

STATE OF NEW MEXICO
LEGISLATIVE EDUCATION STUDY COMMITTEE

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David Harrell, PhD, Deputy Director

MINUTES
LESC MEETING
JULY 18-20, 2012

Representative Rick Miera, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:20 a.m., on Wednesday, July 18, in the Zia Room of the Student Union Building at Eastern New Mexico University (ENMU), in Portales.

The following voting members of the LESC were present:

Representatives Rick Miera, Chair, Nora Espinoza, Dennis J. Roch, and Mimi Stewart; and Senators Cynthia Nava, Vice Chair, Mary Jane M. García, and Lynda M. Lovejoy.

The following voting members of the LESC were not present:

Representatives Mary Helen Garcia and Jimmie C. Hall; and Senator Gay G. Kernan.

The following advisory members of the LESC were present:

Representatives Alonzo Baldonado, Ray Begaye, George Dodge, Jr., Tim D. Lewis, and Bob Wooley; and Senators Stephen H. Fischmann, Linda M. Lopez, Howie C. Morales, John Pinto, and Sander Rue.

The following advisory members of the LESC were not present:

Representatives Eleanor Chávez, Roberto “Bobby” J. Gonzales, Sheryl M. Williams Stapleton, and Shirley A. Tyler; and Senators Vernon D. Asbill and Mark Boitano.

Representative Anna M. Crook was also in attendance.

Seeing no objection, the Chair approved the agenda for the meeting.

The Chair recognized the Honorable Sharon L. King, Mayor of Portales; Mr. Randy Fowler, Superintendent of Portales Municipal Schools; and Dr. Jamie Laurenz, Vice President for Academic Affairs at ENMU, all of whom welcomed the committee to Portales.

GENERAL EDUCATIONAL DEVELOPMENT (GED) TESTING

The Chair recognized Mr. Travis Dulany, LESC staff, and Mr. Todd R. DeKay, Director, Adult Basic Education (ABE), Eastern New Mexico University (ENMU)-Roswell, for a presentation about upcoming changes to the General Educational Development (GED) test.

During the June meeting of the LESC, Mr. Dulany began, the committee heard community input from Mr. Thomas McGaghie, an adult basic education administrator at New Mexico State University-Grants, during which Mr. McGaghie expressed concerns about changes to the GED test that will go into effect in 2014. These changes include:

- the apparent privatization of the GED;
- mandatory computer-based testing for the new GED; and
- the likelihood of increased cost of the new GED.

Also during the June LESC meeting, Mr. Dulany continued, Mr. McGaghie suggested that the state of New Mexico look into alternatives to the GED test.

Alluding to his staff report, Mr. Dulany provided some background on the current GED test, as well as information regarding some of the key changes that will go into effect for the 2014 GED test series. The current GED test, Mr. Dulany explained, was issued in 2002, and is the fourth release since the GED was first developed in 1942. Mr. Dulany stated that the test, which is available in English, Spanish, and French, covers five content areas: reading, writing, mathematics, science, and social studies. The current GED test can be offered either on paper or on the computer; however, Mr. Dulany added, currently in New Mexico the test is offered only on paper, at least until August when the Public Education Department (PED) plans to launch a computer-based testing pilot program at four GED testing sites in New Mexico.

Regarding costs, Mr. Dulany stated that test-taker fees for the current GED test can vary, depending upon the testing center. He said that among the 29 testing centers in New Mexico, Central New Mexico Community College is the least expensive at \$25, while the highest priced testing center in New Mexico, Santa Fe Community College, charges \$100.

Regarding the changes to the GED test, Mr. Dulany stated that in March of 2011 the American Council on Education, which currently administers and owns all the intellectual property rights to the GED test, formed a new limited liability corporation with Pearson PLC. The new corporation, GED Testing Service LLC, was reportedly created in order to revise the GED test with more modern, rigorous, and meaningful content, Mr. Dulany said.

Mr. Dulany reported that the 2014 series will be available in English at first, with a Spanish version of the test anticipated later in 2014. He stated that the new test will incorporate four content areas – literacy, mathematics, science, and social studies – and that it will be available only on computers. This latter point, according to Mr. Dulany, has caused educational

stakeholders some concern, including the possibility that rural GED testing centers without the technological infrastructure to handle the test will not be able to administer it. Furthermore, some worry that computer-based testing will leave those who are not as familiar with computers at a disadvantage. Mr. Dulany added that the computer-based delivery of the 2014 GED test will require test-takers to be familiar with “basic” computer skills, such as keyboarding, typing, software tasks, scrolling, using graphic user interfaces, and exhibiting windows.

Regarding the cost of the 2014 GED test, Mr. Dulany stated that GED Testing Service will charge \$120 per test-taker for the year 2014, with approximately \$38 of that testing fee paid out to compensate testing centers. The manner in which test-takers register for the test will be different from its current form, Mr. Dulany continued, with registration over the phone or through the Internet, either of which will require a credit, debit, or prepaid card. This new method for registration is a source of concern for many education stakeholders, Mr. Dulany said, because test-takers may be able to bypass ABE programs and register for the GED test without properly preparing.

Referring to suggestions that New Mexico should seek an alternative to the GED test, Mr. Dulany stated that some challenges may be present. Most notably, he said, the term “GED” is a registered trademark of the American Council on Education, and cannot be reproduced without that group’s permission. Because the term GED is synonymous with “alternative assessment for adult learners,” as noted by New York State Education Commissioner John King, New Mexico might find it difficult to administer an alternative test without some confusion, Mr. Dulany said.

Mr. Dulany concluded by stating that, although there are challenges to implementing an alternative to the GED, other states do offer high school equivalency diplomas or certificates other than the GED. Mr. Dulany provided two examples:

- the National External Diploma Program, which serves approximately 4,500 participants each year in a variety of states and tests participants on “real-life” tasks; and
- the California High School Proficiency Examination, which consists of both English/language arts and math sections. Upon completion, participants receive a certificate of proficiency, which is the equivalent to a high school diploma according to California state law.

Mr. Dulany then deferred to Mr. DeKay to further discuss the implications of the new GED for New Mexico.

Mr. DeKay began by providing information about ABE centers in New Mexico, which are also GED testing centers in most cases. He said that concerns of these ABE centers include:

- the new increased cost of the GED;
- the shift to online registration, which may allow test-takers to bypass ABE centers;
- limited computer resources at GED testing centers; and
- the additional need for training participants in keyboarding and basic computer skills.

Although New Mexico ABE centers face challenges from the upcoming changes to the GED test, Mr. DeKay continued, there are also opportunities to improve the current adult education and assessment system. These opportunities include:

- a potential increase to the number of individuals who transition from the GED to college;
- testing flexibility that may help many working adults acquire a GED;
- the possibility of alignment between accelerated learning and integrated basic education skills training programs;
- instant test results that could increase the GED completion rates in New Mexico; and
- computer-based testing that may inspire advanced-aged participants to learn computer skills.

Mr. DeKay then provided some recommendations to the committee, among them:

- investigate cost-sharing options between the New Mexico ABE programs and PED, in relation to sending dropouts/parents without GEDs or a high school diploma to ABE programs;
- create formal pathways for PED to send non-English speaking parents to ABE classes in English as a second language;
- strengthen the relationships between ABE programs and community colleges and four-year universities;
- subsidize the 2014 GED test with state funding; and
- initiate a statewide English/Spanish advertisement campaign promoting education, in an effort to reinforce the idea that education is equally as important as many of the other objects and ideas that individuals prioritize in their lives.

Mr. DeKay further recommended that representatives from the adult education community be included in conversations for the redesign of alternative high school diplomas, that ABE in New Mexico should receive more assistance with 16-17 year-old dropouts, and that any new alternative pathway should incorporate an assessment recognized and valued by the workforce such as WorkKeys.

Committee Discussion

In reply to a committee member's question, Mr. DeKay stated that the current cost to retake the GED test is \$8.00 per test at ENMU-Roswell; however, this amount is set by each testing site individually. He added that the cost to retake the GED test after 2014 is up for negotiation, but he expects it to be approximately \$25 to \$30 per test.

A committee member asked if there are any guides or preparation materials available for test-takers, to which Mr. DeKay replied yes, there are materials available online at \$10 per practice test. However, he added, some ABE centers worry that unscrupulous individuals or organizations will sell preparation materials that may not necessarily prepare participants to take the GED test, but will have the appearance of authentic GED test practice materials.

A committee member asked whether funding the entire GED test-taker fee through state funds would encourage unprepared individuals to take the test, versus test-takers being more invested

in the GED test by using their own money. Mr. DeKay responded that he recommends subsidizing only a portion of the test so that participants have stake in the test.

A committee member asked how the GED test is currently subsidized, to which Mr. DeKay replied that the test is subsidized through ABE dollars, two-thirds of which come from the state and one-third from the federal government; however, federal funding cannot be used to pay for the GED.

In response to a committee member who asked if ABE students and GED test-takers must travel long distances to take the GED, Mr. DeKay said that there are 29 GED testing centers throughout New Mexico but that one burden on test-takers may be the high price of gas.

The Chair asked if the term “general educational development” is specified in statute, to which Mr. Dulany responded in the affirmative.

Finally, among other points, committee members noted that:

- for someone with little computer experience, using a computer can be a daunting experience that can leave one feeling helpless; and
- GED test-takers may be homeschooled students seeking eligibility for the New Mexico Legislative Lottery Scholarship, which requires either a high school diploma or GED credential.

