-044 mandating a statewide furlough plan;
- a notice of public hearing from PED regarding rule revision related to parental waiver of Algebra II requirement for high school graduation;
- a news release from Secretary García, responding to the Legislative Finance Committee report on five New Mexico school districts;
- a news release from the Governor's Office announcing plans for a *Hispanic Education Act*;
- a *Chronicle of Higher Education* article regarding which students qualify as disabled; and
- a news release from the Governor's Office describing the creation of the Committee on Government Efficiency.

b. Written Reports

Financial Literacy School Curricula (HM70a)

Senator Nava recognized Ms. Nicole Parra-Perez, LESC intern, to provide the committee with a report on House Memorial 70a, *Financial Literacy School Curricula*. Ms. Parra-Perez explained that the memorial requests that the Indian Education Division (division) of the Public Education Department (PED) review financial literacy standards, benchmarks, and model curricula to ensure that materials in financial literacy are appropriate for Native American students.

The fundamental recommendation of the division is that the National Standards could be integrated into New Mexico's standards; however, the standards should not be referenced as complying with the New Mexico *Indian Education Act* because they are not culture-based but Western finance-oriented.

The findings of the work group, Ms. Parra-Perez explained, indicate that there is a significant gap in financial knowledge between Native and non-Native respondents; the biggest gaps were in the areas of income and spending; and Native respondents were less likely than their non-Native peers to have a driver's license, have taken a class in school that addressed money management or personal finance, or have ever been formally employed.

The current status of financial literacy in public schools, Ms. Parra-Perez noted, is that in New Mexico, financial literacy is an elective course, which supports grades 9-12 Social Studies standards for economics.

Breastfeeding Student Mother Needs (HM 58)

Senator Nava recognized Ms. Nicole Parra-Perez, LESC intern, to provide the committee with a report on House Memorial 58, *Breastfeeding Student Mother Needs* (2008). Ms. Parra-Perez explained that the memorial requested that the Governor's Women's Health Advisory Council convene a task force comprised of the New Mexico Department of Health, the Higher Education Department, the Children, Youth and Families Department, the New Mexico Health Policy Commission, and La Leche League of New Mexico to study the needs of breastfeeding student mothers and to make recommendations for breastfeeding accommodations in school environments.

With the overarching goal of increasing the protection, promotion, and support for breastfeeding mothers in the school environment, the task force submitted recommendations in the following areas:

- direct services, to develop lactation supportive school environments and utilize the “Centering Pregnancy” model;
- outreach and education, to develop protocols for schools, providers, and the community;
- leadership development, to support peer-led training and counseling groups for breastfeeding student mothers;
- professional education, to educate health care providers, educators, and administrators, and to develop protocols; and
- research that distinguishes between student mothers and working mothers, and an assessment of services.

The findings of the task force, Ms. Parra-Perez explained, indicate that, although there is promising New Mexico legislation regarding breastfeeding in the workplace, the legislation does not address the issues of breastfeeding student mothers.

Committee Discussion

In response to a committee member's inquiry whether any institutions not mentioned in the report responded, Ms. Giovanna Rossi, Director, Governor's Women's Health Advisory Council, mentioned that, of the contacted institutions, only New Futures School in Albuquerque and the University of New Mexico have support programs in place.

Higher Education Department 2009 Articulation and Transfer Program Report

Senator Nava recognized Ms. Pamela Herman, LESC staff, to provide the committee with a report on the Higher Education Department (HED) 2009 Articulation and Transfer Program, a report required by law.

Among the report's findings, Ms Herman noted that approximately 60 percent of transferred credits were to two-year institutions. In addition, the report found that students who start at a four-year institution are likelier to earn a bachelor's degree in six years if they do *not* transfer,

whereas students who start at a two-year institution are likelier to earn either an associate or bachelor's degree within a defined time frame if they *do* transfer.

Ms. Herman stated that the report touches on other matters as well, including:

- the current status of the General Education Common Core Transfer Module and Transfer Modules;
- challenges of the articulation and transfer program;
- areas of opportunity and program improvement; and
- the HED Articulation Task Force.

Committee Discussion

In response to a committee member's question whether there are any problems with transferring credits from four-year institutions to two-year institutions and vice-versa, Ms. Herman stated that the report does not indicate where problems might have occurred.

