

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

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**MINUTES**  
**LESC MEETING**  
**JUNE 16-18, 2014**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:17 a.m., on Monday, June 16, 2014, at the New Mexico School for the Deaf (NMSD) in Santa Fe, New Mexico.

The following voting members of the LESC were present:

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

The following voting member of the LESC was not present:

Representative Sheryl M. Williams Stapleton.

The following advisory members of the LESC were present:

Senators Jacob R. Candelaria, Lee S. Cotter, Linda M. Lopez, and William P. Soules; and Representatives Alonzo Baldonado, David M. Gallegos, Stephanie Garcia Richard, Timothy D. Lewis, Tomás E. Salazar, James E. Smith, and Christine Trujillo.

The following advisory members of the LESC were not present:

Senators Daniel A. Ivey-Soto, John Pinto, and Pat Woods; and Representatives Nathan "Nate" Cote, George Dodge, Jr., and Bob Wooley.

Representative Antonio "Moe" Maestas was also in attendance.

On a motion by Representative Roch, seconded by Representative Stewart, the committee approved the agenda for the meeting.

**LESC Minutes**  
**6/16-18/2014**

Dr. Ronald J. Stern, Superintendent, NMSD, welcomed the committee and introduced Dr. Jennifer Herbold, Principal, Curriculum and Special Programs, NMSD; Mr. Scott Mohan, Principal, Early Childhood/Elementary: toddlers-grade 5 (Albuquerque, Farmington, Las Cruces, and Santa Fe locations), NMSD; and Ms. Rosemary Gallegos, Early Interventionist, NMSD.

## **OVERVIEW OF EDUCATIONAL PROGRAMS AND OUTCOMES**

### **New Mexico School for the Deaf**

The Chair recognized Dr. Ronald J. Stern, Superintendent, New Mexico School for the Deaf (NMSD), to review NMSD educational programs and outcomes.

Also in attendance was Dr. Jennifer Herbold, Principal, Curriculum and Special Programs, NMSD.

Referring to the NMSD PowerPoint presentation, Dr. Stern gave an overview of the educational programming at the school for students in early childhood through the twelfth grade, including:

- math;
- science;
- language arts;
- social studies; and
- special courses in technology and fine arts.

Dr. Stern also informed the committee that NMSD follows the Common Core State Standards for English/language arts and mathematics and New Mexico state standards for all other subject areas.

NMSD is unique due to several features, Dr. Stern stated, including:

- all students have Individualized Education Programs;
- residential programs that provide student immersion 24 hours a day, five days a week;
- American Sign Language (ASL) classes designed for children learning ASL as a first or second language;
- early childhood students experience the Reggio Emilia program that supports the development of creative and critical thinking skills; and
- all teachers receive training on a weekly basis and are licensed by the state.

Directing the committee to the PowerPoint presentation, Dr. Stern introduced Dr. Herbold to inform the committee of the challenges of measuring the outcomes of NMSD students. Dr. Herbold stated that there are difficulties for a variety of reasons, including:

- the impact of late language learning;
- the age of enrollment at NMSD;

- tests are not always appropriate for deaf and hard-of-hearing students (sound-based questions, for example); and
- the small number of students makes it difficult to produce fair generalizations.

Nevertheless, Dr. Stern stated, NMSD assesses its students using several measures:

- the New Mexico Standards-based Assessment (state-mandated);
- the Northwest Education Association - Measures of Academic Progress;
- online portfolios; and
- the Developmental Reading Assessment and 6 Traits Writing Assessment.

Dr. Stern reiterated that, despite challenges in measuring students' academic skills through assessments, NMSD will continue to improve its programs to ensure that the curriculum and teacher preparation meet state and Common Core standards. Finally, Dr. Stern stated the importance of a new task force to look at issues concerning deaf and hard-of-hearing students in the state.

### **Albuquerque Sign Language Academy**

The Chair recognized Mr. Raphael Martinez, Executive Director, Albuquerque Sign Language Academy (ASLA) to present on ASLA programs.

After directing the committee to a video on the goals of ASLA, Mr. Martinez thanked the committee for allowing ASLA to present. He also informed the committee that ASLA is still in its infancy, recently concluding its fourth year. However, he added, the academy continues to grow.

Referring to a committee handout, Mr. Martinez discussed the inspiration behind the founding of the academy: his son Ben, who was born deaf. He explained that after exhausting available resources and unable to move to Santa Fe to enroll his son at NMSD, Mr. Martinez began the charter school process with the Public Education Commission, resulting in ASLA. Mr. Martinez informed the committee that ASLA is unique because it is a language school not only for deaf students but also for those who are developmentally challenged. ASLA is now the first and only state-certified American Sign Language (ASL) Bilingual School in the nation, Mr. Martinez said. In conclusion, he informed the committee that ASLA is working with the Public Education Department to determine definitions of bilingual education in relation to ASL.

### **Committee Discussion**

In response to a committee member's question concerning a proposed task force to address issues related to deaf and hard-of-hearing students, Dr. Stern informed the committee that the task force would look at issues of data collection relating to deaf and hard-of-hearing children. Mr. Martinez stated that the rise of new technology and its impact is an issue that may need to be addressed by the task force. Dr. Stern concurred and replied further that the rise in cochlear implants and how to properly inform parents of options are additional issues of concern.

Replying to a committee member's question on the accomplishments of the previous task force, Dr. Stern replied that an important development was the *Deaf and Hard-of-Hearing Children's Educational Bill of Rights* signed into law in 2004.

### **New Mexico School for the Blind and Visually Impaired**

The Chair recognized Ms. Linda Lyle, Superintendent, New Mexico School for the Blind and Visually Impaired (NMSBVI), to present on the school's educational programs.

Ms. Lyle informed the committee that NMSBVI is in the process of changing how they view education for students. Rather than identify themselves simply as a school, Ms. Lyle stated, NMSBVI seeks to be a network of education and support in all facets of society, including hospitals. Ms. Lyle stated that every year over 750 families of children under age three are served in the community. Blind students need more interpretation, Braille instruction, and technology while also staying connected to their community, Ms. Lyle said. Thus, she added, NMSBVI tries to keep a child boarding at the school for no longer than three years to ensure that the bridge between school and community remains open. Finally, Ms. Lyle informed the committee of a mentorship program between NMSBVI and New Mexico State University that places students with teachers to better equip them in instruction.

### **CAPITAL OUTLAY PROJECT UPDATES**

#### **New Mexico School for the Blind and Visually Impaired**

The Chair recognized Ms. Linda Lyle, Superintendent, New Mexico School for the Blind and Visually Impaired (NMSBVI), to report on NMSBVI's capital outlay projects and progress.

Referring to the committee handout, Ms. Lyle informed the committee that the renovation taking place is the first remodel of NMSBVI since the 1970s. The Watkins Education Center, which is a new construction, Ms. Lyle added, is nearing completion with an estimated end date of July 2014.

Ms. Lyle noted that other site upgrades for NMSBVI include the replacement of water and sewer lines as well as building renovations to the Health Services and Jack Hall buildings. Ms. Lyle stated that NMSBVI plans to relocate health services to the Jack Hall building to better serve those students that require more physical care. In order to lessen NMSBVI's environmental footprint, Ms. Lyle informed the committee, several demolitions are taking place on campus to reduce square footage and better streamline services to students. She noted that, of five planned demolitions, three of them include:

- San Andres;
- the Bert Reeves building; and
- the Sacramento Dormitory.

In conclusion, Ms. Lyle stated that these projects will greatly improve the efficiency and structure of the campus and thanked the committee for their support.

## **New Mexico School for the Deaf**

The Chair recognized Dr. Ronald J. Stern, Superintendent, New Mexico School for the Deaf (NMSD), to update the committee on NMSD's capital outlay progress.

Directing the committee to NMSD's PowerPoint presentation, Dr. Stern began by informing the committee that NMSD was New Mexico's first public school. However, while proud of that distinction, Dr. Stern said, the campus is very old and required many improvements.

In order to address the campus' energy inefficiency, a new maintenance building, central plant, and electricity utility upgrade were added to streamline energy resources and reduce NMSD's environmental footprint. Dr. Stern also informed the committee of several renovations, including:

- Connor Hall;
- Dillon Hall and Annex;
- the Cottages;
- Cartwright Hall; and
- Delgado Hall.

Finally, Dr. Stern reported to the committee that three-fourths of all construction is complete, and the campus is now more organized and secure for students and staff.

## **New Mexico Public School Facilities Authority**

The Chair recognized Mr. Bob Gorrell, Director, New Mexico Public School Facilities Authority (PSFA), to inform the committee of capital outlay progress.

Mr. Gorrell explained that NMSBVI and NMSD have high needs but that PSFA has been able to work with both Ms. Lyle and Dr. Stern to improve the efficiency of each campus. NMSD has reduced its square footage by approximately 16 percent, Mr. Gorrell said, while NMSBVI will have a reduction of close to 25 percent. Mr. Gorrell informed the committee that PSFA is on equitable status quo and does not anticipate the state having to pick up local shares. In conclusion, Mr. Gorrell reiterated the process for both NMSBVI and NMSD and stated that he looks forward to the future progress of each school.

Following Mr. Gorrell's presentation, there was a scheduled tour of NMSD for all committee members; however, due to time constraints, the Chair requested that the committee tour the campus when school is in session to see student interaction. Dr. Stern concurred with the Chair and offered tours to all committee members in the future as well.

## **LICENSURE REQUIREMENTS FOR SIGNED LANGUAGE INTERPRETERS**

The Chair recognized Mr. Ian Kleats, LESC staff; Ms. Paula McCluskey, Vice Chair, Signed Language Interpreting Practices Board; and Ms. Lisa Dignan, Director of Communication Access and Development, New Mexico Commission for the Deaf & Hard of Hearing, for a presentation on licensure requirements for signed language interpreters.

Also in attendance was Ms. Abby Lewis, Assistant Attorney General, serving as contract legal counsel for the Signed Language Interpreting Practices Board; Ms. Valerie Pool, educational signed language interpreter, Hobbs Municipal Schools (HMS); and Ms. Julie Buchanan, educational signed language interpreter, HMS.