**WAIVER OF CERTAIN PROVISIONS OF THE
NO CHILD LEFT BEHIND ACT (NCLB):
COMPARISON OF PROVISIONS OF NCLB WITH FLEXIBILITY PROVISIONS**

The Chair recognized Mr. Kevin Force, LESC staff, who provided the committee with a description of each of the 13 *No Child Left Behind Act* (NCLB) waivers provided by the US Department of Education (USDE). In each case (as illustrated with the discussion of Waiver 1 and Waiver 8), Mr. Force explained:

- NCLB statutory requirements;
- flexibility waiver provisions;
- Public Education Department (PED) actions under each waiver; and
- local education agency (LEA) actions under each waiver.

To begin, Mr. Force stated that Waiver 1 waives the requirements of NCLB that prescribe how state education agencies (SEAs) set annual measurable objectives (AMOs) for determining adequate yearly progress (AYP). According to NCLB statutory requirements, Mr. Force said that the SEAs must set AMOs, initially using data from school year 2001-2002. For measuring the percentage of students meeting or exceeding proficiency, the starting point must be based on:

- the higher of the percentage of students in the lowest achieving group of students (economically disadvantaged, major ethnic groups, students with disabilities, and English language learners); or

- the school at the 20th percentile based on enrollment, among all schools ranked by percentage of students at the proficient level.

These AMOs, Mr. Force continued:

- shall be set separately for the assessments of mathematics and reading or language arts;
- shall be the same for all schools and LEAs in the state;
- shall identify a single minimum percentage of students who are required to meet or exceed the proficient level on the academic assessments that applies separately to each subgroup;
- shall ensure that all students, including those in each of the lowest achieving subgroups, meet or exceed proficiency by school year 2013-2014; and
- may be the same for more than one year, so long as they increase in equal increments, the first of which must have been by school year 2003-2004, with following increases every three years thereafter.

Through flexibility waiver provisions, however, Mr. Force said that:

- SEAs may set AMOs in at least reading/language arts and math that are “ambitious but achievable,” and provide meaningful goals to support improvement efforts for SEAs, LEAs, schools, and subgroups;
- for resetting the AMOs, or school growth targets (SGTs), PED has chosen from among three options to use option C, “another method that is educationally sound and results in ambitious but achievable goals for all groups and subgroups”;
- the proposed AMOs and supporting evidence will be peer-reviewed; and
- the peer reviewers may compare the AMOs set by the SEA pursuant to this option to what the state’s AMOs would have been under options A and B.

As for PED actions under the waiver, Mr. Force said that the department used the A-F grading system to:

- base each school’s SGTs on its grade;
- target the recommended 90th percentile of current performance;
- set SGTs equally for all subgroups;
- cut the achievement gap between the lowest-performing 25 percent of students and the other 75 percent of students in half in seven years;
- require all schools to increase their proficiency rate to the current 90th percentile of school performance in equal annual increments over 10 years;
- set SGTs that would require students who are already proficient to make at least one year’s growth; and
- set SGTs to close achievement gaps in three years, as opposed to nine years at the current rate of improvement.

For Waiver 1, Mr. Force testified that no LEA actions are required.

Mr. Force then discussed the provisions for waivers 2 through 7:

- Waiver 2 waives the requirements for improvement, corrective action, or restructuring for schools failing AYP for two consecutive years. Instead, it requires LEAs to ensure sufficient support for implementation of interventions in priority schools, focus schools, and other Title I schools identified under the SEA's differentiated recognition, accountability, and support system by leveraging the funds it would otherwise be obligated to spend for choice-related transportation and supplemental education services. As for PED actions under the waiver, Mr. Force said that the department will use the A-F grading system to identify priority and focus schools, using criteria aligned with flexibility requirements.
- Waiver 3 waives the requirement for an SEA to identify an LEA for improvement or corrective action if it fails AYP for two consecutive years.
- Waiver 4 waives requirements that limit participation in, and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs based on whether an LEA has made AYP. This waiver allows LEAs that participate in the SRSA or RLIS programs to use those funds for any authorized purpose, not just for school improvement, regardless of the LEA's AYP status.
- Waiver 5 waives the requirement that, in order to operate a school-wide program, the school must have a poverty rating of at least 40 percent. The flexibility waiver provisions would permit an LEA to operate a school-wide program in a Title I school that does not meet the 40 percent poverty threshold if the school has been identified by the SEA as a priority or focus school, and the LEA is implementing interventions consistent with the seven turnaround principles.
- Waiver 6 waives requirements for SEAs to distribute funds reserved under that section only to LEAs with schools identified for improvement, corrective action, or restructuring; and it allows PED to take action to distribute these funds to LEAs, which may take action to use these funds on any priority or focus school.
- Waiver 7 waives provisions authorizing an SEA to reserve Title I, Part A funds to reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years. This waiver allows an SEA to provide financial rewards to any such reward school, regardless of whether the school met the requirements above.

Waiver 8 waives the requirement for LEAs and SEAs to comply with certain provisions for improvement plans regarding highly qualified teachers (HQTs). Initially, NCLB required each SEA to include in its state educational plan measures to ensure that all teachers in core academic subjects were highly qualified by the end of school year 2005-2006. Mr. Force noted that if an SEA determined, based on required reports, that an LEA failed to make progress toward meeting the HQT annual goals for two consecutive years, the LEA had to develop an improvement plan to meet the HQT goals.

However, Mr. Force continued, the flexibility waiver provisions do not require LEAs failing to meet HQT targets to develop improvement plans, and it gives them flexibility in how to use their

funds. The provisions also exempt SEAs from requirements regarding their role in the implementation of improvement plans, but Mr. Force cautioned that SEAs would not be exempt from the requirement to ensure that poor and minority students are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.

Regarding PED actions under the waiver, Mr. Force said that PED intends to finalize and employ its system of teacher and school leader evaluation to reformulate the compensation system to enhance the recruitment and retention of highly effective teachers to serve in high-need, low-income schools.

Mr. Force concluded the review of this waiver by noting the actions that LEAs must take:

- developing and submitting an effectiveness evaluation system for measuring the performance of licensed school employees no later than the beginning of school year 2013-2014; and
- annually reporting the results of its effectiveness evaluations and the alignment of its effectiveness evaluation system with the three-tiered licensure system.

Mr. Force summarized the provisions of waivers 9 through 13:

- Waiver 9 waives the limitations on the amount of funds an SEA or LEA may transfer from certain *Elementary and Secondary Education Act* (ESEA) programs to others:
 - Improving Teacher Quality State Grants;
 - Educational Technology State Grants;
 - 21st Century Community Learning Centers (21st CCLC); and
 - Innovative Programs.
- Waiver 10 waives requirements for the allocation of funds from SEAs to LEAs for School Improvement Grants (SIGs). Mr. Force noted that waiver flexibility provisions allow LEAs that are eligible to apply for SIG funds to implement one of the four school intervention models (turnaround, restart, school closure, or transformation) defined in the SIG final requirements in a priority school even if that school is not in improvement, which under ESEA would render the LEA ineligible for SIG funds. Mr. Force added that an SEA may allocate the LEA share of these funds to LEAs with priority or focus schools because the SEA will not be identifying schools for improvement, corrective action, or restructuring.
- Waiver 11, which Mr. Force said is optional, drops the ESEA restriction on activities by 21st CCLCs to nonschool hours or when school is not in session. This allows 21st CCLC funds to be used to support expanded learning time during the school day in addition to nonschool hours.
- Waiver 12 waives requirements that SEAs and LEAs make determinations of AYP for LEAs and schools.

- Waiver 13 waives requirements to serve eligible schools under Title I in order of poverty. Flexibility provisions allow LEAs to allocate Title, I Part A funds to a high school that has a graduation rate below 60 percent, so long as it is identified as a “priority school,” even if its poverty ranking would not otherwise make the school eligible.

Committee Discussion

In response to a committee member’s question, Mr. Force said that, as long as New Mexico remains in compliance with the requirements and timelines of USDE, all potential waivers are available to the state, even if the particular provisions of a specific waiver have not been fully satisfied, as is the case with the teacher and school leader effectiveness rules and Waiver 8.

Continuing that point, a committee member asked if NCLB provisions would remain in place until the state provisions were implemented. In reply, Mr. Force said that, while the rules have not been fully implemented or adopted, PED has fulfilled all obligations and timelines required by USDE for the flexibility thus far. Therefore, the waiver on the HQT implementation plan provisions of NCLB is available to New Mexico.

One member expressed the concern that the ESEA flexibility package may impede the Legislature’s statutory duty to create and maintain education policy.

Regarding Waiver 6 (waive requirements for an SEA to distribute funds reserved under that section only to LEAs with schools identified for improvement, corrective action, or restructuring), a committee member asked how the 4.0 percent set-aside is to be allocated, and expressed concern that there is no apparent system or process which PED must adhere to in order to distribute these funds. In response, Mr. Force answered that all guidance and materials indicate that, under the waiver, these decisions of allocation are left to the discretion of the SEA.

DUAL CREDIT

The Chair recognized Mr. Travis Dulany, LESC staff, and Ms. Tracey Bryan, President and CEO of The Bridge of Southern New Mexico, for a presentation regarding dual credit in New Mexico.

Mr. Dulany began by outlining the legal requirements for dual credit, including a Public Education Department (PED) rule that mandates PED and the Higher Education Department (HED) to “verify and reconcile the respective dual credit reports at the end of each academic year” and “annually report to the Legislature the estimated cost of providing the statewide dual credit program, including tuition, fees, textbooks, and course supplies.” Although in prior years the Legislature received the report before each legislative session, Mr. Dulany continued, the report issued for school year 2010-2011 was published in May 2012.