SUPERINTENDENTS AND COMMUNITY INPUT

Senator Nava recognized Mr. David Luna, Board of Education, Las Vegas City Public Schools, who provided the committee with his impressions of the Legislative Finance Committee's school board audits, which he described as misleading due to comparisons among districts with highly disparate properties. He also described the media portrayal of the findings as inaccurate and incomplete.

There being no other business, the Chair, with the consensus of the committee, recessed the LESC meeting at 5:57 p.m.

MINUTES LESC MEETING DECEMBER 16, 2009

Senator Cynthia Nava, Chair, called the Legislative Education Study Committee (LESC) to order at 9:20 a.m. on Wednesday, December 16, 2009, at the State Capitol, Room 322, Santa Fe, New Mexico.

The following LESC members were present:

Senators Cynthia Nava, Chair, Mary Jane M. García, Gay G. Kernan, and Lynda M. Lovejoy; and Representatives Rick Miera, Vice Chair, Jimmie C. Hall, Dennis J. Roch, and Jack E. Thomas.

The following LESC advisory members were present:

Senators Vernon D. Asbill and Sander Rue; and Representatives Ray Begaye, Eleanor Chávez, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, Karen E. Giannini, Sheryl Williams Stapleton, and Shirley A. Tyler.

Also in attendance was Senator Rod Adair.

EDUCATION-RELATED INITIATIVES

New Mexico Task Force for School Libraries

Senator Nava recognized Ms. Pam Rochelle, Los Lunas Middle School Librarian, speaking on behalf of the New Mexico Task Force for School Libraries (NMTFSL), to encourage the committee to support measures that would strengthen the financial foundation of public school libraries and enable them to better serve students. Also present to voice their support of enhanced appropriations to libraries and library staff were Ms. Cynthia Shifter of the Public Library System in Los Lunas; Mr. Ruben Aragon of the Academic Library at New Mexico Highlands University; Ms. Joy Poole, State Libraries; and Ms. Janice Kowey, Laguna Pueblo Tribal Libraries.

The speakers then described a request to the LESC to support and carry a bill authorizing academic, public school, and public libraries to be included in the November 2010 statewide GO Bond election to approve a \$20,250,000 bond package to fund the purchase of library materials. The bond request breaks down as follows:

- \$6.5 million for academic libraries;
- \$6.5 million for publicly funded school libraries and juvenile detention libraries;
- \$6.0 million for New Mexico public libraries; and
- \$1.25 million for tribal libraries.

The NMTFSL is also requesting a \$3,000,000 appropriation for the School Library Materials Fund, which, in conjunction with voter-approved GO Bond funds, would assist the organization in securing the nearly \$7.0 million needed statewide to rebuild the outdated core collection and maintain the public school library materials collections.

The New Mexico Library Association (NMLA) also shared its interest in securing additional funding for library projects, stating that, among other things, school library programs and materials are an essential part of the K-12 school curriculum. The NMLA also stated that the average statewide allocation for library materials is approximately \$10 per student per year – meant to cover the cost of one book per student, as well as reference materials, journals, non-print materials, and online data bases – but that that the average cost of a library book is \$21.10.

Outdoor Classroom Program

Senator Nava recognized Ms. Kristina Ortez, Southwest Youth Program, Sierra Club, and Mr. Dave Simon, Director, New Mexico State Parks Division, to provide the committee with information on progress regarding the Outdoor Classroom Project (OCP).

The presenters began by stating that, in addition to providing OCP training for over 300 teachers, according to the presenters, OCP has served over 70,000 New Mexican students from 54 public school districts and three Bureau of Indian Affairs-affiliated schools – 20 percent of the entire Pre-K through 12th grade student population.

Furthermore, the presenters continued, OCP has enjoyed a high level of teacher endorsement. An evaluation completed by teachers participating in the program indicates that 100 percent of teachers would recommend the OCP to other teachers and that 99 percent would participate in the program again. In addition, 78 percent of teachers surveyed also indicated that the program helped them to develop professionally by “changing their teaching practices to some degree.”

Ms. Ortez and Mr. Simon said that teachers were also asked to rate various aspects of the program on a scale of 1-10. Among the results were these ratings:

- 9.29 for overall experience;
- 9.07 for meeting state standards and benchmarks; and
- 9.04 for students’ academic improvement.