Mr. Kleats informed the committee that this item was the result of a committee member requesting LESC staff to review the licensure requirements for educational signed language interpreters. This request was based on reports that individuals provisionally licensed and currently employed in schools as signed language interpreters would be unable to obtain their full licensure as educational signed language interpreters, he added.

Mr. Kleats explained that educational signed language interpreters are considered instructional support providers who must be licensed by the Public Education Department (PED) in accordance with the provisions of the *School Personnel Act*. According to those provisions, Mr. Kleats continued, if an instructional support provider practices a licensed profession, the provider shall provide evidence to PED that the provider holds a current, unsuspended license, which in the case of signed language interpreters, is a license issued under the provisions of the *Signed Language Interpreting Practices Act*.

As a result, Mr. Kleats indicated that the staff brief details:

- licensure requirements for educational signed language interpreters in statute; and
- licensure requirements for educational signed language interpreters in rule.

Further, he stated that requirements for licensure as a signed language interpreter are set forth by the *Signed Language Interpreting Practices Act*, which creates the Signed Language Interpreting Practices Board as the licensing entity for the state. As established by statute, the board:

- is administratively attached to the Regulation and Licensing Department;
- consists of seven governor-appointed members; and
- among other duties:
  - promulgates rules setting forth the qualifications of applicants for licensure and the provisions for the administration of examinations and issuance, renewal, suspension or revocation of licenses; and
  - evaluates the qualifications of applicants for licensure and issues licenses.

The *Signed Language Interpreting Practices Act* creates three types of licensure for, according to Mr. Kleats:

1. community signed language interpreters;
2. educational signed language interpreters; and
3. provisional licensees.

Mr. Kleats noted that statute further requires that the board shall issue any of those three licenses to an applicant upon satisfactory submission of applicable requirements as follows:

- For a community signed language interpreter license, an applicant must:
  1. have reached the age of majority;
  2. be of good moral character;
  3. have completed all educational requirements established by the board; and
  4. hold certification under a nationally recognized signed language interpreters' organization or by an equivalent organization as defined by rule of the board.
  
- For an educational signed language interpreter license, an applicant must:
  1. have reached the age of majority;
  2. be of good moral character;
  3. have completed all educational requirements established by the board; and
  4. provide evidence of passing a skill assessment exam as established by rule.
  
- An applicant not meeting the qualifications for either the community or educational signed language interpreter licensure shall be granted a one-time, five-year provisional license if the applicant:
  1. has completed an interpreter education or preparation program; or
  2. was employed as a community or educational signed language interpreter at the time the *Signed Language Interpreting Practices Act* became effective.

Mr. Kleats then highlighted one important difference between the community and educational signed language interpreter license requirements as set forth in statute:

- the community signed language interpreter license requires certification in a nationally recognized signed language interpreters' organization; and
- the educational signed language interpreter license requires only evidence of passing a skill assessment exam.

Mr. Kleats then noted that, although the *Signed Language Interpreting Practices Act* became effective in 2007, related rules were not promulgated until July 2009. Subsequent revision of those rules occurred in August 2011 and January 2014; however, these revisions do not appear to have substantially altered the sections related to licensure requirements for educational signed language interpreters, he said.

Citing 16.28.3.13 of the New Mexico Administrative Code (NMAC), Mr. Kleats stated that an educational signed language interpreter license shall be granted to an applicant submitting evidence that the applicant [*emphasis added*]:

1. has reached the age of majority;
2. is of good moral character;
3. has completed all educational requirements established by the board;
4. has passed the educational interpreter written and performance assessment (EIPA) with a score of 4.0 to 5.0 and holds active ED:K-12 (educational certification: K-12) or other

certification recognized at the time of application by the Registry of Interpreters for the Deaf (RID); and

5. complies with the RID certification maintenance program.

Mr. Kleats suggested that the emphasized sections of the rule may establish additional criteria beyond the scope of the requirements for licensure set forth in statute by requiring certification in a nationally recognized signed language interpreters' organization, namely RID.

Mr. Kleats noted that the question could be raised whether the board has the rulemaking authority to impose these additional licensure requirements. Moreover, based on the statutory requirements for the community signed language interpreter license, he stated, it might be argued that the Legislature had contemplated the appropriateness of such certification for educational signed language interpreters as well, but had chosen a skill assessment in lieu thereof.

Mr. Kleats noted that statute grants the board authority to establish through rule the educational requirements for licensure and continuing education requirements for license renewal, and it also appears to permit the board to set different requirements for different licenses. The current provisions in rule specify that the board shall issue a license as a signed language interpreter to an applicant, otherwise qualified, who furnishes evidence that the applicant has fulfilled the degree requirements for certification as established by RID.

Mr. Kleats further stated that, according to documents published by RID, the RID membership approved a 2003 motion mandating, that, beginning July 1, 2012, in order to take an RID performance evaluation and qualify for certification:

- all hearing interpreters must hold a minimum of a bachelor's degree in any field;
- all deaf interpreters must hold a minimum of an associate degree in any field; and
- candidates are provided an alternative way to meet educational requirements if they do not have a degree from an accredited college.

Mr. Kleats explained that candidates without a college degree seeking RID certification must submit an Educational Equivalency Application, included as an attachment to the written report, for which calculated Experience Credits must exceed 120. Referring to the attachment, this application considers:

- college coursework completed (1 semester hour = 1 Experience Credit);
- years of interpreting experience (1 full-time year = 15 Experience Credits); and
- continuing education units (CEU) earned (0.1 CEU = 1 hour = 0.02 Experience Credits).

Mr. Kleats concluded his remarks by suggesting that the educational equivalency requirements might be easily met by the end of an interpreter's provisional license. For example, if the interpreter has been working full-time, the interpreter would need to have completed at least 43 semester hours of college coursework in order to fulfill the educational requirement for the educational signed language interpreter license. An interpreter working at least part-time during the five-year provisional license would need to have completed at least 83 credit hours of college coursework.

The Chair then recognized Ms. McCluskey and Ms. Dignan to offer additional comments on educational signed language interpreter licensure and address questions from the committee.

Ms. McCluskey began by noting that licensure requirements have recently been increased to improve the skill sets of interpreters. Referencing a handout provided to the committee, Ms. McCluskey stated there are 227 current valid interpreter licenses in the state, including:

- 135 community licenses;
- two educational licenses; and
- 90 provisional licenses, 34 of which will expire September 30, 2014.

Referring to her handout, Ms. McCluskey highlighted that 142 individuals have obtained national certification through RID.

Giving context to the number of community signed language interpreter licenses compared to educational licenses Ms. Dignan added that most interpreters seek the national certification required for the community license. Because the community license offers more flexibility in the type of employment available, Ms. Dignan suggested that few interpreters limit themselves to only an educational license.

Ms. Dignan emphasized that both license levels require a written and performance test, and that New Mexico standards match national standards set forth by RID. Citing conversations with the board's legal counsel, she stated her belief that statute supports the board's ability to mandate the same educational requirements as RID. Offering clarification, Mr. Kleats indicated that the LESC staff report suggested that the requirement of RID certification for educational licenses, not the extent of the current educational requirements in rule, might exceed the board's authority as granted by statute.

Ms. Dignan concluded by stating that the standards and requirements were largely the same for community and educational interpreters. While community interpreters must pass the National Interpreter Certification exam, she said, educational interpreters must pass the EIPA to obtain certification. The EIPA allows interpreters to tailor the test toward specific content areas, such as American Sign Language, English sign language, or hybrids.

### **Committee Discussion**

A committee member read a letter written by a staff member at HMS to the committee. The letter suggested that the district faces a shortage of interpreting services due to state regulations. The letter also noted that an interpreter from Carlsbad had years of experience signing for families, but would be unable to obtain licensure. The letter claimed that students are at risk of receiving fewer necessary services because unlicensed interpreters face fines for continuing their work. The letter implies that rural school districts are not unique in having difficulty staffing interpreters, suggesting that even the New Mexico School for the Deaf faces this problem.

In response to a committee member's question as to why National Board Certification is mandatory for interpreters, Ms. Dignan stated that the national RID is the only standard that the board can follow.

In reply to a committee member's question on how many states have national certification, Ms. Dignan said that 37 states have established minimum standards for interpreters, and that many of those 37 states align with RID standards.

In response to a committee member's question on the lowering of standards in some states in order to meet demand, Ms. Dignan replied that she is not aware of any specific states lowering their standards, but she is aware of certain states that are raising them. On that point, another committee member asked, of the states raising their standards, at what level are they starting. Ms. Dignan stated that a handful of states were raising the required score on the EIPA from 3.5 to 4.0.

In response to a committee member's question on the difference between hearing and deaf interpreters, Ms. McCluskey answered that certified deaf interpreters are deaf or hard-of-hearing individuals themselves, and therefore have better nuance because signing is their primary language. The differing requirements reflect that it is often more difficult for a deaf interpreter to get a bachelor's degree, she added.

On that point, a committee member asked whether the educational requirements are specified by state law or by the national RID, and questioned why a bachelor's degree was required. Ms. Dignan stated that the education requirements reflect that the higher level of education an interpreter has, the better the interpreter will be at understanding and conveying ideas to the clients.

In response to a committee member's question on membership and fees in RID, Ms. Dignan answered that RID is the only national organization for interpreters, and like the American Medical Association and American Bar Association, dues are required of its membership. As part of membership dues, Ms. Dignan noted, RID ensures compliance with continuing education.

A committee member acknowledged that it appeared the board wanted the "gold standard" for interpreters licensed by the state. The committee member asked whether there is any role for technology to assist in meeting these challenges, specifically any viable options that have seen success in other states. Ms. Dignan answered that New Mexico is leading the way in video remote interpreting which allows the use of highly skilled interpreters in hard-to-staff areas, but this might not work in all settings.