Mr. Dulany then provided some general information about New Mexico’s dual credit program, stating that it allows high school students to take courses offered through a postsecondary educational institution and earn credit at the high school level and at the college level simultaneously. He said that, according to proponents of dual credit, the program fulfills a number of purposes and produces a number of benefits for high school students, including:

- providing high school students an introduction to college life;
- affording high school students access to college-level material;
- shortening the time – and thereby the expense – required to complete a postsecondary degree;
- suggesting college as a possibility for those who had not previously considered it; and
- enhancing the academic and vocational offerings to students.

Proponents of dual credit suggest that dual credit offers many benefits to the state of New Mexico as well, Mr. Dulany continued, especially when taking into account the costs associated with secondary and postsecondary education. He said that, when compared to students who did not participate in dual credit, data from the University of New Mexico (UNM) Center for Education Policy Research (CEPR) show that dual credit is associated with:

- higher high school completion rates;
- higher college completion rates;
- a reduced need for remediation;
- increased persistence and retention; and
- shorter periods of time required for graduation.

Although the CEPR data show several benefits of dual credit in New Mexico, Mr. Dulany cautioned that the data indicate only a correlation between dual credit and student success, not a causal relationship.

Mr. Dulany further noted that data from CEPR show that the statewide dual credit participation has grown over the last three years, so that now approximately 12 percent of New Mexico high school students are enrolled in dual credit courses. Furthermore, among high school courses offered, 3.0 percent are for dual credit.

Mr. Dulany then provided the committee with a summary of the *Dual Credit Report for School Year 2010-2011*, which was published by PED and HED jointly. He stated that, although there are no fiscal or policy recommendations included the report, the following information is provided by the two departments:

- dual credit enrollment for school year 2010-2011 was 12,263 unique students,¹ an increase of 1,278 students over the previous school year;
- a majority of dual credit students are female, at approximately 57 percent of enrollment;
- the subject areas that experienced the highest enrollment of dual credit students were:
 - English Language and Literature/Letters; and
 - Health Profession and Related Clinical Services;
- the majority of dual credit students (60 percent) limit themselves to a single course during the school year, while 25 percent of students enroll in two dual credit courses;

¹ The report defines unique students as “distinct students that were taking dual credit courses in any semester.”

- the most popular dual credit programs at postsecondary institutions were at Central New Mexico Community College (CNM), Doña Ana Community College, and New Mexico Junior College;
- online delivery of dual credit courses has grown in popularity since the inception of dual credit, with the spring semester of 2011 experiencing the highest percentage of online course delivery (17 percent) in recent years; and
- an increasing percentage of dual credit courses is being taught on college campuses, rather than on high school campuses.

Finally, Mr. Dulany informed the committee that, during the 2011 legislative session, formula funding for 9th and 10th grade dual credit courses was eliminated from the *General Appropriation Act of 2011* and, as a result, several institutions are requiring 9th and 10th grade high school students to pay the same tuition and fees as other college or university students. Conversely, he continued, according to Statewide Dual Credit Committee meeting minutes, several institutions of higher education such as UNM-Valencia, CNM, Santa Fe Community College, and others have committed to continue serving 9th and 10th grade students without charging tuition, despite the lack of formula funding to the institutions for credit hours generated.

Mr. Dulany then deferred to Ms. Bryan for a presentation about the Arrowhead Park Early College High School (APECHS).

Ms. Bryan said that the goal of The Bridge of Southern New Mexico (Bridge) is to break the downward spiral in education that often leads to limited economic development, a high percentage of students dropping out of school, an unprepared and untrained workforce, and communities with low income. She said that the Bridge is working in Doña Ana County to build a pipeline to improve education and prepare a well-qualified workforce in order to strengthen the economic future in the county. A part of these efforts, she added, is the APECHS, which is a collaboration among the Bridge, Doña Ana Community College, New Mexico State University's College of Education, and Las Cruces Public Schools.

The APECHS, Ms. Bryan concluded, seeks to address "at-risk" students and maximize educational assets through the collaboration of several entities and stakeholders in Doña Ana County. After providing information about the demographics of the student body at the high school, Ms. Bryan informed the committee that no students have dropped out of the APECHS and that 100 percent have been promoted to the next grade level. She added that the APECHS helps students continue to postsecondary institutions or careers because students who graduate from the APECHS receive both a high school diploma and an associate degree.

Committee Discussion

In response to a committee member's question, an official from Eastern New Mexico University informed the committee that high schools may have agreements with multiple colleges and universities in order to provide both academic and vocational dual credit options.

In reply to a committee member's question, LESC staff informed the committee that, when the dual credit program was created in state law, the intent was for all stakeholders to contribute in some manner to the program. Thus, the student is responsible for transportation to and from the dual credit course and course-specific fees; the secondary school is responsible for instructional

materials; and the postsecondary institution must waive all general fees and is encouraged to waive tuition.

Responding to a committee member's question, Ms. Bryan stated that students in the APECHS have been recruited from a wide variety of places, most notably of which was at a Wal-Mart parking lot. She said that there was a large effort to recruit students from the area, but the number one quality that the APECHS was seeking was a willingness to work hard.

In reply to a committee member's question, Mr. Dulany stated that data showing how many students who participate in dual credit also participate in remedial courses are not available in the *Dual Credit Report for School Year 2010-2011*; however, he added that he expects that CEPR will track that information in the years to come and that, at least based on the current data, there is an association between dual credit participation and the reduced need for remediation.

DIRECTOR'S REPORT

a. Approval of Draft LESC Minutes for June 2012

On a motion by Representative Stewart, seconded by Representative Roch, the committee approved the LESC minutes for June 2012.

b. Approval of LESC Financial Report for May 2012

On a motion by Senator Nava, seconded by Senator García, the LESC approved the financial report for May 2012.

c. Approval of LESC 2012 Interim Workplan

The Chair stated that no approval was needed on workplan reviews, and the LESC Director added that the committee will see revisions of the plan as it evolves.

d. Informational Items

The committee notebooks include a report by LESC staff regarding administrative rulemaking.

e. Committee Requests

The committee notebooks include a response by LESC staff to a committee request regarding assurances in the New Mexico *Elementary and Secondary Education Act* (ESEA) flexibility request.

f. Correspondence

The committee notebooks include a letter regarding a proposal from the New Mexico Deans and Directors of Education to change the due date for the annual Educator Accountability Reporting System from November 1 to July 1 of each year.

On a motion by Representative Roch, seconded by Representative Stewart, the LESC changed the date of its next meeting to August 22-24, 2012. The meeting will be held in Room 307 of the State Capitol, in Santa Fe.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized Dr. Jerry Harmon, Dean of the College of Education at Eastern New Mexico University, who testified in support of changing the due date for the annual Educator Accountability Reporting System (EARS) report from November 1 to July 1 of each year. A July 1 due date, Dr. Harmon said, would enable New Mexico Deans and Directors of Education institutions to align EARS reporting with Title II and National Council for Accreditation of Teacher Education accreditation reporting. It would also allow more timely reporting of the results of the teaching assessments conducted every year in January.

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 2:56 p.m.

MINUTES LESC MEETING JULY 19, 2012

Representative Rick Miera, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:10 a.m. on Thursday, July 19, in the Zia Room of the Student Union Building at Eastern New Mexico University, in Portales.

The following voting members of the LESC were present:

Representatives Rick Miera, Chair, Nora Espinoza, Dennis J. Roch, and Mimi Stewart; and Senators Cynthia Nava, Vice Chair, and Lynda M. Lovejoy.

The following voting members of the LESC were not present:

Representatives Mary Helen Garcia and Jimmie C. Hall; and Senators Mary Jane M. García and Gay G. Kernan.

The following advisory members of the LESC were present:

Representatives Ray Begaye, George Dodge, Jr., Tim D. Lewis, and Bob Wooley; and Senators Mark Boitano, Stephen H. Fischmann, Linda M. Lopez, Howie C. Morales, John Pinto, and Sander Rue.

The following advisory members of the LESC were not present:

Representatives Alonzo Baldonado, Eleanor Chávez, Roberto “Bobby” J. Gonzales, Sheryl M. Williams Stapleton, and Shirley A. Tyler; and Senator Vernon D. Asbill.

Representatives Anna M. Crook and James E. Smith and Senator Clinton D. Harden, Jr. were also in attendance.

TEACHER AND PRINCIPAL EVALUATION SYSTEM: UPDATE

The Chair recognized Mr. Phil Baca, LESC staff, for an update on the Public Education Department (PED) teacher and principal evaluation system. Before beginning his presentation, Mr. Baca noted that, since the LESC meeting in June, PED had cancelled the June 28 meeting of the New Mexico Teacher Evaluation Advisory Council (NMTEACH) and scheduled the next meeting for July 20, 2012 in Las Cruces.

Mr. Baca informed the committee that PED held a public hearing on July 18, 2012 in Santa Fe to solicit public comment on a draft rule for evaluating teacher and school leader effectiveness.

In the section on Effectiveness Evaluation Systems (EES) in the draft rule, Mr. Baca stated that all school districts, district-authorized charter schools, and state-authorized charter schools are required to:

- submit an EES for measuring the performance of licensed school employees to PED prior to the beginning of school year 2013-2014;
- implement an approved EES during school year 2013-2014; and
- include measures of student achievement growth worth 50 percent; observations worth 25 percent; and multiple measures worth 25 percent (a minimum of two multiple measures must be adopted and they must align with improved student achievement).