The OCP also contracted with an independent external evaluator, Apex Education, to provide the New Mexico State Parks Division with guidance on how to move forward with OCP if funded. Some items of note in the Apex evaluation include:

- addressing achievement gaps by utilizing the OCP as a vehicle for hands-on, minds-on experiences that many at-risk students wouldn’t otherwise have, and are crucial for academic growth;
- increasing the number and duration of OCP experiences, particularly in relation to the standards-based assessment testing window;
- creating activity-specific assessments for all OCP lessons and curricula to measure changes in specific knowledge and skills relative to the content of particular activities; and
- providing service-learning opportunities that are integrated into and provide a context for classroom learning.

Also of note, according to Mr. Simon, is the chain of custody of funds intended for OCP. Mr. Simon indicated that initially, the OCP appropriation went to the Public Education Department, which in turn released funds to the New Mexico Energy, Minerals and Natural Resources Department for distribution to the New Mexico State Parks Division. He noted that the approach was administratively ineffective and that the FY 10 appropriation language eliminated the issue.

Mr. Simon concluded by referencing studies indicating that children are spending less time outdoors and are more distanced from nature than previous generations. This situation, he

said, can lead to social and health issues such as childhood obesity, diabetes, possible links to increased occurrence of ADD/ADHD, and a growing disconnect to natural and cultural heritage.

Committee Discussion

In response to a committee member's question, Mr. Simon stated that plans to open a new state park north of Pecos have been put on hold due to budgetary constraints.

In response to a committee member's inquiry, Mr. Simon also spoke about the Bosque Education Guide, which consists of literature and full-day training for teachers who wish to incorporate curricula about the local ecology into their lesson plan.

In response to a committee member's question, Mr. Simon confirmed that budgetary constraints have affected the state parks in general, some of which now have only one full-time employee.

EDUCATION PARTNERS LEGISLATIVE PACKAGE

Senator Nava recognized Ms. Ellen Bernstein, President, Albuquerque Teachers Federation (ATF), to introduce a formal proposal prepared by the New Mexico Education Partners (NMEP), a consortium of public education stakeholders. The proposal outlined methods for generating revenue during the 2010 session to be earmarked for public schools. In addition to Ms. Bernstein, representing the consortium and present at the meeting were Mr. Charles Bowyer, National Education Association-New Mexico (NEA-NM); Mr. Joe Guillen, Executive Director, New Mexico School Boards Association (NMSBA); Ms. Mercedes Sandoval, President, New Mexico Congress of Parent and Teacher Associations (NMPTA); Mr. Tom Sullivan, Executive Director, New Mexico Coalition of School Administrators (NMCSA); and Ms. Christine Trujillo, President, AFT (American Federation of Teachers) New Mexico (AFT New Mexico). Ms. Bernstein stated that the goals of the partners as a whole are a return to the FY 08 public school funding levels in the short term, and sufficiency in education funding in the long term.

Next, Mr. Sullivan addressed the committee. In the past two years, he said, public school funding has suffered a 15 percent decrease even though many people have the misconception that funding for public schools has been either maintained or increased.

Mr. Bowyer then presented two proposals prepared by NMEP. The first was an omnibus proposal to increase revenue, replace federal education stabilization funds, and generate \$272,609,000. The omnibus proposal would increase taxes on cigarettes, alcohol, coal, oil, other liquid hydrocarbons, high-wage earners, nonresidents with income from a pass-through entity, and corporations that are members of a unitary group. The proposal would also move severance tax funds from the bond fund to the general fund and reduce capital gains tax deductions.

The other, Mr. Bowyer said, would increase the gross receipts tax rates by 0.07 percent and generate \$339,020,000. Mr. Bowyer added that a poll commissioned by NMEP and conducted by Research & Polling, Inc. found that 59 percent of registered voters surveyed support

increasing New Mexico's gross receipts tax by three-quarters of one percent for additional public school funding.

Next, Mr. Guillen proposed additional NMEP recommendations for legislators to consider:

- opposition to new programs until all current mandated programs are fully funded;
- funding for mandated testing to be the responsibility of the Public Education Department (PED);
- opposition to virtual charter schools;
- authority and flexibility for public schools to innovate as provided by the Collaborative School Improvement program in state law; and
- upholding of the employee/employer retirement contribution increase as originally planned.