The same committee member suggested, from a pragmatic view, the need to make exceptions before requiring this "gold standard" from all. Understanding the desire for high qualifications, the committee member continued, national standards can go against the realities in the state. The committee member commented that the state has no control over RID requirements, but nothing would preclude the Legislature from adopting standards that New Mexico does have control over. In reply, Ms. Dignan, referring to the first page of her handout, cited that there are currently 142 valid licenses in the state. She said that, while not wanting to diminish the situation facing Hobbs, the problem is not the test, but a failure to meet minimum standards. Ms. Dignan said she would challenge lowering these standards because it may send the message that New Mexico does not care about the quality of services children are receiving. Ms. Lewis also suggested that statute also provides for an emergency exemption from licensing if the board wanted to immediately address the issue.

A committee member requested to see data on the geographic distribution of those 142 licenses to see where interpreters are spread out. Ms. Dignan indicated that such data would be difficult to obtain. The Chair formally requested that the board work to provide such a distribution.

At the request of a committee member, the Chair recognized Ms. Pool and Ms. Buchanan to present their comments.

Ms. Buchanan began her testimony by informing the committee that she had been an educational signed language interpreter for 15 years, when, in November 2009 she began substituting for interpreters in HMS. When she began her work, Ms. Buchanan had researched interpreter training programs, discovering that they are few and far in between and did not offer distance education, necessary in a rural setting with family and career obligations.

Ms. Buchanan testified that, in 2002, she became aware of a federal grant to offer distance education for multi-state interpreters. She and several other interpreters from Hobbs completed the program and earned 3.5 on the EIPA, Ms. Buchanan stated, and two of those completing the program also helped to pilot the written EIPA exam. This experience, she stated, left them more confident and prepared for demands of their region.

Ms. Buchanan testified that she has continued her professional development by attending workshops, participating in distance education trainings, and fulfilling core competencies. Her development has included a 16-week course offered jointly by various New Mexico higher education institutions mentoring courses and an immersion program in Arizona, she said.

Ms. Buchanan stated that she was informed of the licensure changes and their implications through a town hall-style meeting, which was difficult to attend because it was held on a Wednesday and required traveling out of Hobbs. Ms. Buchanan stated that, after requesting to participate via video stream in the meeting, she and other Hobbs interpreters were told that they would not be able to participate.

Ms. Buchanan concluded her remarks by stating that she and other interpreters are team players, supporting families, the government, and the community; however, she feels rural interpreters do not receive adequate support.

Ms. Pool began her testimony by informing the committee that she had been employed as a HMS interpreter for 20 years. Expressing that Ms. Buchanan had summarized many of the issues, Ms. Pool suggested that she would focus on her personal experiences, which led her to being an interpreter.

Ms. Pool explained that her son was identified as deaf at six months old and had a deaf teacher at age four. While expressing appreciation for the work of the New Mexico School for the Deaf, Ms. Pool testified that she chose not to send her son to the school, citing distance from family as a major factor in that decision. Ms. Pool indicated that her son ultimately graduated from high school with a B and C grade point average and even learned to read phonetically, which Ms. Pool stated is extraordinarily difficult for deaf individuals. Ms. Pool concluded her comments by suggesting that rural interpreters strive to do their best.

The Chair entertained a motion from Senator Kernan, seconded by Representative Hall, to draft a letter from the committee to the board requesting that the board consider a temporary solution to the licensing shortage of educational signed language interpreters in rural school districts. There being no objections, the motion was approved.

### **TEACHER AND PRINCIPAL EVALUATION SYSTEM: IMPLEMENTATION UPDATE**

The Chair recognized Ms. Heidi Macdonald, LESC staff, for an update on the teacher and principal evaluation system implementation.

Referring to her staff report, Ms. Macdonald stated that:

- in 2011, the Legislature considered, but did not pass, legislation that would have implemented a new system for evaluating teachers and principals;
- during the 2011 interim, the Governor created a New Mexico Teacher Evaluation Advisory Council (NMTEACH) through executive order;
- the NMTEACH was charged with providing recommendations to the Governor on how best to measure the effectiveness of teachers and school leaders based on specific parameters;
- in August 2012, the Governor directed the Public Education Department (PED) to formulate a new teacher and principal evaluation system through rule;
- the PED rule is titled *Teacher and School Leader Effectiveness*; and
- the PED rule implements an evaluation program for public school teachers and administrators called the Effectiveness Evaluation System.

With regard to the school year 2013-2014 evaluation results, Ms. Macdonald reported that, based on a newspaper article dated May 15, 2014, 76 percent of teachers met competency. Based on information on the PED website, she added, these results indicate that:

- 235, or 1.5 percent, of New Mexico's teachers were rated as "exemplary";
- 3,245, or 20.4 percent, were rated at "highly effective";
- 8,609, or 54.1 percent, were rated as "effective";
- 3,288, or 20.7 percent, were rated as "minimally effective"; and
- 533, or 3.4 percent, were rated as "ineffective."

Ms. Macdonald emphasized that, based on these numbers, 15,910 teachers, or 73 percent, were evaluated out of a total teacher population of 21,800.

Ms. Macdonald reported that based on documents obtained from the NMTEACH section of PED's website, the evaluation of public school teachers and school leaders is guided by PED business rules. These business rules, she emphasized, further define the evaluation categories for Group A, Group B, and Group C teachers outlined in the PED rule by grade level and, where applicable, by subject area. For school leaders, she noted, these rules identify two groups (Group A and Group B) that are not included in the PED rule.

Ms. Macdonald then outlined the following by teacher group:

- Group A teachers<sup>1</sup> (tested subjects and grades) include:
  - grades 3-5;
  - grades 6-8 and 10-11 for Language Arts or Math;
  - grades 6, 7, 9, 10, and 11 for Science; and
  - Special Education (except teachers of students who are severely or profoundly disabled).

*Business Rules for Group A teachers require that:*

- 35 percent of the Student Achievement Measure will be based on the New Mexico Standards-based Assessment;
  - 15 percent of the remaining Student Achievement Measure is for district or charter school choice;
  - 25 percent is based on teacher observations using the NMTEACH rubric; and
  - 25 percent is based on multiple measures, of which half of this will be defined by the Professional Development Plan (Domain 1 and Domain 4 of NMTEACH rubric).
- Group B teachers (non-tested subjects and grades) include:
    - grades 3-5 for non-tested subjects;
    - grades 6-8 for Social Studies;
    - grades 8, 9, and 12 for Science; and
    - grades 9 and 12 for Language Arts and Math.

*Business Rules for Group B teachers require that:*

- 35 percent of the evaluation must be composed of a common achievement measure and may be district-developed and PED-approved;
  - 15 percent of the remaining Student Achievement Measure is for district or charter school choice and must be PED-approved (districts or charter schools may adopt up to 50 percent of a common measure for this portion of the evaluation);
  - 25 percent is based on teacher observations using the NMTEACH rubric; and
  - 25 percent is based on multiple measures.
- Group C teachers (non-tested subjects and grades) include grades K-2.

Ms. Macdonald noted that the business rules for Group C teachers are the same rules outlined for Group B teachers.

For school leaders, Ms. Macdonald noted that the business rules refer to these school staff as a principal or school administrator. According to these rules, school leaders are identified in two groups:

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<sup>1</sup> According to the Frequently Asked Questions section on the PED website, if an educator teaches classes that fall within both Group A and Group B, that teacher would be considered a Group A teacher for evaluation purposes.

- Group A Principals/School Administrators
  - are New Mexico licensed administrators (Level 3-B);
  - serve as principal/director, assistant principal, dean of students, or athletic directors; and
  - supervise and evaluate certified teachers.

*Business Rules for Group A Principal/School Administrators require the following for evaluation:*

- 50 percent will be based on student growth indicators of the A-F school rating system;
  - 25 percent will be based on fidelity of observations, which in PED rule means the requirement of school leaders to periodically observe and evaluate assigned teachers in the classroom with observations that have been documented and are verifiable;
  - 10 percent on completion of observations;
  - 10 percent on timeliness of feedback;
  - 5.0 percent on rigor and reliability of observations; and
  - 25 percent will be based on multiple measures.
- Group B School Administrators include district-level administrators as well as athletic directors and deans of students that do not have Level 3-B licenses.

To conclude, Ms. Macdonald referred the committee to Attachment 4 of her staff report. She explained that the document from the PED website outlines the basic information for reviewing a completed NMTEACH Educator Effectiveness System Summative Report which summarizes teacher progress through the Educator Effectiveness System to the end of the year. She emphasized that the report provides basic information about the final score a teacher received in each evaluation category and the final overall score. This summative report, she added, outlines the individual teacher's overall score as well as the median score for comparable group and grade level teachers. Two sections are completed by the evaluator: one to identify strengths and areas needing improvement and another for identifying next steps, she said. Reports are to be printed at the local level, signed by the teacher and the school leader, and submitted to the personnel file, Ms. Macdonald concluded.

#### **TEACHER AND PRINCIPAL EVALUATION PANEL: NMSD AND NMSBVI**

The Chair recognized Ms. Linda Lyle, Superintendent, New Mexico School for the Blind and Visually Impaired (NMSBVI); and Dr. Jennifer Herbold, Principal of Curriculum and Special Programs, New Mexico School for the Deaf (NMSD), to present an overview of the teacher and principal evaluation system utilized in their respective schools.

Referring the committee to the test scores compiled by NMSBVI, Ms. Lyle emphasized that there are many challenges for students who are blind or have visual impairments when it comes to test-taking. In particular, these students have difficulty with concept development, and the tests are not geared toward students who are blind. For example, Ms. Lyle stated, the tests are

naturally technology- and internet-based, which poses potential problems for NMSBVI students as they do not have the requisite skills needed to be successful in that sort of testing environment.

Ms. Lyle also informed the committee that the field of blindness education has an expanded core curriculum, 25 percent of which is made up of nine specific areas that require additional instruction for students who are blind and visually impaired. These nine core areas are based on skills that students with vision most frequently acquire through observation and imitation and are not usually taught in school. Further, Ms. Lyle stated that without acquiring skill in these areas, it is not possible to become independent.