For a teacher who teaches in a grade or subject that has a standards-based assessment, Mr. Baca continued, student achievement growth is based on 35 percent standards-based assessment and 15 percent PED-approved assessments. Teachers who teach in a grade or subject that does not have a standards-based assessment will have their student achievement growth based on district-selected and PED-approved assessments worth 50 percent, Mr. Baca added.

Next, Mr. Baca reviewed the provisions in the Student Achievement Growth and Student Assessment Programs section of the draft rule, which require that:

- by school year 2013-2014, a school district, district-authorized charter school, and state-authorized charter school must be responsible for measuring achievement gains for students in all subjects and grade levels, except for those required to participate in the state student achievement testing programs; and
- schools that have not implemented appropriate course assessments for measuring student growth by school year 2013-2014 must measure student achievement growth by the teachers' students on state assessments or a school's A through F letter grade.

Mr. Baca then reviewed the Effectiveness Evaluations of School Leaders section of the draft rule, which requires that the performance of a school leader be based on the change in a school's A through F letter grade (worth 50 percent), a minimum of two multiple measures aligned with

improved student achievement (worth 25 percent), and documented fidelity observations of school leaders (worth 25 percent).

Mr. Baca further explained that the Evaluations, Reports, and Post-Evaluation Conferences section of the draft rule states that:

- a teacher who received an evaluation rating of exemplary or highly effective during the previous year will be observed once during the current year;
- a teacher who received an evaluation rating of effective, minimally effective, or ineffective during the previous year will be observed twice during the current year (once by the principal and once by an external observer);
- the draft rule requires a written report to be provided to the teacher within 10 calendar days after a completed observation; and
- the report for employees rated as ineffective or minimally effective must include a detailed description of the observed performance and a 90-day professional growth plan.

During the 90-day professional growth plan, Mr. Baca continued:

- the employee will be periodically observed more than four times and informed in writing of the observation results; and
- the evaluator will maintain documentation of providing assistance and notification of training opportunities to help correct unsatisfactory work performance.

Other provisions of this section, according to Mr. Baca, discuss procedures to be implemented after the expiration of the 90-day performance growth plan period, including provisions for addressing unsatisfactory performance and determining whether to discharge or terminate an employee according to provisions in the *School Personnel Act*.

The Appeal of Effectiveness Evaluations section of the draft rule, Mr. Baca continued, states that a licensed school employee wishing to appeal an evaluation must submit a written appeal within 15 calendar days of receipt of written notice that the unsatisfactory performance has not been corrected. This section also enumerates certain conditions under which exemptions may be granted.

Finally, Mr. Baca noted that a staff review of the relationship of the *School Personnel Act* to the provisions in the draft rule had found alignment in the following areas:

- the school district, district-authorized charter school, and state-authorized charter school shall develop procedures for the performance evaluation system;
- classroom observation is required to be a component of the performance evaluation system; and
- an appeal process is outlined, though differences in the two processes exist.

However, the staff review also yielded areas where alignment between the *School Personnel Act* and the proposed rule were not as clear; therefore, in advance of the public hearing scheduled for July 18, 2012, LESC staff submitted questions about these points for PED to consider.

Committee Discussion

In response to a committee member who noted that administrators are concerned about using school grades for principal evaluations, the Chair recognized Secretary-designate of Public Education Hanna Skandera, who replied that the current system does not recognize principals that “save” troubled schools. Under the new system, she said, the principal is accountable for growth over time, rather than the initial school grade. Regarding a committee member question about local measures, the Secretary-designate said that local measures developed by districts may include short- cycle assessments, but they must align to the Common Core State Standards.

A committee member commented that teachers use tests other than the standards-based assessment to improve their practice because the standards-based assessment results come in at the end of the school year. This committee member also expressed concern that special education teachers may not be fairly graded because most of their students cannot pass the standards-based assessments. In response, the Secretary-designate said that PED is working to receive the standards-based assessment results sooner and that, for the first time, teachers will receive credit for student growth.

In response to a committee member who asked how the new evaluation system relates to the three-tiered system and the professional development dossier, the Secretary-designate replied that PED is committed to aligning its rule with the three-tiered system.

Regarding school leader evaluation and fidelity of observations, a committee member asked whether PED has developed an observation protocol. In response, the Secretary-designate said that PED has begun conversations with NMTEACH, and wants to bring in representatives of English language learners and Native American communities to discuss the observation protocol.

Among other points, committee members discussed how the system will grade teachers in subjects other than reading and math, as well as the need to begin the evaluation process, noting that the key to success is gaining consensus with the advisory group (NMTEACH).

Finally, a committee member stressed the importance of implementing the evaluation system properly, noting that other states, including Tennessee, have suspended their systems because of difficulties with retaining teachers in low-performing schools. This committee member also alluded to a recent speech by Bill Gates, who cautioned that rushing to implement an educator evaluation system could be disastrous and that states must be careful how money is spent on evaluation, which, to be done properly, could require 1.5 to 2.0 percent of a state’s education budget.

CHARTER SCHOOLS: UPDATE

The Chair recognized Dr. David Harrell, LESC staff, for an update on charter schools. Dr. Harrell acknowledged two members of the Public Education Commission (PEC) who were in attendance: Ms. Carolyn Shearman, Vice Chair; and Mr. Vince Bergman, member.

Dr. Harrell said that this update would address some of the points introduced in the staff report delivered in June:

- the 11 charter schools that the PEC had approved, with conditions, in 2011;
- the virtual charter school that the Farmington Municipal Schools board had approved in 2011, also with conditions; and
- the 43 notices of intent that the Charter Schools Division (CSD) in the Public Education Department (PED) had received in January 2012 from parties planning to apply for new charter schools, with particular attention to the notices received from four organizations headquartered in other states.

At a hearing on June 27, Dr. Harrell said, the PEC heard testimony from each of the 11 schools and from the Public School Facilities Authority (PSFA) and the CSD. All 11 of the schools had met most of the conditions, but only one – Southwest Aeronautics, Mathematics and Science Academy – had met them all. In some cases, the deficiencies were related to incomplete items in the planning year checklist; in other cases facilities were the issue: the buildings had not met the educational occupancy standard, they did not satisfy the weighted condition index prescribed in legislation enacted in 2011, or both. Nonetheless, both the PSFA and CSD indicated that the schools were making progress toward satisfying the outstanding conditions, in most cases by either August or early September.

Dr. Harrell added that one school, La Jicarita Community School, asked for an additional planning year because it had been unable to obtain a suitable facility. That request was granted, with the understanding that the school must apply in spring 2013 for authorization to commence operation and that, when finally approved, the charter would be for only four years.

For the other nine schools, Dr. Harrell continued, legal counsel to the PEC advised the members that they could approve those schools with conditions once again, with the understanding that none of the schools can open until the conditions are met. This prospect led the PEC to discuss the effect of the school's not opening on (1) the school's funding, which would begin on July 1; and (2) personnel contracts. On the first point, Dr. Harrell said, the Deputy Secretary of Finance and Operations at PED, explained that the funds would have to be returned; on the second point, legal counsel suggested that the school would have to discharge employees through a reduction-in-force process. Ultimately, on the recommendation of the CSD, the PEC approved those nine schools – with the additional conditions.

As the update on the New Mexico Virtual Academy (NMVA) in Farmington, Dr. Harrell said that, on July 17, the school board approved the NMVA on the condition that its facility obtain educational occupancy status by August 15.

Finally, Dr. Harrell reviewed the applications for new charter schools submitted by July 1. From the 43 notices of intent there were 14 applications to the PEC. These include applications from three of the four out-of-state organizations profiled in the June update:

- Academic Opportunities Academy, headquartered in El Paso, Texas, has carried through with its plans to open charter schools in Alamogordo, Anthony, Carlsbad, Deming, and Las Cruces;
- Connections Education, based in Maryland, has applied to open a single virtual charter school in Santa Fe; and

- Starshine Academy, headquartered in Phoenix, which had submitted notices of intent for four schools, applied to open only one – the Lisa Law Peace School, in Santa Fe.

The other applications submitted to the CSD were from:

- Columbus Community School, located within the Deming Public Schools district;
- Health Leadership High School and Electus Academy, located within the Albuquerque Public Schools (APS) district;
- Health Sciences Academy, located within the Gadsden Independent Schools district;
- Indigo Hill Charter School, to be located within either APS or the Rio Rancho Public Schools district; and
- Taos International School and Taos Mountain Charter School, in Taos.

Noting that the other parties that had submitted notices of intent may have filed with local school boards, Dr. Harrell said that, according to staff inquiries with the designated districts, neither APS nor Santa Fe Public Schools had received applications for locally chartered charter schools; and two school districts – Grants-Cibola County Schools and Silver Consolidated Schools – reported that their potential applicants had chosen not to apply after all. Dr. Harrell then deferred to Ms. Annjette Torres, Legislative Liaison, PED, who confirmed that there had been no applications to local school boards in 2012.

Committee Discussion

One committee member suggested that the more stringent requirements at the beginning of the charter application process, which had been discussed in June, was a major factor in the small number of actual applications (14) that resulted from the larger number of notices of intent (43) this year. This development, the member indicated, was a means of helping to ensure high-quality charter schools.