Senator Nava also recognized Mr. Sullivan, who added a number of recommendations to those already made, such as backfilling the gap created by the diversion of federal funds intended for education, which instead went to job creation in certain cases. Mr. Sullivan also requested that measures be taken to allow districts to publish their district report card online. Support for regional education cooperatives (RECs) and the prohibition of virtual charter schools also are key recommendations, according to Mr. Sullivan.

Finally, Ms. Trujillo reviewed AFT New Mexico's initiatives and legislative platform, constructed jointly with NEA-NM and intended to support and enhance the public school system. Among the points in this platform were:

- support for quality learning and teaching in New Mexico's public schools, especially in terms of the allocation of resources and the implementation, by educators, of research-based best practices;
- equitable access to the benefits of a high-quality educational system, in terms of competitive compensation for teachers and effective support for schools in need of improvement;
- sufficient funding of public education as determined by the recent funding formula study; and
- modern facilities that meet the curricula and programmatic needs of students.

Committee Discussion

In response to committee inquiry regarding a piece of the proposal requesting that all schools have the opportunity to operate under the collaborative school improvement provisions in the *Public School Code*, members of the NMEP agreed to work with committee members in order to examine and possibly develop legislation to adapt those provisions to districts as well as to individual schools.

In response to a committee member's question, Mr. Guillen stated that the NMEP would support examining the structure and makeup of audit committees to possibly include independent members of the community and fiscal specialists.

In response to a committee member's question regarding which standardized tests can be feasibly eliminated, the NMEP stated that recommendations were being developed, but that a number of science tests had already been identified as unnecessary.

In response to a committee member's question about the definition of virtual charter schools, Mr. Sullivan briefly described the framework proposed in three applications – all of which were rejected by the Public Education Commission – which sought to be approved as charter schools teaching the majority of their content online.

In response to committee inquiry regarding unfunded mandates, NMEP stated that there are a variety of programs across the state that originally were proposed as pilot programs, but that have continued beyond the pilot period. NMEP also agreed to take part in a program audit to identify such programs.

Finally, a committee member objected to the wording in part of the NMEP proposal that equated the oil and gas industry with "significant environmental damage," noting that this industry already pays taxes to repair any damage to the environment and that the communities in that part of the state have not been damaged. Mr. Bowyer explained that the language was taken from a report by the Taxation and Revenue Department.

EDUCATION-RELATED ISSUES FOR THE 2010 LEGISLATIVE SESSION

a. Endorsement of Potential Legislation/Approval of Sponsors

Ms. Frances Ramírez-Maestas, LESC Director, directed the committee's attention to a packet of proposed legislation prepared by the LESC staff in collaboration with the Legislative Council Service, based on the items presented to the committee at its November meeting and the committee discussion. The Chair noted that, in a departure from the practice in previous years, in order to provide committee members with more time to review proposed legislation, the committee would be asked to provide preliminary approval of the list included with the packet, but would not vote on or approve any individual items until the January LESC meeting. The list provided to the committee members included the following:

ITEMS CONSIDERED AT THE NOVEMBER LESC MEETING

ASSESSMENT AND ACCOUNTABILITY

Cohort Graduation Rate Reporting Requirements: Introduce legislation to amend the *Assessment and Accountability Act* to require that, when Public Education Department (PED) publishes cohort graduation data, it also provides information useful for a better understanding of on-time graduation and dropping out among New Mexico high school students, such as how many students:

- are known to have dropped out;
- have earned or are attempting a GED;
- are known to still be in high school;
- have all the credits required for graduation but still have not passed the graduation test; and
- progress through high school from grade to grade.

CHARTER SCHOOLS

Charter School Planning Year Oversight: Introduce legislation requiring oversight and monitoring of a start-up charter school during the planning year by the authorizer to ensure the organizers are adhering to their charter.

HIGH SCHOOL REDESIGN

Financial Literacy to Meet Math Requirement: Introduce legislation to allow a financial literacy course that addresses New Mexico mathematics standards to count as one of the four mathematics units required for graduation.

Course Information Collection and Reporting: Write a letter to PED requesting that the department work with LESC staff to determine how it can document and report information related to course offerings and course completion in middle and high schools; and report to the LESC at the start of the 2010 interim.