Ms. Lyle stated that the NMSBVI teaches:

1. compensatory or functional academic skills, including communication modes;
2. social interaction skills;
3. recreation and leisure skills;
4. career education;
5. assistive technology;
6. sensory efficiency skills;
7. independent living skills;
8. orientation and mobility (independent travel); and
9. self-determination.

In reference to NMSBVI's future steps, Ms. Lyle said that:

- during FY 15, NMSBVI intends to implement a value-added matrix that will help all staff collect data and artifacts that demonstrate the educator effectiveness system implementation in every classroom and experience; and
- NMSBVI will implement the principal evaluation system, which is currently tied to school outcomes, strategic plan goals, program goals, teacher performance, and student outcomes.

Referring to a committee member's request earlier in the day on the amount of students who have been at NMSD for three years or longer, Dr. Herbold informed the committee that the following groups of students have attended NMSD for three or more years:

- 33 percent of kindergarten-aged students;
- 53 percent of second grade students; and
- 60 percent of students above the third grade.

Dr. Herbold also informed the committee that, although NMSD is exempt from the Public Education Department's teacher and principal evaluation system, staff from NMSD have attended trainings on the observation rubric, which has been incorporated in NMSD's evaluation system. Dr. Herbold further stated that test scores are difficult to incorporate but the value-added matrix is similar to what NMSD utilizes in their evaluation system.

## **Committee Discussion**

In response to a committee member's question on teacher attendance issues, Ms. Lyle and Dr. Herbold both stated that attendance for teachers was a non-issue.

In reply to a committee member's question on teacher involvement in each school's evaluation rubric, Ms. Lyle stated that NMSBVI met with staff before implementing the evaluation system, which gave the school the ability to roll out the system in a timely fashion. Dr. Herbold replied that NMSD shared the rubric with staff at the beginning of the school year and started a pilot evaluation with a few teachers to find out what would work best for the school.

In response to a committee member's question regarding NMSD's value-added system, Dr. Herbold stated that the current evaluation observation metric does specify if a particular teacher is effective or not effective.

## **SUPERINTENDENTS AND COMMUNITY INPUT**

The Chair recognized Ms. Katie Stone, representing the New Mexico Autism Society, who expressed concerns related to the waiver of Maintenance of Effort (MOE) requirements for special education. She commented that the state will have to pay the federal government \$34.0 million to make up for underfunding special education in 2011; and asked the LESC to write a letter to US Secretary of Education Arne Duncan asking for leniency and include a corrective action plan to be implemented by the Public Education Department. In addition, Ms. Stone requested greater monitoring and oversight of special education funds and suggested that special education funding should be shown separately from the State Equalization Guarantee line item.

The Chair questioned whether Ms. Stone's information was correct and noted that the purpose of a hearing with the US Department of Education in April was to discuss the flexibility of MOE requirements, not whether to grant a waiver of the requirements. He added that once a hearing for the MOE and reversion of funds is scheduled, LESC staff will notify Ms. Stone.

There being no further business, the Chair, with the consensus of the committee, recessed the LESC meeting at 4:06 p.m.

**MINUTES  
LESC MEETING  
JUNE 17, 2014**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:30 a.m., on Tuesday, June 17, 2014, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LESL were present:

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

The following voting member of the LESL was not present:

Representative Sheryl M. Williams Stapleton.

The following advisory members of the LESL were present:

Senators Jacob R. Candelaria, Lee S. Cotter, Linda M. Lopez, and William P. Soules; and Representatives Alonzo Baldonado, David M. Gallegos, Stephanie Garcia Richard, Timothy D. Lewis, Tomás E. Salazar, James E. Smith, and Christine Trujillo.

The following advisory members of the LESL were not present:

Senators Daniel A. Ivey-Soto, John Pinto, and Pat Woods; and Representatives Nathan "Nate" Cote, George Dodge, Jr., and Bob Wooley.

**DIRECTOR'S REPORT**

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

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

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

For the committee's review, Ms. Frances Ramírez-Maestas, LESL staff, referred the committee to a copy of the 2014 LESL Interim Workplan. She emphasized that the document is updated every month to reflect the committee's agenda items after the end of each interim meeting and adjusted for additional agenda topics that are to be added to future interim meetings.

***c. Informational Items:***

Ms. Ramírez-Maestas also noted that, for the committee's review, the following item was included in the meeting materials for the members:

- *Administrative Rulemaking*, which was briefly summarized by Mr. Kevin Force, LESC staff, relating to:
  - rules proposed by the New Mexico Public Schools Insurance Authority (NMPSIA) that would repeal and replace the entire body of its rules (Title 6, Chapter 50 NMAC); and
  - rules finalized by the Public Education Department (PED) on:
    - Compulsory School Attendance (6.8.10 NMAC);
    - School District Wellness Policy (6.12.6 NMAC); and
    - Bullying Prevention (6.12.7 NMAC).

In reviewing the rules proposed by NMPSIA, Mr. Force indicated that the authority proposed to repeal and replace all its rules in Title 6, Chapter 50 of the New Mexico Administrative Code. Mr. Force noted that, while such a proposed rulemaking may seem unusually substantial, many agencies, when making substantive changes to large bodies of regulations, will propose a repeal-and-replace, rather than make use of the more cumbersome strike-out and underline format. Mr. Force went on to state that all sections had been revised for clarity and concision, with more substantive changes proposed to comply with the requirements of the federal *Affordable Care Act* (ACA). Among the more noteworthy changes were:

- the inclusion of definitions and provisions for the administration of charter schools under the authority, as the rules had been adopted before any coverage programs were offered to charter schools;
- the removal of all references to “pre-existing conditions,” in accordance with the ACA;
- the inclusion of dependent children under the age of 26, also required by the ACA;
- proposed regulations governing the participation of other educational entities, such as the constitutionally created schools and institutions of higher education in New Mexico; and
- the allowance of offering benefits to part-time employees of 15 to 20 hours per week, if their employing organization has adopted a resolution allowing such participation.

Mr. Force then summarized rules finalized and adopted by PED, all of which were adopted without change from their proposed versions, including:

- compulsory school attendance rules that would require school districts to include in their attendance policies provisions for certain excused absences for pregnant and parenting students, equivalent to the time of a student’s excused absences, enabling a student to make up missed work;
- rules for school district wellness policies, requiring safety plans to be included in the policies and defining an “Emergency Operation Plan” as the document explaining the functions, procedures, emergency routes, and staff assignments pertaining to school emergencies; and
- rules for bullying prevention, which would require all local school districts to adopt cyberbullying prevention policies and all public schools to implement prevention programs.

In his review of rules for bullying prevention, Mr. Force noted that, like the identical proposed version, these adopted rules contained some ambiguity. He stated this resulted from the respective definitions of “local school board” and “public schools,” as well as the use of the terms “policies” and “procedures,” regarding which requirements of the rule applied to charter schools, particularly state-chartered charter schools.

### ***Administrative Rulemaking: Legislative Lottery Scholarship***

Referring to a staff brief in the committee notebooks, Mr. Travis Dulany, LESC staff, stated that the April 15 issue of the *New Mexico Register* included a Notice of Public Hearing for rules regarding the Legislative Lottery Scholarship as well as other items. The public hearing was held on May 19, 2014 at the State Capitol, he said. The proposed rule, Mr. Dulany informed the committee, is included as Attachment 1 of the staff brief.

As a repeal and replacement of current administrative law, Mr. Dulany stated, the proposed rule reflects the changes to the Legislative Lottery Scholarship program that were enacted during the 2014 regular legislative session by CS/SB 347aa, *Lottery Tuition Scholarship Fund Solvency*. Summarizing those changes, Mr. Dulany stated that the enacted legislation:

- specifies that “legacy” students are those who have received the scholarship for three or more semesters;
- allows legacy students to receive the scholarship under the previous Legislative Lottery Scholarship program eligibility requirements of at least 12 credit hours per semester for up to four years (or eight semesters);
- provides for scholarships for up to seven semesters for non-legacy students;
- requires non-legacy students to maintain at least 15 credit hours per semester for students at four-year higher education institutions and 12 credit hours per semester for students at community colleges;
- makes a distinction between the different types of institutions, defining:
  - “research institution” as the University of New Mexico (UNM), New Mexico State University, or the New Mexico Institute of Mining and Technology;
  - “comprehensive institution” as Eastern New Mexico University, Western New Mexico University, Northern New Mexico College, or New Mexico Highlands University; and
  - “community college” as the various two-year institutions throughout the state, including branch campuses of four-year institutions; and
- adjusts the award amount mechanism for the scholarship and requires the Higher Education Department (HED) to notify state educational institutions of scholarship amounts by June 1 of each year.

On that last point, Mr. Dulany stated that the proposed rule sets forth the method by which scholarship amounts will be determined by HED, pursuant to the newly enacted statute.

Specifically, he explained, HED will:

- estimate the total amount available in the Lottery Tuition Fund, based on past lottery fund transfers, current year balances, and additional funds made available through legislation;
- estimate the number of lottery scholarship recipients for each institution, based on department-endorsed institutional projections;
- calculate the un-weighted average tuition for each sector (that is, research institutions, comprehensive institutions, and community college);
- calculate the total amount needed to pay full average tuition to all estimated recipients;
- compute the uniform percentage of the sector average tuition rates that can be paid that keeps the fund solvent and ensures that the fund will not be overspent; and
- determine the maximum award per recipient for each institution.

On May 29, Mr. Dulany continued, HED issued a letter to postsecondary educational institutions, which Mr. Dulany noted is included as Attachment 2 of the staff brief. The letter informed the institutions of scholarship award amounts for the fall semester of 2014:

- \$2,519.42 for research institutions;
- \$1,570.86 for comprehensive institutions; and
- \$643.41 for community colleges.

The letter, Mr. Dulany noted, refers to these award amounts as “full awards” because the scholarships cover 100 percent of average tuition charged by each institution type. However, Mr. Dulany cautioned that these scholarship amounts will not cover full tuition for all students at all institutions. This is because, Mr. Dulany explained, these scholarship amounts are based on the average of tuition charged by each institution type (i.e. research institutions, comprehensive institutions, or community colleges), and students of institutions that charge tuition above the average will need to cover the remaining costs out-of-pocket. A table illustrating the difference between the scholarship amounts and tuition charged by each institution is found as Attachment 3 of the staff brief, he added.