Several committee members expressed concern that, so close to the opening of school, most of the schools had still not met their conditions of approval. In response, Commissioner Shearman explained that the PEC had tried to be as flexible as possible with the applicants, who were trying in good faith to comply with facilities-related requirements in effect for the first time this year. With the next round of applications, however, the PEC is likely to be less flexible, she said. She also emphasized that, even if a school's facility did not meet the average condition for all New Mexico public schools at this time, it could satisfy the legal requirement by demonstrating a plan to meet that criterion within 18 months. Commissioner Bergman added that some of the conditions had been imposed because of weaknesses in the application that needed to be addressed but that were not serious enough to warrant rejecting the application outright.

VIRTUAL CHARTER SCHOOLS

The Chair recognized Dr. David Harrell and Mr. Kevin Force, LESC staff, for a presentation on virtual charter schools.

Dr. Harrell began by noting that virtual charter schools are a growing component of charter schools nationwide, in that the number of full-time online charter schools has increased from fewer than 50 in 2000 to more than 200 in 2011. In New Mexico, one locally chartered virtual charter school is scheduled to open in Farmington this fall – the New Mexico Virtual Academy – and another has applied to the Public Education Commission (PEC) to open a school in Santa Fe in school year 2013-2014. Dr. Harrell also emphasized that he and Mr. Force would be presenting an overview, not a detailed analysis, of virtual charter schools in an attempt to identify some of the questions, issues, and concerns that may merit attention.

Perhaps the first question to be addressed, Dr. Harrell said, is, “What is a virtual charter school?” The National Association of Charter School Authorizers (NACSA) defines the term this way:

An educational organization that offers K-12 courses through Internet-based methods, with time and/or distance separating the teacher and learner. Students enroll to earn credit towards grade-level advancement and/or graduation.

Moreover, Dr. Harrell continued, the instruction may be delivered synchronously – that is, in real-time mode via webinars or some other form of interaction – or asynchronously – that is, through prepared lessons that students access in their own time at their own convenience.

Although there is wide variety among the virtual educational programs currently available and in the responses and activities of students and teachers, virtual education programs seem to have some basic elements in common, Dr. Harrell said. In a typical day, according to several sources, students log on to assignments or class sessions in the morning from home or at a learning center; they may engage in other activities in mid-day; and then they return to the schoolwork at night. Students in virtual charter schools may also spend time working offline – perhaps reading print materials, working math problems on paper, performing science experiments, or drawing, Dr. Harrell added.

According to the International Association for K-12 Online Learning (*iNACOL*), Dr. Harrell continued, community learning centers that students visit at their option are becoming more common, as are classroom-like settings in which all students and their teacher log in at the same time. Also increasing in frequency are opportunities for social interaction, like field trips, and teachers’ maintaining regular office hours when students may contact them for help, he said.

One point of agreement among virtually all parties, Dr. Harrell said, is that virtual charter schools are not for every student. While virtual charter schools may be especially well-suited for students with particular needs – those who could benefit from an accelerated educational program or who are medically fragile, for example – the students must be capable of independent work and they need a supportive adult at home.

Dr. Harrell then identified some of the issues raised by virtual charter schools.

- Costs, he said, are perhaps one of the least-understood aspects of virtual charter schools, with wide ranges in the various estimates that have been offered. One factor is that some costs – transportation and food service, for example – may be lower than in traditional brick-and-mortar charter schools; whereas other costs – hardware, software, and certain logistical costs – may be higher.
- Funding virtual charter schools presents challenges as well, partly because funding based on the traditional count day, according to NACSA, “makes little sense for virtual schools, where students complete coursework from home or elsewhere at any hour of the day, any day of the week.” For New Mexico in particular, Dr. Harrell noted, virtual charter schools may take students – and thereby funding – from school districts or other charter schools; they may draw students who were previously home-schooled, diluting the unit value; and they may not require the same facilities funding as traditional charter schools.
- As suggested above, student recruitment and enrollment may become an issue. Because virtual charter schools could theoretically enroll students from anywhere, their recruitment efforts are generally broad-based. The New Mexico Virtual Academy (NMVA) in Farmington, for example, recruited students statewide. The most recent enrollment figures for the NMVA show that only 28 of the 354 students currently enrolled (8.0 percent) come from San Juan County. The rest – 92 percent of the total – come from 27 other counties altogether, with 113 of them, or 32 percent, from Bernalillo County alone.
- The effect of virtual charter schools on student achievement, Dr. Harrell said, is generally unclear, with some studies showing increases, others decreases, and still others indicating levels similar to those produced by traditional charter schools.
- Like traditional charter schools, virtual charter schools are subject to the *Individuals with Disabilities Education Act*; and how well they serve students who need special education is also subject to varying views. Some sources suggest that virtual charter schools are able to offer excellent special education services, while other sources have found that not all online classes are suitable for students with disabilities and that often online classes may not even be accessible to such students.
- There are also concerns with student assessments, Dr. Harrell said. While many student assessments are administered online, the state standards-based assessment must be administered and monitored at a physical location. And the typically higher mobility rate of students in virtual schools may complicate the collection of student growth data, thereby affecting state-level accountability systems for schools and teachers.
- Just as learning is different in a virtual school, so is teaching, indicating the need for teacher professional development targeted to this particular educational environment. According to NACSA, however, most states require no specialized training, although there are some notable exceptions, Dr. Harrell said. In fact, *iNACOL* cites the program at New Mexico State University as a good example.

- The role of the chartering authority is especially critical, NACSA suggests: “Because of the potential scale involved, authorizing a single high-quality virtual school can provide valuable opportunities to thousands of students – while a single low-quality virtual school can harm thousands.” Dr. Harrell noted that, to address this need, NACSA had identified a number of particular points that chartering authorities should consider in reviewing applications for virtual charter schools, summarized in the staff report.
- As the final issue addressed in the staff report, Dr. Harrell noted the business relationship between the virtual charter school and the provider of the virtual education program. A case in point, he said, is the memorandum of understanding (MOU) between the NMVA and the vendor K12 Inc., which includes numerous detailed business provisions, among them:
 - the expectation of a “long-term relationship,” with an initial term of 10 years and renewal terms of seven years each;
 - an annual administrative services fee to the school of up to 15 percent of the school’s “program revenues,” which include state and local per-pupil basic education funds and federal funds, to cover a wide range of services detailed in the MOU;
 - an annual technology services fee of up to 7.0 percent of the school’s program revenues for the value of technology services provided; and
 - a description of the role that K12 will have in recruiting, identifying, and hiring certain school personnel.

Turning to legal questions about virtual charter schools, Dr. Harrell discussed two provisions in state law that may need to be addressed:

- On the grounds that New Mexico law contemplates schools as “brick and mortar” buildings with a physical presence in a particular place, tied to “attendance areas,” with “walk zones,” and “allowable class sizes,” a legal opinion by the counsel for the Charter Schools Division in 2009 concluded that the Public Education Commission could not legally authorize virtual charter schools. It may be, however, Dr. Harrell suggested, that the learning center established by the NMVA may satisfy the requirement of a physical building.
- On the second point, Dr. Harrell cited this prohibition in the *Charter Schools Act*: “the governing body [of a charter school] shall not contract with a for-profit entity for the management of the charter school.” While this prohibition seems clear in theory, he said, it may be difficult to apply in practice as the term “management” is not defined. In the case of the MOU between K12 and the NMVA, for example, even though K12 says that it will provide all services except managing instruction, these tasks do not constitute management of the school because the company does not have the authority to determine policy for the school, only to recommend policy.

Next, Mr. Force reviewed some legal situations in other jurisdictions involving virtual charter schools. First, in a situation similar to the NMVA in New Mexico, a local school board in North Carolina approved a virtual charter school to be operated by a nonprofit group affiliated with K12, culminating in a series of legal and political actions regarding the legitimacy of the school board’s approval of the virtual academy:

- North Carolina Learns, Inc. (NC Learns) sought and received approval from the Cabarrus County Board of Education for the North Carolina Virtual Academy, despite an announcement by the State Board of Education (SBE) that it would not accept any applications for online charter schools for school year 2012-2013.
- The SBE denied final approval of the virtual school's charter, in keeping with its earlier announcement.
- NC Learns sued the state in administrative court, where the judge granted approval of the academy's application, saying that the school could proceed with operations because the SBE had failed to respond to the application by the state's deadline.
- The SBE, joined by 89 of North Carolina's school districts under the umbrella of the North Carolina School Boards Association, appealed the administrative law judge's decision in Wake County Superior Court.
- The Superior Court judge overturned the previous decision, noting that the SBE did not need to respond directly to the application, as the board had previously announced it would entertain no such applications; and that the SBE has final authority in these sorts of matters.

Mr. Force added that the court did not address the issue of whether a for-profit company could open a charter school in North Carolina.

Next, Mr. Force spoke about lawsuits that had been filed against K12, alleging violations of the *Securities Exchange Act of 1934* and related regulations. Mr. Force noted that these allegations appeared to arise directly as a result of the publication of a *New York Times* article in December 2011 that described the practices implemented by K12, Inc. in the administration of the company's virtual charter schools, among them:

- much of the funding that K12 receives from government sources is rolled into advertising, lobbying, and recruitment, rather than actual education;
- a state audit of the Colorado Virtual Academy, run by K12, revealed that the school had continued to count for state reimbursement approximately 120 students whose enrollment could not be verified, who failed to meet residency requirements, or who had never logged on at all, resulting in the reimbursement of more than \$800,000;
- K12 appears to maximize its income by establishing virtual schools in poor districts, which receive more government support in some states; and
- a Stanford University group, the Center for Research on Education Outcomes, tracked students in eight different Pennsylvania schools, including one operated by K12, and concluded that, "in every subgroup, with significant effects, cyber charter performance is lower."