P-20 DATA SYSTEM

Codify Comprehensive P-20 Data System: Introduce legislation to codify the requirements for a comprehensive P-20 data system that collects, integrates, and reports data from PED, Higher Education Department (HED), and other agencies, as follows: establish a “data system council” that includes PED, HED, the Office of Education Accountability (OEA), the Children, Youth and Families Department, the Department of Information Technology, the Department of Workforce Solutions, public postsecondary institutions, and public school districts and charter schools; require the council to assign responsibilities and authority for the operation and management of the system; develop interagency agreements; develop a strategic plan with timelines and budget requirements; provide that the system may be used for program research and evaluation, including the aggregation, collection, and distribution of data, but that personally identifiable student and educator data will be safeguarded as required by federal and state law; and require an annual system status report detailing the capability of the system to perform specified functions.

PUBLIC SCHOOL PERSONNEL

Beginning Teacher Mentorship Program: Introduce legislation to amend the *School Personnel Act* to clarify the required length of time for beginning teachers to participate in a formal mentoring program.

Beginning Teacher Mentorship Request: Write a letter to PED requesting that the department examine the following:

- the specific uses of mentorship funds in each school district, including the amounts of compensation provided to mentor teachers;
- the performance outcomes of district mentorship programs, including beginning teacher retention rates and the rate and number of attempts required for Level 1 teachers to advance to Level 2 licensure; and
- in the instance of Level 1 “mentor” teachers:

- the specific mentoring services each Level 1 mentor teacher is providing compared to the mentoring services provided by Level 2 and Level 3 mentors in the same school district;
- the levels of teachers (Internship and Level 1) that each Level 1 teacher is mentoring; and
- the years of teaching experience that each Level 1 mentor teacher has, including whether and for how long the teacher taught on an Internship license before receiving a Level 1 license.

Class-Size Waivers for Certain Student Teachers: Introduce legislation to amend the *School Personnel Act* to allow the Secretary to waive class-load requirements for a class where a student teacher who meets certain criteria has been assigned.

Professional Development in Teacher Evaluation: Introduce legislation to amend the *School Personnel Act* to require that the evaluation process for teachers in the three-tier licensure system include consideration of how professionals in the system use the results of professional development they receive at district or charter school expense, based on evidence that the results are both applied in their classrooms and shared with other teachers in the district or charter school.

School Leadership Institute: Introduce legislation to establish the School Leadership Institute in statute.

SCHOOL CALENDARS

Delay Implementation of 180-Day Requirement: Introduce legislation to delay for one year the applicable date of the statutory requirement, enacted in 2009, that school districts and charter schools provide a minimum of 180 full instructional days for schools on a regular calendar and 150 full instructional days for schools on a variable school year calendar.

SPECIAL EDUCATION

Dyslexia Screening and Intervention: Introduce legislation to define dyslexia or related disorders and to require PED to develop systematic statewide procedures, including teacher preparation and training, to screen and effectively intervene with students with dyslexia.

Residential Treatment Centers and School District Contracts: Write a letter requesting that PED provide detailed guidance to school districts developing contracts with residential treatment centers (RTCs) to clarify where longstanding practice may no longer be consonant with the law; and to ensure that services are planned and delivered efficiently and effectively for all students residing at the RTC, particularly when multiple school districts, charter schools, or other parties share responsibility for an individual student.

Restraint and Seclusion of Students: Introduce a joint memorial requesting that PED, in collaboration with directors of special education and other appropriate school personnel, advocacy group representatives, parents, and other stakeholders, form a work group to examine the issues and concerns related to restraint and seclusion of public school students; and report findings and recommendations to the LESC in the 2010 interim.

ITEMS FOR CONSIDERATION AT THE DECEMBER LESC MEETING

ASSESSMENT AND ACCOUNTABILITY

Multi-Year Assessment Contracts: Introduce legislation to permit PED to enter into contracts with assessment vendors for longer than four years.

DUAL CREDIT

Accelerated Learning Master Plan: Introduce a memorial requesting that HED and PED convene a broadly representative work group to develop a master plan for accelerated learning that would offer high school students a number of options for study at the postsecondary level, including:

- issues related to dual credit as identified in the LESC staff report and the PED/HED evaluation;
- how the various programs – dual credit, Advanced Placement, articulated courses, concurrent enrollment, and middle college high school – could complement rather than compete with each other in the P-20 system by identifying the population and circumstances that each program can serve most effectively; and
- the necessary agency oversight to ensure faithful and effective implementation.