Mr. Dulany further noted that the scholarship amount announcement from HED is only for the fall semester of 2014. The reasons for not providing scholarship award amounts for the spring 2015 semester are outlined in the letter from HED, he said. The letter also reports that, in the event the scholarship award amounts are reduced for the spring 2015 semester, HED does not expect the scholarship to be “significantly less,” he added.

Finally, Mr. Dulany pointed out that these scholarship award amounts are the same for both legacy and non-legacy students. This may be important to note, he said, because the Legislature included in the *General Appropriations Act of 2014* a \$2.9 million General Fund appropriation to address “cash management issues” in FY 14 and to provide scholarships for full tuition costs to legacy students in FY 15. It is unclear how much of this appropriation is being used for cash management issues in FY 14 and how much is being rolled over for FY 15, he concluded.

### **Committee Discussion**

In response to a committee member’s question about the Diploma of Excellence requirement in the proposed rule, Mr. Dulany explained that the proposed Legislative Lottery Scholarship rule

requires either a New Mexico Diploma of Excellence or a high school equivalency credential. Mr. Dulany further explained that newly implemented graduation requirements specify that a high school student must demonstrate competence on a standards-based assessment in order to receive a New Mexico Diploma of Excellence; if the student fails to do so, he or she receives an appropriate state certificate indicating the number of high school units completed. Mr. Dulany said that this certificate is also known as a “certificate of completion.” Comments submitted to HED requested that the rule allow for students who have the certificate of completion to receive the scholarship, Mr. Dulany added, and although the final rule has not yet been published, HED has indicated a willingness to include the certificate of completion in the eligibility requirements section of the rule in order to allow those students to receive the scholarship.

In reply to a committee member’s question about varying tuition rates within the same institution, Mr. Dulany informed the committee that UNM offers, as an incentive to take a heavier course load, a discount on tuition for students who take 15 or more credit hours per semester. The committee member commented that many students have multiple responsibilities — such as children and jobs — and taking 15 credit hours per semester may not be a reality.

Replying to a committee member’s question concerning uniform language, Mr. Dulany stated that the award calculation methodology in the proposed rule does not exactly mirror language enacted in CS/SB 347aa, but the language in the proposed rule is similar.

#### ***Approval of Legislative Education Study Committee Auditor for FY 14***

Ms. Frances Ramírez-Maestas reported that on April 11, 2014 the New Mexico Office of the State Auditor approved Mr. Robert J. Rivera, CPA, to perform the LESC audit for the fiscal year ending June 30, 2014.

#### ***Committee Request: School Finance Litigation***

Mr. David Craig, LESC staff, provided an overview regarding the number of active school funding lawsuits. Referencing a staff brief in the committee notebooks, Mr. Craig said that according to the National Education Access Network:

- 14 states currently have school finance litigation challenging the constitutionality of K-12 funding, as shown in Attachment 1 of the staff brief;
- 29 states have had school finance litigation result in plaintiff victories in the past; and
- 20 states have had school finance litigation result in state defendant victories.

#### ***Federal Funding Update: Title I and Title II***

Referencing a staff brief in the committee notebooks, Mr. Craig indicated that, in response to reports from school districts on reduced Title I and Title II federal grant awards, the LESC staff is providing an overview of updated information on federally funded revenues. Referring the committee to Attachment 1 of the staff brief, Mr. Craig stated that, for federal Fiscal Year 2014, New Mexico is estimated to receive approximately:

- \$110.4 million for the College- and Career-Ready Students (Title I, Grants to LEAs), a reduction of approximately \$1.6 million; and

- \$18.0 million for the Improving Teacher Quality State Grants (Title II), a reduction of over \$27,000.

Mr. Craig informed the committee that state-chartered charter school and school district-level information on Title I and Title II awards, as estimated in planning budgets for FY 14 and FY 15, was provided by the New Mexico Coalition of Educational Leaders and is included as Attachment 2 and Attachment 3 of the staff brief. Further, Mr. Craig stated that identical information had been requested from PED, and, if there were any discrepancies, LESC staff would provide the committee with updated information. He also added that LESC staff had met with PED, who indicated that the reason some school districts or charter schools experienced decreases were:

- Title I grants to local education agencies have seen a nationwide reduction;
- the most recent census, which drives the grant award formulas for Title I and Title II, demonstrated shifts in populations; and
- these changes in the formulas resulted in some districts or state-chartered charter schools seeing an increase or decrease in the amounts allocated for their planning budgets.

### ***Federal Fund Sequestration Update***

Ms. Ramírez-Maestas explained that the President’s FY 2015 proposed budget was released in March 2014, outlining “major discretionary” budget amounts for the US Department of Education (USDE) and “major mandatory” budget amounts for new and continuing initiatives in FY 2015, including \$1.3 billion in mandatory funds for a new “Preschool for All” program.

Referring the committee to Attachment 1 of the staff brief, she noted proposed budget changes for federal FY 2015, including a:

- \$158 million reduction (or cancellation) for “Striving Readers”;
- \$26.0 million reduction (or cancellation) for “Ready-to-Learn Television”;
- \$350 million reduction for “Improving Teacher Quality”;
- \$67.0 million reduction for “Impact Aid”;
- \$184 million to fund a new initiative, “Effective Teaching – Literacy”;
- \$31.0 million increase for “Teacher Incentive Fund”;
- \$100 million increase for “Special Education State Grants”; and
- \$550 million increase for “Race to the Top.”

### ***Special Education Maintenance of Effort Update***

Mr. Ian Kleats, LESC staff, noted that the LESC received its last comprehensive update on proceedings between PED and USDE concerning New Mexico’s financial maintenance of effort (MOE) requirements under the federal *Individuals with Disabilities Education Act*, Part B (IDEA-B) in June 2013.

At that time, he continued, USDE had granted the state a waiver for FY 10 from its MOE requirements based on a “precipitous and unforeseen decline in the financial resources of the state,” but had denied the state’s waiver request for FY 11. Based on a ruling by the US Court of

Appeals for the Fourth Circuit pertaining to a South Carolina MOE waiver denial, the state had the opportunity to appeal the initial decision by the USDE, and PED indicated that they would.

Mr. Kleats stated that his staff brief in the committee notebooks included:

- an overview of the MOE appeals process; and
- the status of FY 13 and FY 14 MOE appropriations.

Mr. Kleats also directed the committee's attention to the following attachments to the staff brief:

- Attachment 1, PED Memo: *Update on MOE Appeal*;
- Attachment 2, *Potential MOE Shortfalls FY 12 through FY 14*; and
- Attachment 3, *FY 13 and FY 14 Appropriations and Transfers Related to State-level Maintenance of Effort Requirements for Special Education*.

Citing Attachment 1, Mr. Kleats explained that PED indicated that it had appealed the USDE's Office of Special Education and Rehabilitative Services' (OSERS) initial denial of PED's request for a waiver of the MOE requirement under IDEA-B for FY 11.

According to that letter, as a preliminary matter, PED requested that the administrative law judge consider the question of whether 34 CFR §300.230, a federal regulation allowing a state to reduce its expenditures for special education by up to 50 percent of any increase in its IDEA grant, sets a new baseline for the state's MOE requirement.

The letter also indicated that, following the determination of this preliminary matter, the judge will consider which MOE calculation methodology is correct and whether the state shall be granted a waiver from the FY 11 MOE requirement.

Mr. Kleats then detailed the timeline of the preliminary hearing, noting that on:

- February 14, 2014, PED submitted a brief on the preliminary matter, state flexibility under 34 CFR §300.230, and its applicability to FY 11;
- March 19, 2014, OSERS submitted its own brief on the argument;
- April 2, 2014, PED submitted its response brief to the OSERS argument;
- April 8, 2014 a hearing was held in Washington, DC at which the parties argued their respective positions before the administrative law judge; and
- May 8, the administrative law judge issued his ruling.

Mr. Kleats also explained that the PED brief had argued that, citing USDE guidance and a Congressional conference report, when a state exercises flexibility under those provisions, a new baseline is set for the state's MOE in future years based on expenditures of the fiscal year in which flexibility is granted rather than funds made available (i.e. appropriations).

OSERS argued that the flexibility provided under 34 CFR §300.230 is an exception to "supplement not supplant" limitations. Mr. Kleats explained that "supplement not supplant" and MOE are distinct, but related requirements. Whereas MOE requires that state support not decrease from one year to the next, "supplement not supplant" limitations prevent states from reducing state support specifically in response to an increase in federal funds.

In the ruling, Mr. Kleats continued, the administrative law judge found that the flexibility provisions under 34 CFR §300.230 were an exception to “supplement not supplant” limitations, not MOE. As a result, the judge found those provisions could not be used to set a new baseline for a state’s MOE requirement, highlighting the important distinction between expenditures and funds made available.

Mr. Kleats noted that the USDE Secretary may modify or overturn the decision if he finds that it is “clearly erroneous,” and that PED has not announced whether a date has been set for subsequent appeals hearings.

Mr. Kleats then informed the committee of the status of appropriations made by the Legislature to satisfy MOE requirements for FY 13 and FY 14.

Directing the committee’s attention to Attachment 2, Mr. Kleats explained that the table therein provides estimates of those potential MOE shortfalls for FY 13 and FY 14, for which PED has not yet requested waivers from MOE requirements, based on the corrected USDE methodology and executive action to date. Mr. Kleats explained that the corrected USDE methodology was used because LESC staff believed that it retained precedence through the completion of the appeals process.

Referring to Attachment 3, Mr. Kleats stated that, for FY 13, the 2013 Legislature made available an additional \$60.0 million to ensure the state met its MOE requirements through new appropriations or transfers of previously appropriated funds. These appropriations and transfers for FY 13 included up to:

- \$20.0 million appropriated from the Education Lockbox and driver’s license fees;
- \$20.0 million transferred from the FY 13 State Equalization Guarantee (SEG) appropriation; and
- \$20.0 million appropriated from the General Fund Operating Reserve by CS/HB 628 (Laws 2013, Chapter 191).