Mr. Force noted that class action suits against K12 and certain of its officers have been filed in US District Court for the Eastern District of Virginia. The plaintiffs allege that, between September 9, 2009 and December 16, 2011 (the "Class Period," which ended just a few days after the *New York Times* article was published), K12 and certain officers violated provisions of

the *Securities Exchange Act of 1934* and related regulations by concealing material information and making false and misleading statements relating to K12's business and financial condition. Among the allegations in the lawsuits are that:

- K12 and certain of its officers violated federal securities laws by issuing materially false and misleading statements regarding K12's business and prospects;
- K12 engaged in improper and deceptive recruiting and sales strategies, aimed at enrolling students regardless of how well-suited they might be to the company's curriculum;
- K12 failed to disclose administrative pressure from upper management to pass students despite poor or nonexistent academic performance, so as to maintain high enrollment levels and continued government funding;
- according to various academic benchmarks, K12 students chronically underperformed when compared with their peers at traditional schools;
- K12 schools often have much higher student-to-teacher ratios than the company advertizes;
- defendants' statements regarding the company's performance and practices were false, misleading, and lacked a reasonable basis;
- as a result of defendants' misleading statements, K12 common stock traded at artificially inflated prices during the Class Period; and
- after the publication of the *New York Times* article, the price of K12 common stock fell approximately 23.5 percent, on December 13, and 34.4 percent by December 16, on unusually high trading volume, thereby causing harm to plaintiffs.

Mr. Force concluded his part of the presentation by noting that these lawsuits are still pending before US District Court; however, LESC staff have been unable to determine their current disposition, class members, lead plaintiffs in all but two cases, and other details because of limited access to the official records.

Committee Discussion

One committee member expressed concern that a virtual charter school, which draws students from all over the state, could be authorized by a local school board rather than the PEC. This committee member was also concerned that the MOU between K12 and the NMVA may violate the prohibition, which Dr. Harrell had cited, against a for-profit entity operating a charter school.

On this point, another committee member suggested that the law is ambiguous in terms of what constitutes management, which is different from the procurement of services. The decision-making authority, this member said, must be with the charter school's governing board, not the company that provides the virtual education program.

Addressing questions about the approval of the NMVA, Ms. Carolyn Shearman, Vice Chair, PEC, alluded to the statutory criteria under which a chartering authority may deny an application, suggesting that they may not necessarily apply in this case.

A committee member suggested adding a "bad actor" provision to the *Charter Schools Act* to cover circumstances such as those that Mr. Force had described; and this member asked Ms. Hanna Skandera, Secretary-designate of Public Education, whether the Public Education

Department would be amenable to such a provision. In reply, Ms. Skandera described the department's upfront intentions to examine the performance of charter schools and indicated that a bad actor provision should be part of the review. The committee member encouraged the Secretary-designate to scrutinize virtual charter schools, especially in terms of safeguards for students and communities.

Finally, the committee also considered the possible tax liability that an out-of-state for-profit company may incur by providing a virtual education program to a charter school in New Mexico.

SOUTHWEST SECONDARY LEARNING CENTER (STATE-CHARTERED CHARTER SCHOOL) INVESTIGATION

The Chair recognized Dr. David Harrell, LESC staff, for a report on a recent investigation that the Public Education Department (PED) conducted regarding credits awarded by Southwest Secondary Learning Center (SSLC), a state-chartered charter school located in Albuquerque.

Dr. Harrell began by reminding the committee that, during the charter school update in June 2012, the LESC heard an account of an incident in Albuquerque Public Schools (APS) in which a senior at an APS high school, unable to graduate because of insufficient credits, earned credit for senior English from SSLC in only a few days. That incident, together with the district's discovery that 289 APS students had earned a total of 387 credits from SSLC during school year 2011-2012, prompted the APS superintendent to ask that PED investigate what the superintendent called the "granting of 'quick' credit" by SSLC to students concurrently enrolled in an APS high school, as well as other related concerns.

On May 23, 2012, Dr. Harrell continued, Secretary-designate of Public Education Hanna Skandera wrote to Mr. Brooks and to Dr. Scott Glasrud, Chief Academic Officer, Southwest Learning Centers, announcing that PED would conduct a review of the incident recounted in Mr. Brooks' letter. The review would also include an examination of the APS board policies regarding acceptance of recovery credits from neighboring districts.

In addition to the concerns of the APS superintendent, Dr. Harrell said, the Public Education Commission (PEC), at a special hearing called for that purpose in June, posed a number of questions about the issue to Ms. Kelly Callahan, Interim Director, Options for Parents, PED. Dr. Harrell noted that more information about this hearing and the case in general was available in the staff report provided to committee members.

Dr. Harrell further noted that, at the time of the June update to the LESC, PED reported, "the site visits [for the investigation] have been completed and the report is being compiled." On July 13, 2012, PED reported to LESC staff that the exit conferences with the parties involved were being scheduled and that the Secretary-designate would present the report to the committee during the July interim meeting.

The Chair then recognized Ms. Skandera and Mr. Craig Johnson, Audit Manager, PED, to present the report.

Mr. Johnson said that the report was in the form of a memorandum from him to Ms. Skandera, Dr. Glasrud, and Mr. Brooks, with several attachments. As reviewed by Mr. Johnson, the report begins with some background about the correspondence and the concerns about distance learning nationwide and in New Mexico, with specific references to provisions in the *Technology for Education Act* and the *Statewide Cyber Academy Act*.

The report includes the following findings:

- Contrary to PED’s distance learning rule, there was no written agreement between SSLC and APS, nor had APS students received written permission to take classes at SSLC. This finding also notes a media account of a verbal agreement between APS and SSLC that the charter school would not enroll any seniors after March 31, 2012, when in fact some 22 APS seniors did enroll in SSLC courses after that date.
- The instructional materials that SSLC uses through the e2020 distance learning program have met PED approval; and SSLC reports that all the teachers of e2020 courses are highly qualified.
- APS students have taken a variety of courses at SSLC, with further variety in the amount of time spent on the courses and the results achieved. In the case of the one student in question, Mr. Johnson said, the report suggests the likelihood that the student had “acquired some amount of content through the [failed] AP [Advanced Placement] English course”; and added that, “once the student completed enough coursework to achieve a passing grade [in the SSLC distance learning course], the student chose not to complete all of the course essays.”

Although not directly related to the investigation, Mr. Johnson continued, the PED report also includes two other “noteworthy observations”:

- most of the APS students who took courses at SSLC achieved rates of proficiency on the standards-based assessment higher than the statewide average; and
- the APS students who took courses at SSLC were counted and funded only through the membership at APS.

Finally, Mr. Johnson highlighted the two recommendations in the report:

- that school districts and charter schools work together to ensure compliance with the requirements of the distance learning rule; and
- that state law be reviewed to accommodate the increasing demand for and availability of virtual learning.

The Chair then recognized Ms. Carrie Menapace, Legislative Liaison and Policy Analyst, APS, who read a letter addressed to the Chair from Mr. Martin Esquivel, a member of the APS board. In an effort to offer “constructive criticism with regard to [the] findings” of the PED investigation, Mr. Esquivel raised a number of points, among them:

- attempting to legitimize the completion of a semester’s worth of senior English work through a weekend course online “is grossly inappropriate”;
- allowing a student to make up for a failed semester in a few days “undermines our public schools and our teachers”;
- the investigation “ignores the *real* question of whether the content of that course was delivered and received with any degree of academic integrity” (emphasis in the original);
- the investigators made no effort to determine whether the content of the online course matched that of the semester-long course that the student had failed; and
- the report fails to address the issue of students taking online classes to regain athletic eligibility in a short period of time or to ensure that online classes are not subject to abuse or cheating.

Ms. Menapace also questioned whether the student was enrolled in SSLC outside the lottery process required by state law for a charter school that is oversubscribed.

Committee Discussion

The committee discussion addressed a number of points, among them:

- the need for clarity, consistency, and better communication among all parties;
- the need for a balance between providing convenient services to students and maintaining academic integrity;
- whether rules are promulgated for the convenience of adults or the benefit of students;
- the differences between AP English, which the student failed at the APS high school, and standard senior English, which the student passed at SSLC;
- the difference between learning the material in a course and earning credit for the course, with the possibility that the traditional Carnegie unit – a time-based measurement of educational attainment – may be outmoded; and
- the importance of supporting teachers and of taking advantage of effective innovations in education.

A-F SCHOOL GRADING SYSTEM: UPDATE

The Chair recognized Mr. Kevin Force, Mr. David Craig, and Mrs. Sarah Amador-Guzman, LESC staff, for an update on the A-F school grading system.

Mr. Force began, noting that the final adopted rule for grading of public schools contained several changes from the rules as originally proposed, including additional definitions for:

- dual credit;
- the opportunity to learn survey;
- performance level; and
- proficiency in reading and mathematics.

Mr. Force also noted changes to the original definitions of “standards-based assessment” and student “status.” In addition, there were changes to the sections of rule regarding the factors upon which a school’s performance shall be based, such as:

- school growth and student growth in the lowest quartile now being based solely on the standards-based assessment;
- the addition of five-year and six-year graduation cohorts to the bases upon which a high school shall be scored;
- the addition of dual credit programs to those included in the career-readiness factor for high schools;
- the addition of value-added modeling (VAM) to the indicators to be weighted in assigning scores to schools;
- changes to the range of points for awarding schools’ grades; and
- changes to the sections of rule regarding school board and charter school administration of programs recommended by the Public Education Department (PED).