EDUCATIONAL RESEARCH CONSORTIUM

Study Formation of Educational Research Consortium: Introduce a joint memorial requesting that state and local public education entities collaborate with private industry and philanthropic organizations to study the formation of a consortium to conduct educational research to support school reform.

SCHOOL BUDGETS AND FINANCE

Examine School Finance Accountability at the State and Local Levels: Introduce a joint memorial to request that PED, in collaboration with the Office of the State Auditor, convene a work group to examine provisions in current law, financial practices, and training at the state and local level, including safeguards designed to prevent fraud, waste and abuse, and issues affecting the timeliness and scope of annual independent audits; and provide a report of findings and recommendations to the LESC, the Legislative Finance Committee, and the Governor by October 30, 2010.

SCHOOL CALENDARS

Study School Calendars: Introduce a joint memorial requesting that OEA convene a work group, in collaboration with PED, school districts and charter schools, teacher and other school employee representatives, and parent representatives, to study issues affecting student learning time and achievement, teachers, school operations, and school district budgetary impacts raised by various school calendar options and current law; and report findings and recommendations to the LESC in the 2010 interim.

UNIQUE STUDENT ID NUMBER

Student ID Numbers in Two-Year College Records: Write a letter requesting that PED, HED, the New Mexico Association of Community Colleges, and the New Mexico Independent Community Colleges form a work group to develop a proposal for collecting students' identification numbers, known as Unique IDs, in unit record data systems of those branch and community colleges that do not require high school transcripts for admission.

ITEMS PENDING JANUARY 2010 LESC MEETING

CHARTER SCHOOLS

State-Chartered Charter Schools in School District Mill-Levy Resolutions: Pending recommendations of the Public School Capital Outlay Oversight Task Force.

DUAL CREDIT

Create Dual Credit Textbook Fund: Introduce legislation to create the Dual Credit Textbook Fund, administered by the Instructional Material Bureau in PED; require that money in the fund be used only to purchase textbooks and course supplies for students participating in the Dual Credit Program; and specify a method for allocation and distribution of monies in the fund to school districts, charter schools, and state-chartered charter schools.

EARLY CHILDHOOD EDUCATION

K-3 Plus Funds Allocation: Pending recommendations of the PED work group.

PUBLIC SCHOOL PERSONNEL

Internship Teacher Licenses: Introduce a joint memorial requesting that OEA gather information, in collaboration with PED, colleges of education, school districts, and others as appropriate, regarding:

- whether Internship licensed teachers receive “sustained, intensive” professional development “before and while teaching” and participate in a “program of intensive supervision,” as required in federal regulations;
- the number of Internship and Level 1 teachers receiving mentorship services in each district and charter school; and
- the sources and amounts of funding for mentoring and other support of Internship licensed teachers, including those services provided by alternative licensure programs, and which agencies should receive and distribute this funding;

and further requesting the OEA to report its findings to the LESC in the 2010 interim.

ITEMS ENDORSED BY OTHER COMMITTEES

Compact on Educational Opportunity for Military Children: Introduce legislation to enact the Interstate Compact on Educational Opportunity for Military Children to address the range of issues that confront children in military families as they move among states and school districts; to create the Interstate Commission to oversee the compact in member states; to allow the commission to assess membership fees and impose penalties on states in default of

the compact; and to require the state to develop a state council and to appoint or designate a military family education liaison to facilitate the implementation of the compact in New Mexico. (For the Military and Veterans' Affairs Committee)

Study Establishing Uniform Standards for Accepting Military Credits: Introduce a joint memorial requesting HED and the LESC to study the benefits and feasibility of establishing uniform standards for accepting military credit and articulation among all colleges and universities in New Mexico. (For the Military and Veterans' Affairs Committee)

The committee voted to tentatively approve the list, pending further consideration at the January 2010 LESC meeting. Members also suggested additional items for the committee's consideration, including: endorsing legislation to make PED responsible for paying the recurring costs of assessments required in statute, and appropriating funds to PED for that purpose; endorsing legislation to establish a tiered audit system for public school districts based on enrollment; and endorsing a joint memorial to study reading curricula in teacher preparation programs, in collaboration with the New Mexico Deans and Directors of Colleges of Education.

ADJOURNMENT

There being no further business, with the consensus of the committee, Senator Nava adjourned the LESC meeting at 12:20 p.m.

CS Nava Chair

6-15-2010 Date