On June 18, 2013, PED certified need to the State Board of Finance (BOF) for the immediate distribution of approximately \$16.9 million of the \$20.0 million made available in Section 5 of the *General Appropriation Act of 2013* and preliminarily certified need for the remaining approximate \$43.1 million to be booked as a contingent liability for FY 13, according to Mr. Kleats.

Mr. Kleats suggested that it remained unclear whether PED distributed the \$16.9 million authorized by the BOF. According to at least one school district, a distribution of those funds was received on the afternoon of June 30, 2013, prior to the end of the fiscal year, he said. However, the version of the Federal Fiscal Year 2014 IDEA-B application disseminated by PED for public comment does not appear to include these funds in its estimate of FY 13 financial support for special education, Mr. Kleats added.

Referencing Attachment 3, Mr. Kleats stated that the 2013 Legislature made available an additional \$42.0 million to ensure the state met its MOE requirements for FY 14 through new appropriations or transfers of otherwise appropriated funds. These appropriations and transfers for FY 14 included up to:

- \$10.0 million appropriated from the General Fund;
- \$16.0 million transferred from the FY 14 SEG appropriation; and
- \$16.0 million appropriated from the General Fund Operating Reserve by CS/HB 628 (Laws 2013, Chapter 191).

Mr. Kleats reminded the committee that, in the *General Appropriations Act of 2014*, the Legislature:

- appropriated \$3.0 million for use in either FY 14 or FY 15 to meet MOE requirements; and
- required the immediate distribution of the \$10.0 million General Fund appropriation made in 2013, language which was vetoed after executive action.

As a result of this executive action, he said, all MOE appropriations for FY 14 made during the 2013 legislative session still require BOF approval prior to distribution. However, according to BOF staff in a phone conversation on June 6, 2014, there were no action items involving PED on the agenda for the BOF meeting scheduled for June 17, 2014.

Mr. Kleats stated that, based on this, it does not currently appear that any of the up to \$45.0 million appropriated for special education MOE in FY 14 will be distributed before the end of the fiscal year.

Mr. Kleats suggested that the initial ruling by the administrative law judge of the preliminary hearing could have potential implications for the calculation of potential MOE shortfalls. Specifically, the ruling might imply that funds appropriated for a fiscal year, but not spent or distributed, might still be applied toward a state's MOE, he said.

This could be important, Mr. Kleats highlighted, because the Legislature appropriated an additional \$60.0 million to meet MOE obligations for FY 13, of which PED distributed only \$16.9 million.

Referencing the third column of the table in Attachment 2, Mr. Kleats explained that, under this newly conceived methodology based on full appropriations, the Legislature might have exceeded FY 09 MOE levels in FY 13, which could lead to potential unforeseen shortfalls in FY 14; however, the net exposure to potential reductions in federal IDEA-B funds could decrease by approximately \$25.6 million across FY 12 through FY 14.

#### *d. Correspondence*

Ms. Ramírez-Maestas stated that the committee notebooks include three items relating to a proposed Legislative Finance Committee program evaluation of cost-effective options for improving educational outcomes of dropouts; the submission of required data to PED by New Mexico Colleges of Education and Alternative Licensure Programs related to the 2013 Educator Accountability Reporting System report; and an *Albuquerque Journal* article stating that the Atlantic Education Partners, a Florida-based for-profit company, had withdrawn its proposal to Santa Fe Public Schools to operate a dropout recovery school in the district.

## COMMON CORE STATE STANDARDS (CCSS) UPDATE

The Chair recognized Mr. Travis Dulany, LESC staff; Dr. Jann Hunter, Director of Curriculum and Instruction, Alamogordo Public Schools; and Ms. Karina Vanderbilt, Policy Program Manager, Public Education Department (PED), for an update on the implementation of the Common Core State Standards (CCSS).

Referring to his staff report, Mr. Dulany noted that in 2009 the Governor signed a memorandum of agreement with the National Governors Association and the Council of Chief State School Officers. Through that memorandum, he continued, New Mexico joined a nationwide effort to develop common standards in English/language arts (ELA) and mathematics for grades K-12; these standards later became known as the CCSS. Since then, Mr. Dulany said, the LESC has heard from several presenters discussing the implementation of the CCSS in New Mexico classrooms, including staff from:

- the National Conference of State Legislatures (NCSL);
- the Pecos Valley Educational Alliance;
- Las Cruces Public Schools;
- New Mexico State University;
- PED; and
- the American Federation of Teachers.

Since their inception, Mr. Dulany continued, the CCSS have become an increasingly controversial issue, with states such as Indiana, Oklahoma, and South Carolina opting out of the CCSS initiative. Meanwhile, other states, such as Florida, have rebranded the standards and chose to create their own standards-based assessments. He noted that criticism of the CCSS has not been limited to a particular group or party, but instead is spread across a variety of stakeholders who have expressed concern that the CCSS result in a loss of state educational autonomy, unrealistic expectations of students, and/or the overloading of educators as they simultaneously work to implement other educational reforms.

Despite this, Mr. Dulany said, 43 states continue to implement the standards in their public schools, New Mexico among them. Additionally, several groups, including over 200 college presidents, have continued to voice support for the CCSS initiative. To better understand the benefits and challenges of the CCSS, Mr. Dulany recommended that committee members reference the NCSL website, which, he stated, contains helpful information.

Referring the committee to her PowerPoint presentation, Dr. Hunter discussed the implementation of the CCSS in Alamogordo Public Schools, a district that has a significant military family population due to nearby Holloman Air Force Base and White Sands Missile Range, she said. Dr. Hunter stated that the Alamogordo Public Schools district has been deeply involved in building a strong standards-based education system for several years, and the CCSS benefit the mobile military-connected students within the district. She further explained that the sort of standards-based education system utilized by Alamogordo Public Schools is designed to measure success based on:

- student learning;
- aligned policy, initiatives, curriculum, instruction, and assessments with clearly defined academic standards;
- standards to focus on ways to ensure success for all students; and
- assessment to inform instruction.

The standards-based system contrasts with the norm-referenced system, Dr. Hunter added, wherein the former maintains that all students can “get smart” through effort, while the latter holds that some students are naturally smarter than others.

After providing an overview of the CCSS implementation timeline in New Mexico, Dr. Hunter explained the systems of support used to help teachers within the district implement the standards, including:

- the Learning Services Division;
- the district’s strategic plan and strategic planning days;
- a professional learning community;
- a K-12 instructional coaching framework;
- job-embedded professional development; and
- clinical supervision.

She also discussed some of the specific tools used to implement the standards, such as:

- the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) Next assessment;
- the Discovery assessments; and
- the Mathematically Connected Communities program.

Dr. Hunter concluded her remarks with an explanation of the partnerships and programs the Alamogordo Public Schools district has been involved in during its effort to implement the CCSS. According to Dr. Hunter, these include initiatives such as:

- New Mexico Reads to Lead!;
- School Improvement Grants;
- the Southern Regional Education Board’s High Schools that Work program;
- the National Math and Science Initiative’s Laying the Foundation program; and
- Department of Defense Education Activity grants.

She also noted several areas of success and continued focus for the district as it implements the standards.

Referring the committee to a PowerPoint presentation, Ms. Vanderbilt discussed PED’s efforts to implement the CCSS in New Mexico. Ms. Vanderbilt stated that the CCSS are learning standards for math and ELA, but also include additional reading and writing standards for science, social studies, and technical subjects. She further noted that the standards are not a curriculum; instead, schools are able to choose which curriculum they prefer in order to meet the standards.

Additionally, Ms. Vanderbilt stated, teachers decide how to plan their lessons and how to teach in order to implement the standards in their classrooms, affording them flexibility and creativity.

In reading and writing, Ms. Vanderbilt continued, the CCSS require students to show that they can:

- read and understand complex passages;
- write persuasively;
- conduct research and present findings; and
- demonstrate speaking and listening skills.

For mathematics, students will have to show their work and demonstrate an understanding of concepts, compute quickly and accurately, and apply mathematical knowledge to solve real-world problems, she added.

After providing an overview of PED's CCSS professional development support and outreach to parents, Ms. Vanderbilt concluded her remarks by stating that parents can support the implementation of the CCSS through (1) encouraging students to read more complex texts outside of the school setting; (2) asking questions like "why do you believe that to be true?" when engaged in discussion with students; (3) challenging students to solve math problems using multiple methods; and (4) recognizing that the CCSS implementation is a process.

### **Committee Discussion**

In response to a committee member's question regarding Florida's exit from the CCSS initiative, Mr. Dulany explained that, based on conversations with educational experts, it appears that Florida's standards continue to be similar to the CCSS.

In reply to a committee member's question regarding encouragement of creativity in students, Dr. Hunter stated that the CCSS are more embracing of the arts and provide an "outside-of-the-box" opportunity for students to share their learning. Further, she said that the CCSS encourage a more organic way of learning, which is why teachers embrace the standards.

In response to a committee member's question about her background and the source of some of her data used in the presentation, Ms. Vanderbilt stated that she taught for two years through the Teach for America program and her data were sourced from the New Mexico Employability Partnership.

In reply to a committee member's question about pushback to the standards, Ms. Vanderbilt said that a general concern is that the standards will dictate the curriculum teachers must use in their classroom. When this concern is expressed, she said, PED points out that the standards are the basis of where a student needs to be at the end of the year, not what teachers are required to teach.

## **PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS (PARCC)**

Due to time constraints, this item was moved to the July interim meeting.

### **BROADBAND INITIATIVE: IDENTIFYING CONNECTIVITY**

The Chair recognized Mr. Travis Dulany, LESC staff; Mr. Robert Gorrell, Director, New Mexico Public School Facilities Authority (PSFA); Mr. Michael Archibeque, Chief Information Officer, Public Education Department (PED); and Mr. Darryl Ackley, Secretary, Department of Information Technology (DoIT), for a presentation regarding broadband internet connectivity in New Mexico's public schools.