Next, Mr. Force referred to the May, 31, 2012 issue of the New Mexico Register, which included the final adoption of amendments to the recently adopted rules regarding Grading of Public Schools, 6.19.8 NMAC. According to Mr. Force, the adopted amendments include new definitions for the “Accuplacer,” a standardized test; the “International baccalaureate (IB);” the “PLAN,” which is a 10th grade assessment; and the “Supplemental accountability model” or “SAM,” which refers to any schools that qualify for a modified accountability calculation. He added that changes to existing definitions include the addition of “SAT, PLAN, Accuplacer, IB, and other measurements approved by PED” to the bases upon which “college readiness” might be evaluated.

Mr. Force further explained that a new subsection in Determining a School’s Grade, corresponding to the SAM definition, notes that a school will qualify as a SAM when it serves a higher proportion of returning dropouts or disabled students. In addition, another new subsection details the method used to determine a school’s participation rate.

Finally, Mr. Force noted an amendment to the section Small School and Non-Assessment Considerations, which increased from 25 to 30 the maximum number of students needed for a school to be considered “small.” As further amended, this subsection now reads: “A small school is a school with fewer than 30 students in the assessed grades. To calculate the school grade of a small school, the department shall where possible mitigate the impact of school size by using multiple years of data and consider the reliability of school estimates in calculation.”

Next, Mrs. Amador-Guzman presented a comparison of preliminary and official school grades. She explained that on January 10, 2012, 826 New Mexico schools were issued preliminary grades that had been calculated using student assessment data from school years 2008-2009, 2009-2010, and 2010-2011. Then, on July 9, 2012, 830 schools received their final grades, with 35 percent of the schools receiving lower scores based on student assessment data from school years 2009-2010, 2010-2011, and 2011-2012.

Mrs. Amador-Guzman noted that in the preliminary school grades:

- 8.0 percent were As;
- 22 percent were Bs;
- 31 percent were Cs;
- 24 percent were Ds; and
- 10 percent were Fs.

Then she indicated that in the final, official school grades:

- 5.0 percent were As;
- 23 percent were Bs;
- 32 percent were Cs;
- 29 percent were Ds; and
- 8.0 percent were Fs.

Mrs. Amador-Guzman emphasized that almost 50 percent fewer schools received an official grade of A when compared to preliminary grades, and there were also approximately 40 more D schools and 20 fewer F schools reported in the official school grades in comparison to the preliminary grades. In addition, she reported that PED made some modifications to the grade calculation, including:

- application of the Opportunity to Learn (OTL) survey;
- criteria for bonus points;
- grade calculations for alternative schools; and
- accounting for students in small schools and additional testing grades.

Modifications were also completed for SAM and small schools, Mrs. Amador-Guzman noted, to ensure that all students are accounted for in the grading system. Also in school year 2011-2012, she said, the state issued its first 10th grade standards-based assessment statewide, and PED reported that it will be using the college Accuplacer exam as part of the grade calculation for the college- and career-readiness section of the high school grades. PED plans on distributing the \$3.5 million nonrecurring appropriation designated for D and F schools this year and will begin reviewing the D and F schools' budgets to ensure the prioritization of resources toward proven programs, Mrs. Amador-Guzman concluded.

Before providing the committee with a review of the A-F school grading system calculations, Mr. Craig acknowledged Dr. Suchint Sarangarm from the Hobbs Municipal Schools district for his assistance with the more technical aspects of the school grading formula.

Mr. Craig indicated that five sources of information were reviewed for the calculations, all of which are available on the PED website:

- the School Grading Technical Guide: Calculation and Business Rules;
- PED Administrative Rule Grading of Public Schools;

- two PowerPoint presentations designed by PED and labeled as Module 1 and Module 2; and
- a frequently asked questions document.

Although PED has said that some components of the final grades issued in July 2012 have been changed, he said that LESC staff is unsure if PED is going to issue an amended technical guide.

Mr. Craig testified that schools are monitored on three factors: current performance, growth, and other academic indicators; then the total points generated for each indicator are put on a scale to determine points out of 100 and a final grade. The technical guide also discusses changes that will need to be made to the A-F system with the adoption of the Common Core State Standards (CCSS) and new Partnership for Assessment of Readiness for College and Careers (PARCC) assessments as well, he said. According to Mr. Craig, the technical guide describes three sources of data for school grades: school; students; and local education agency (LEA) level attributes.

School attributes include:

- status (e.g. home school, charter, School Improvement Grant or Title I; and whether a school merges, opens, or closes, or is a program); and
- data on attendance, graduation rates, and prior-year data.

Student attributes include:

- school-based assessment data;
- snapshot data to supplement missing data;
- SAT, ACT, PSAT, and AP data;
- dual credit data;
- career readiness data; and
- opportunity to learn survey responses, beginning in 2012.

LEA attributes include:

- ratings and data from prior years, which are required for current-year calculations;
- attendance rates; and
- graduation rates.

Mr. Craig then provided the committee with a brief overview of the sections on data sources, data validation, conditioning of data, and evaluation parameters.

In addition to explaining how certain indicators are used in the calculation of school grades, Mr. Craig noted that the technical guide also defines who is rated – public schools, local and state charter schools, feeder schools, and state-supported schools; and who is not – students tested in offsite locations or programs. The technical guide also provides point boundary ranges for each grade, but Mr. Craig emphasized that the breakdowns for what constitutes each indicator are identified only in PED rule and the Module 1 matrices.

Mr. Craig then reviewed the section of the PED rule regarding participation, which:

- indicates that schools and districts must test at least 95 percent of their students in enrolled grades and in the lowest quartile;
- says that for schools with fewer than 40 students the participation rate is to be averaged across the current and prior two school years;
- says that for schools failing to meet the threshold for 95 percent participation, the overall grade will be reduced by one letter grade;
- requires that participation rates are to be calculated for greater than 40 students in certain subgroups identified in the staff report;
- does not include the lowest quartile of students as a subgroup;
- calculates participation by valid test scores divided by the enrollment at the assessment snapshot for attendance; and
- indicates that any school that fails to meet the 95 percent target for participation may have its last two or three participation rates averaged.

Next, Mr. Craig covered the six indicators that contribute to elementary and middle school grades, which are:

- current standing (40 points);
- school growth (10 points);
- growth of highest performing students (20 points);
- growth of lowest performing students (20 points);
- opportunity to learn (10 points); and
- student and parent engagement bonus points (up to 5 bonus points added to the final grade).

For high schools, Mr. Craig identified the seven indicators that contribute to their final grades:

- current standing (30 points);
- growth of highest performing students (15 points);
- growth of lowest performing students (15 points);
- graduation (17 points);
- career- and college-readiness (15 points);
- opportunity to learn (8 points); and
- student and parent engagement bonus points (up to 5 bonus points added to the final grade).

Mr. Craig also briefed the committee on the LESC staff meeting with staff from Hobbs Municipal Schools to discuss analysis of the technical manual. One item discussed was that the information in the A-F rating system does not lend itself easily to informing targeted interventions to school children, as currently our systems are designed to target subgroups of populations under adequate yearly progress (AYP). A Hobbs school district staff member said he is working on trying to rearrange his methods of targeting interventions using the A-F data.

Finally, Mr. Craig reviewed some of the changes that PED had made in the A-F grade calculations. Because the US Department of Education did not approve the original plan to

measure school and student performance against the performance of similar schools and students, the current formula compares each student's growth in a given year to that same student's past growth. In addition to several other changes in calculations, Mr. Craig noted that it is unclear whether PED has changed how grades are calculated from the first *Elementary and Secondary Education Act* (ESEA) waiver request to the system outlined in the second approved ESEA waiver request. At this time, he added, LESC staff is still awaiting a response from PED regarding the changes.

Next, Mr. Craig introduced Mr. Kim Johnson, a member of the Coalition for Excellence in Science and Math Education (CESE), who provided the committee with an analysis of the New Mexico School Grading Technical Guide. Although CESE did not have all of the data that PED uses, Mr. Johnson indicated that school grades should be vetted with a knowledgeable individual from the school district before they are publicized, and he noted that the calculation for "growth" requires expertise and custom software not currently available to school districts. He also pointed out a number of issues, among them:

- the need for consistent data validation;
- limited explanations in the PED manual about the growth model and table of point boundaries; and
- the absence of evidence that any of the factors in the manual are weighted according to any set of criteria.

Mr. Johnson then made a number of specific recommendations to improve the existing PED manual, such as:

- peer review by educational statisticians;
- defining the methodology in a complete and clear manner; and
- allowing school districts to use a simpler model for the current VAM used.

Last, Mr. Johnson emphasized that the PED grading system should be a transparent, defensible process.

In response, Dr. Peter Goldschmidt, Director, Accountability and Assessment, PED, defended the VAM, noting an instance in which it gave true credit to a middle school for math score improvements that materialized at a high school that had added little value. Ms. Hanna Skandera, Secretary-designate of Public Education, added that PED had received positive feedback when the department explained the school grading system to a diverse parent focus group. She also provided the committee with a group of handouts that included samples of school grade reports for a high school and elementary school.

Committee Discussion

In response to a committee member who commented on the need to ensure transparency in this system and make it simple enough to be replicated, Secretary-designate Skandera said that Dr. Goldschmidt will be developing a calculator that schools will be able to use to calculate their grade.