Referring to his staff report, Mr. Dulany reminded the committee that the topic of broadband internet connectivity has been an area of interest for the LESC for a number of interims, particularly since the committee was made aware of computer-based assessments replacing pencil-and-paper versions of New Mexico's Standards-based Assessment. Further, Mr. Dulany stated that, during the 2014 regular legislative session, LESC-endorsed legislation was enacted<sup>2</sup> to allow the Public School Capital Outlay Council (PSCOC) to expend up to \$10.0 million annually from FY 14 to FY 19 for an education technology infrastructure deficiency correction initiative.

Since the enactment of the legislation, Mr. Dulany continued, the PSCOC has approved the creation of a Broadband Deficiencies Correction Program (BDCP), and a related work group has met three times since May 2, 2014. The work group comprises representatives from:

- LESC staff;
- Legislative Finance Committee staff;
- PED;
- DoIT;
- PSFA;
- the Department of Finance and Administration; and
- the Public School Capital Outlay Oversight Task Force.

Mr. Dulany then provided a brief summary of the work group's activities and an overview of the background related to broadband internet connectivity in public schools. He concluded his remarks by noting the main points discussed by the work group thus far, including:

- methods of measurement;
- contractors versus volunteers; and
- the coordination of efforts and resources.

Next, Mr. Ackley discussed DoIT's role in the BDCP, noting that the department has become involved in public school broadband projects as a result of an *American Recovery and*

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<sup>2</sup>\*SB 159aaaa, *Education Technology Infrastructure Funding* (Laws 2014, Chapter 28).

*Reinvestment Act of 2009* grant intended to fund the mapping and improvement of internet connectivity throughout the state.

Mr. Gorrell then informed the committee of the process leading up to the approval of the BDCP as well as the program's progress. Noting the importance of defining the problem, Mr. Gorrell stated that the broadband deficiency program requires a uniform standard in order to equivalently measure broadband access deficiencies. In order to allow the flexibility needed to deliver multiple correction solutions, Mr. Gorrell continued, a range of broadband speeds will be used as that standard. The minimum speed, he said, should support current educational needs, while the upper limit should be sufficient to support near term (i.e. 2017) needed speed projections. Therefore, the PSCOC approved the program to participate in corrections that will provide per student/staff broadband access speeds of no less than 100 kilobytes per second (Kbps) and no more than 1,000 Kbps. Additionally, according to Mr. Gorrell, the BDCP may participate in the acquisition and installation of physical hardware and associated software for corrections that include network infrastructure-related equipment both on and off school sites. However, he added, this excludes ongoing support services and end-user equipment and software.

Mr. Gorrell continued by explaining that the BDCP will involve multiple phases, the first of which will be measurement. The BDCP will first survey schools that are known to be deficient by means of an automated network analysis program called a "sniffer tool." This tool will provide more detailed information about certain schools' network configuration. Additionally, according to Mr. Gorrell, field assessments of specific internet service providers, routes, and infrastructure will be conducted as part of the measurement phase of the program.

The next phase of the BDCP, Mr. Gorrell stated, will be to analyze the data through the assembly of a database using geographic information system (GIS) locations. The BDCP will then develop options to correct broadband communication problems that will maintain equity of speed, reliability, and cost. Mr. Gorrell also summarized the estimated costs for the BDCP for FY 14, which include the automated network analysis program and a contract for the GIS database. He stated that the timeline for the program includes the hiring of a broadband manager by August 2014 and a presentation of overall deficiencies corrections options to the PSCOC for consideration by September 2015.

Mr. Archibeque then provided an overview of PED's SpeedTest results from 2013. He stated that the SpeedTest tool revealed that 33 schools in the state have less than 5 Kbps/student, which keeps the schools from supporting online assessments or digital learning. Furthermore, Mr. Archibeque said, 266 schools have internet speeds of less than 55 Kbps/student and can only support online assessments through proctor caching, which is a method whereby the school downloads the assessment to a local server and administers it locally. The speeds for these 266 schools provide for limited digital learning capabilities, he added.

Mr. Archibeque concluded his remarks by discussing PED's action plan for school year 2014-2015, which includes the goal of Partnership for Assessment of Readiness for College and Careers (PARCC) testing by April 1, 2015. The plan, he stated, includes three phases:

- data validation in April through June;
- remediation plan development in July and August; and
- procurement and implementation in September through December.

## **Committee Discussion**

In reply to a committee member's question regarding the "sniffer tool," Secretary Ackley stated that the tool is a sort of "spider" that goes throughout the local network looking at latencies and finding bottlenecks. Secretary Ackley further explained that the tool needs to be loaded onto a network locally and cannot be deployed remotely.

In response to a committee member's question relating to the Pearson's Technology Readiness Tool line item in the FY 14 budget for the BDCP, Mr. Gorrell explained that the tool was developed by Pearson but the cost is for contractors to deploy the tool in schools, not additional software purchases from Pearson.

In response to a committee member's question about how much will be spent on the BDCP, Mr. Gorrell said that \$10.0 million is the amount that has been approved to be spent; however, if the program can find cost savings, not all of the \$10.0 million will be spent in a given year. The committee member also asked if there could be additional costs on top of the \$10.0 million per year, particularly because the BDCP is working to determine need. Mr. Gorrell replied that there could be additional costs in order to make corrections, but those would be determined at the legislative level once the deficiencies have been identified.

In reply to a question from the Chair, Mr. Archibeque explained that four schools in the Albuquerque Public Schools district may have tested below 5 Kbps/student for a number of reasons, despite the seemingly adequate internet connectivity available in Albuquerque. For example, Mr. Archibeque said, a network configuration that resulted in a bottleneck was recently discovered among several schools in the district. The Chair also asked about support to schools that must use the proctor caching option for the PARCC test. Mr. Archibeque replied that PARCC provides support for proctor caching, not PED.

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

The Chair stated the purpose of the teacher evaluation panels is to gather information for the committee on the implementation of the evaluation system from those who are directly administering it within public schools. This is meant to be an objective forum, the Chair added, with both positive and negative aspects discussed.

#### **Moriarty-Edgewood Schools**

The Chair recognized Mr. Tom Sullivan, Superintendent, Moriarty-Edgewood Schools (MES), and Dr. Cindy Sims, Personnel Director, MES, to present on what the district has experienced with the teacher and principal evaluation system.

Mr. Sullivan informed the committee that some of the data MES received was inaccurate and potentially harmful due to missing or incomplete data. Referring to the data issues, Dr. Sims reported that MES received 13 evaluations from the Public Education Department (PED) for teachers not within their district and 16 staff members had points missing from their evaluations.

As a result, Dr. Sims added, the error rate for MES is estimated at 27 to 28 percent. Thus, she said, the district considers the evaluation results only as “rough” data.

Despite these errors, Mr. Sullivan and Dr. Sims informed that committee that MES was working with PED to rectify these problems and felt that cooperation and communication between PED and the district was productive in resolving district concerns.

### **Los Alamos Public Schools**

The Chair recognized Dr. Eugene Schmidt, Superintendent, Los Alamos Public Schools (LAPS); Mr. Gerry Washburn, Assistant Superintendent, LAPS; and Ms. Pam Miller, Curriculum Director, LAPS, to present the district’s experience with the teacher and principal evaluation system.

In reference to issues with the system, Dr. Schmidt informed the committee that LAPS officials experienced problems with entering data into Teachscape. To help address these concerns, Dr. Schmidt stated that the LAPS school board allocated a 0.2 full-time equivalent position (FTE) for elementary school teachers to serve as an extra administrator.

In concurrence with MES, Dr. Schmidt reported that there were 59 identifiable errors in the coding of 339 teachers within his district. Due to these errors in the data, LAPS chose not to disclose the results of the teacher evaluation to its teachers until all data has been corrected. Dr. Schmidt added that, as the data stands, LAPS’ error rate is approximately the same as MES at 27 to 28 percent. As a result of these errors, Dr. Schmidt stated, LAPS views this year as a hold harmless or baseline year in which administrators are to learn the system and feel more comfortable using it.

Both Dr. Schmidt and Mr. Washburn concurred in stating that the current teacher evaluation system is better than the template school districts used previously.

### **Pojoaque Valley Public Schools**

The Chair recognized Mr. Adán Delgado, Superintendent, Pojoaque Valley Public Schools (PVPS), to present on the district’s experience with the teacher and principal evaluation system.

Mr. Delgado informed the committee that his district prepared teachers from the beginning on what to anticipate regarding the teacher evaluation system. Further, he emphasized that PVPS wanted to focus on the components of the evaluation system that his district had control over:

- principal training;
- observations at the local level; and
- a standard for consistent observations.

Mr. Delgado also stated that his district created and developed a manual for educators, both principals and teachers, which highlighted teacher effectiveness at each level under the four domains of the system.

Referring to issues PVPS had with the evaluation system, Mr. Delgado remarked that his district had significant problems with Teachscape and the biggest questions for his district were regarding the student achievement system. Similar to his peers, Mr. Delgado informed the committee that PVPS has received inaccurate data and is missing eight summative reports for teachers within the district. As a result, he has not distributed the results from the evaluations and will not until all data has been corrected by PED.

However, despite errors in the evaluation results, Mr. Delgado stated, a positive attribute of the teacher evaluation system is the increased involvement of principals within the district and the increased communication between principals and teachers. Mr. Delgado concluded that he felt the district was in a better place than it was a year ago.

### **East Mountain High School**

The Chair recognized Mr. Douglas Wine, Principal, East Mountain High School (EMHS), to present the school's experience with the teacher and principal evaluation system.

Referring to recent workshops for administrators, Mr. Wine informed the committee that PED has released new information on the meaning of certain performance levels as well as useful resources for observations that will help in upcoming evaluations.

In regard to his school's experience, Mr. Wine stated that, while the evaluations have the potential to be very positive for schools, there were a few concerns. Specifically, Mr. Wine reported that the current rubric for evaluations does not provide a basis for how some of his teachers are to be evaluated, such as those who teach college-level courses. Further, he said, due to the aforementioned inconsistencies, EMHS has an estimated error rate of 65 percent due to inaccurate or missing data. However, Mr. Wine said that, like the other districts, EMHS is working with PED to rectify the errors and has been very cooperative in the process.