In response to a committee member who asked if the process will allow for continued input, Secretary-designate Skandera replied that PED can always take input on how to assign bonus points and that perhaps after the transition to the CCSS PED will allow for input; but for now she wants to keep a standard process in order to be able to do comparisons. She added that PED took this position based on what people had said they wanted.

Regarding a committee member question about how the grading system will change with the CCSS transition, Dr. Goldschmidt replied that under CCSS the PARCC assessment will be used and PED will continue with the same process in transforming the scores.

When asked by a committee member if funding for interventions will follow a student moving from a priority school to another school, Secretary-designate Skandera said that the state funding system does not allow that sort of distribution of funds.

In response to a committee member who noted that school districts are having difficulty in understanding the formula and who asked whether a new technical manual would be available, Secretary-designate Skandera said that PED is compiling a new technical manual in hopes of disseminating it by the end of the summer, along with the school grade calculator.

When a committee member asked if PED has a list of focus and priority schools, Dr. Goldschmidt replied that PED is still developing the lists.

In response to committee member questions regarding training, Secretary-designate Skandera indicated that PED has an online calendar of all the trainings, which are available throughout the year. She also confirmed that OTL surveys are available in both English and Spanish.

Finally, among other points, committee members:

- indicated that, despite the different terminology, the A-F school grading system is little different from the AYP measurements under the *No Child Left Behind Act of 2001*;
- questioned whether the system properly accounts for such conditions as the high percentages of English language learners, students with reading problems, high truancy rates, and limited teacher professional development;
- questioned the utility of giving the opportunity to learn survey to lower-grade students, whose reading levels may not match that of the questions; and to high school students, who, because they have more than one teacher, will be unsure how to respond; and
- cautioned that high-performing schools are likely to be punished under this grading system.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized several people who wished to address the committee:

- Ms. Barbara Peterson, a retired APS teacher representing the Albuquerque Teachers Federation, cautioned the committee that there is no proof or reliability in the value-

added model, and she emphasized that standards-based assessments and other normative tests unduly narrow the curriculum.

- Ms. Doreen A. Winn, Executive Director of the Public Academy for Performing Arts (PAPA), and Mr. Scott Gullett, also with PAPA, described the arts-based program at their school. Ms. Winn questioned the validity of the grades her school had received, and she said the school is going into its second decade of existence with subpar portable buildings. Mr. Gullett suggested that the state slow the approval of or even place a moratorium on new charter schools to address inadequate funding for existing charter school facilities. Major threats to existing charter schools, Mr. Gullett continued, can come from unknown corporate interests or from unsustainable charter schools opening in rural areas. He urged the committee to focus on existing charter schools that are sustainable and meet the needs of a diverse population.
- Ms. Patricia Miller, Superintendent of Ft. Sumner Municipal Schools, and Mr. Jim Daugherty, Superintendent of Elida Municipal Schools, testified on behalf of rural school districts and the multitude of challenges they face. In particular, Ms. Miller indicated that it would be problematic to evaluate teachers who teach multiple subjects, and Mr. Daugherty emphasized the need to slow the teacher evaluation process and ensure that it is done in a proper manner.

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 7:26 p.m.

**MINUTES
LESC MEETING
JULY 20, 2012**

Representative Rick Miera, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:15 a.m. on Friday, July 20, in the Zia Room of the Student Union Building at Eastern New Mexico University, in Portales.

The following voting members of the LESC were present:

Representatives Rick Miera, Chair, Nora Espinoza, Dennis J. Roch, and Mimi Stewart; and Senators Cynthia Nava, Vice Chair, and Lynda M. Lovejoy.

The following voting members of the LESC were not present:

Representatives Mary Helen Garcia and Jimmie C. Hall; and Senators Mary Jane M. García and Gay G. Kernan.

The following advisory members of the LESC were present:

Representatives Ray Begaye and Tim D. Lewis; and Senators Mark Boitano, Stephen H. Fischmann, Linda M. Lopez, Howie C. Morales, and John Pinto.

The following advisory members of the LESC were not present:

Representatives Alonzo Baldonado, Eleanor Chávez, George Dodge, Jr., Roberto “Bobby” J. Gonzales, Sheryl M. Williams Stapleton, Shirley A. Tyler, and Bob Wooley; and Senators Vernon D. Asbill and Sander Rue.

Representative Anna M. Crook was also in attendance.

NEW MEXICO FIRST CENTENNIAL TOWN HALL: EDUCATION RECOMMENDATIONS

The Chair recognized Ms. Heather Balas, President and Executive Director of New Mexico First, to present the group’s education recommendations to the committee. Ms. Balas began by emphasizing that New Mexico First conducts policy research in education, economic development, energy, and healthcare, with plans to expand into research on water issues. The Centennial Town Hall, she said, consisted of 200 registrants from all over the state, and made the following recommendations for education:

- conduct research to find out what other states (notably Maryland and Delaware) with reading proficiencies similar to New Mexico in the 1990s did to increase their reading proficiencies in the 2000s;
- foster awareness of the Common Core State Standards (CCSS) and become involved in their implementation;
- improve professional development and create a network to share best teaching practices;
- provide teachers with incentives to learn and to use the best methods for their community;
- strengthen the integration of educational resources (such as businesses, nonprofits, and other government agencies) from outside the classroom;
- improve family and community volunteerism in K-12 systems;
- grow a comprehensive early childhood education system with a trained workforce;
- restructure the state’s workforce education systems to eliminate duplication of efforts;
- use broadband and distance learning to access educational opportunities;
- use skill-based short courses to qualify people for specific jobs identified by industries; and
- require ongoing training for higher education faculty so they stay current with their industries.

Committee Discussion

In response to a committee member who asked for recommendations regarding Native American education, Ms. Balas acknowledged the participation of Native Americans in the town hall and the degree to which Native American students had recently improved in math. She added that she would welcome the opportunity to research Native American education issues, with sufficient staff. The committee member then commented on the need to invest gaming revenues back into Native American communities to improve healthcare, address crumbling schools, and tend to other issues.

Alluding to college graduation rates, a committee member asked for a breakdown by region to determine why some areas have low rates and others high rates. In reply, Ms. Balas said that there are regional variations but that detailed data are not available at this time. In response to this question, Dr. Jamie Laurenz, Vice President for Academic Affairs at Eastern New Mexico University (ENMU), said that the six-year graduation rate at ENMU is approximately 30 percent, the highest among regional universities. He also suggested that the graduation rates at research universities tend to be somewhat higher than that at regional universities.

In response to a committee member's questions about Head Start versus private providers of early childhood education (ECE) and about regulations affecting ECE providers, Ms. Balas said that the Town Hall's recommendation was to support ECE in general, without emphasizing either public or private providers.

Finally, in response to a committee member who asked about enhancing the use of outside resources through public/private partnerships, Ms. Balas alluded to other town halls that had addressed raising aspirations; and she cited Innovate/Educate New Mexico as a good example of a public/private partnership. On a related point, she also noted the interest of the Workforce Development Board in reviewing services available throughout the state and reducing duplication among them.

LESC SUBCOMMITTEE: UPDATE

Committee members discussed the meeting schedules and membership of the two subcommittees that had been proposed during the June LESC meeting: one on public school bus transportation and the other on the Common Core State Standards (CCSS) and reading initiatives. Members agreed to add an extra day to LESC meetings in August and September and to consider additional meeting days available in October, a month when the LESC is not meeting. Expressing their interest in serving on the transportation subcommittee were Senator Lovejoy, Senator Morales, Representative Gonzales, Representative Roch, and Representative Dodge; and expressing their interest in serving on the CCSS and reading subcommittee were Senator Nava, Senator Kernan, Senator Fischmann, Representative Stewart, Representative Hall, and Representative Espinoza.

OTHER COMMITTEE BUSINESS

At the request of a member, the committee agreed to send a letter to Secretary-designate of Public Education Hanna Skandera acknowledging her adherence to state law in her recent decision regarding the proposed closure of three schools in Gallup-McKinley County Public Schools.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized two people who wished to address the committee:

- Mr. David Atencio, Superintendent of Jemez Valley Public Schools and head of the Superintendent’s Advisory Council (SAC), said he wished to clarify any misperceptions of SAC’s role in the creation of the Public Education Department (PED) rule for the A-F grading system. Noting that the committee may have been led to believe that the SAC was a partner in the A-F grading system, Mr. Atencio said that the SAC fulfilled requirements but had no role in development of the rule; and there are non-negotiable requirements in the rule that the SAC did not approve. He added that the superintendents had tried to mitigate developments that they had anticipated, such as wide discrepancies between the preliminary and final grades and lack of advance notice to school boards. Mr. Atencio also expressed concerns about the school grade data but added that superintendents generally believe that the A-F concept has merit.

- Dr. Jerry Harmon, Dean of the College of Education at Eastern New Mexico University, testified that the higher education community has great concerns about the implementation of the Common Core State Standards (CCSS). For one thing, he said, the colleges of education at postsecondary institutions have not been involved in PED’s implementation of the standards; for another, most of the content courses that students take – English and math, in particular – are taught in the colleges of arts and sciences. He also indicated that, when teacher competencies are changed, the New Mexico Teacher Assessments must be aligned with the CCSS.

ADJOURNMENT

There being no further business, the Chair adjourned the LESC meeting at 12:03 p.m.

_____ Chair

_____ Date

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There being no further business, the Chair adjourned the LESC meeting at 12:03 p.m.



Chair

September 28, 2012

Date