### **Committee Discussion**

In reference to a committee member's question on the validity of the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) as a test for grades K-2 and as a tool for evaluation, Dr. Sims indicated that, while DIBELS is a good indicator of basic skills, it is not a strong assessment for comprehension and does not have a math component.

In reply to a committee member's question on teacher competency standards and the use of teacher professional development plans (PDPs), Mr. Delgado stated that this was a matter of confusion within the districts. He noted that districts can identify problems teachers may have and, if needed, a teacher can be placed on a PDP. However, as he thought this was a pilot or baseline year, he was unaware of teachers having to be placed on a PDP. In concurrence with Mr. Delgado, Mr. Washburn informed the committee that no one within the LAPS district will be put on a PDP yet, as he understood that no one is required to be on a PDP this year. Further, Dr. Sims stated that MES will not be placing teachers on PDPs because of the inconsistencies with the data collected.

Replying to a committee member's inquiry on the anxiety within MES of the teacher evaluation system and results, Dr. Sims replied that within MES the anxiety has lessened. She informed the

committee that many different factors and changes within the district caused anxiety about teacher evaluations. As a result of these other changes, Dr. Sims said, MES felt that giving teachers their evaluation results despite incomplete data was the best option to dissuade anxiety. Further, PED has continued to work with MES in rectifying data with one teacher moving from minimally to highly effective as a result.

A committee member commented that the special education population should not be overlooked and expressed concern regarding observation and test scores not allowing special education students' individualized education programs (IEPs) to be taken into account.

In reference to a committee member's inquiry on whether the districts had heard from PED concerning a timeframe of when all data would be corrected, LAPS, PVPS, and MES all indicated that they have not heard from PED regarding a particular timeline but have been working to correct the errors.

The Chair acknowledged the panel for their objective discussion of the evaluation system and thanked them for their professionalism.

Following the committee discussion, the Chair indicated that he had asked Dr. Gloria Rendón, New Mexico Coalition of Educational Leaders, to compose a letter to Ms. Hanna Skandera, Secretary-designate of Public Education, regarding whether this evaluation year is a baseline year and if districts will be required to place teachers rated minimally effective on PDPs.

## **SUPERINTENDENTS AND COMMUNITY INPUT**

The Chair recognized Ms. Virginia Miller, representing the Santa Fe Alliance for Public Health and Safety, who discussed potential health risks caused by wireless communication devices. She referred to a set of handouts, which included:

- an article in the *Santa Fe New Mexican* from January of 2014 titled, "Doctors Declare Wireless Standards Inadequate";
- an official letter of public comment to the Federal Communications Commission from a group of pediatricians; and
- a document that listed the health risks of wireless devices and noted that wireless communication is a possible carcinogen.

Next, the Chair recognized a community activist and three educators who expressed their concerns regarding the teacher and principal evaluation system. The community activist and two educators, speaking on behalf of Albuquerque Interfaith (AI), were: Ms. Pauline Artery, St. Mark's Episcopal Church; Ms. Julie Radoslovich, Principal, South Valley Academy (SVA), Albuquerque Public Schools (APS); and Ms. Josephine Caproni, Director of Special Education, SVA.

After explaining that AI consists of members from 25 different entities, Ms. Artery said that teacher and principal evaluation has become a major issue of concern throughout AI because one type of evaluation does not fit all. Ms. Radoslovich stated that SVA applied for a flexibility waiver from the Public Education Department that was approved after two attempts and

suggested that all school districts should be allowed to apply for flexibility waivers, not just charter schools. Ms. Caproni informed the committee that she needs flexibility because, unlike other teachers, she has no classroom space. Ms. Caproni also emphasized working in collaboration with other teachers and suggested that feedback from colleagues could be a meaningful part of her evaluation.

Finally, Ms. Linda Sanchez, a recipient of the Golden Apple Award who taught at APS for 25 years and now teaches at Robert F. Kennedy Charter High School, indicated that some Golden Apple recipients are disappointed with the outcome of their evaluations (being ranked as minimally effective) and are considering whether to leave the profession. In one case, she explained, a lack of student data improved the score of a teacher she considers ineffective, while having student data reduced the score of a teacher she considers to be effective. Alluding to potentially negative consequences of such evaluations, she said that these teachers appear to perform similarly when comparing their evaluation reports, but her experience with the teachers indicates otherwise.

There being no further business, the Chair, with the consensus of the committee, recessed the LESC meeting at 5:36 p.m.

**MINUTES  
LESC MEETING  
JUNE 18, 2014**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:08 a.m., on Wednesday, June 18, 2014, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LES C were present:

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

The following voting members of the LES C were not present:

Senator Howie C. Morales; and Representatives Nora Espinoza and Sheryl M. Williams Stapleton.

The following advisory members of the LES C were present:

Senators Lee S. Cotter and William P. Soules; and Representatives Alonzo Baldonado, Stephanie Garcia Richard, Timothy D. Lewis, Tomás E. Salazar, James E. Smith, and Christine Trujillo.

The following advisory members of the LES C were not present:

Senators Jacob R. Candelaria, Daniel A. Ivey-Soto, Linda M. Lopez, John Pinto, and Pat Woods; and Representatives Nathan “Nate” Cote, George Dodge, Jr., David M. Gallegos, and Bob Wooley.

**UNIVERSITY OF NEW MEXICO (UNM) UPDATES**

***Timely Completion at UNM: Excessive Credits and  
Baccalaureate Degree Program Minimums***

The Chair recognized Dr. Gregory L. Heileman, Associate Provost for Curriculum, Office of Academic Affairs, University of New Mexico (UNM), to update the committee on UNM’s credit requirements for degree completion.

Referring to the committee handout, Dr. Heileman informed the committee of the credit hour problem at UNM. For most universities, the minimum credit hours needed for baccalaureate degree completion is 120, Dr. Heileman said. However, the minimum number of credit hours needed for degree completion is 128 at UNM and other New Mexico universities, including:

- Eastern New Mexico University;
- New Mexico Highlands University;
- New Mexico State University; and
- Northern New Mexico College.

Referencing other states that enacted legislation to lower minimum credit hour requirements, including Florida and Wisconsin, Dr. Heileman stated that a reduction in credit hours allowed the University of Wisconsin to accommodate an additional 15,000 students and UNM could see similar results.

Using the aforementioned examples and citing peer institutions, Dr. Heileman stated that on January 28, 2014 the UNM Faculty Senate reduced the minimum number of credit hours required for a baccalaureate degree from 128 to 120. He informed the committee that UNM is currently working with the academic departments to review all degree programs to match the 120 credit hour minimum while also maintaining the integrity of the program. In order to help students graduate in a four-year timeframe, Dr. Heileman stated, UNM has created:

- four-year semester-by-semester online road maps for all degree programs;
- degree road maps that are customizable to each student's needs; and
- mechanisms for tracking the student progress as well as intervention methods for off-track students.

### **Committee Discussion**

Responding to a committee member's question concerning accreditation and the minimum number of hours needed to complete a bachelor's degree, Dr. Heileman stated that UNM is accredited by the Higher Learning Commission which only requires 120 credit hours. Further, Dr. Heileman said that other peer institutions that have similar accreditations have satisfied all requirements with the 120 credit hour minimum.

In reference to a committee member's question relating to course credit for transfer students, Dr. Heileman replied that the important aspect concerning transfer students is to make the credits taken at another institution count for degree programs at UNM. In order to do this effectively, more work needs to be done with Central New Mexico Community College to ensure that associate degree programs align with UNM degree program requirements, Dr. Heileman said.

In reply to a committee member's question concerning the challenges of lowering the minimum number of credit hours, Dr. Heileman stated that one of the challenges is maintaining the highest quality of the program and not lowering standards. However, he stated that many of the highest quality degree programs at peer institutions also have lower credit hour standards, providing good guidance for UNM faculty.

Responding to a committee member's question on students changing majors and the implications for credit hours, Dr. Heileman replied that this is at the essence of university inefficiency and something UNM is working to correct. As a result, a proposal for a general core of classes applicable to all degree programs has been mentioned as a possible solution, Dr. Heileman added. However, he stressed that it is still in its early development.

A committee member commented on the programs that require time and effort outside of the classroom that may not count toward official credit hour requirements and the hardships that many students face in trying to meet the demands of all degree completion requirements.

In reference to a committee member's question concerning articulation agreements and credit for remedial classes, Dr. Heileman stated that UNM honors articulation agreements. He added that progress is still being made in addressing 100-level classes for credit and it is UNM's goal to make sure that every course is credit bearing.

### *Developing Turnaround Leadership for Low-performing Schools*

The Chair recognized Dr. Arlie Woodrum, Associate Chair, Department of Teacher Education, UNM, to inform the committee on progress with the Turnaround Leadership for School Success (TLSS) program.

Dr. Woodrum informed the committee that, in response to the Public Education Department's Request for Application for the NMLead Program, UNM and the Anderson School of Management — as well as New Mexico State University and its Business School, Las Cruces Public Schools, the New Mexico School Leadership Institute, and The Woodrow Wilson National Fellowship Program — have partnered together to create a statewide program to train principals with the skills and competencies to turn around New Mexico's low-performing schools.

Referring to the committee handout, Dr. Woodrum stated that over the life of the grant three cohorts will be selected, trained, and coached in turnaround leadership. Each cohort will:

- attend two intensive classes, one weekend per month over two consecutive semesters; and
- in the third semester, be placed in a full-time residency/internship in an appropriate school with a high-performing principal.

At the end of the program, Dr. Woodrum said, principal preparation graduates will receive continued mentoring and support from a leadership coach who will use site visits to further develop leadership capacities. Dr. Woodrum concluded by stating that, at the end of the TLSS program, candidates who have completed the training will be eligible for New Mexico licensure in school administration.

### **ADJOURNMENT**

There being no further business, the Chair adjourned the LESC meeting at 11:44 a.m.

  
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Chair

9-24-2014  
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Date