

STATE OF NEW MEXICO
LEGISLATIVE EDUCATION STUDY COMMITTEE

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MINUTES
LESC MEETING
NOVEMBER 8-11, 2010

Representative Rick Miera, Vice Chair, called the Legislative Education Study Committee (LESC) to order at 9:13 a.m. on Monday, November 8, in Room 322 of the State Capitol, Santa Fe, New Mexico.

The following LES C members were present:

Senators Gay G. Kernan and Lynda M. Lovejoy; and Representatives Rick Miera, Vice Chair, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, Dennis J. Roch, and Mimi Stewart.

The following LES C advisory members were also present:

Senators Vernon D. Asbill, Stephen H. Fischmann, John Pinto, and Sander Rue; and Representatives Ray Begaye, Eleanor Chávez, Nora Espinoza, Mary Helen Garcia, Sheryl Williams Stapleton, and Shirley A. Tyler.

K-3 PLUS PROGRAM EVALUATION REPORT

The Chair recognized Mr. Craig Johnson, LES C staff, for a presentation on the K-3 Plus Program Evaluation Report. Mr. Johnson introduced Dr. Linda D. Goetze, Economist, Early Intervention Research Institute (EIRI), Utah State University.

In 2007, Mr. Johnson said, LES C-endorsed legislation was enacted to establish the New Mexico K-3 Plus program, which extends the school year in kindergarten through third grade by at least 25 instructional days. The program, which is administered by the Public Education Department (PED), measures the effect of this additional time on literacy, numeracy, and social skills development. Among its other provisions, the statute creating K-3 Plus:

- specifies that K-3 Plus must be conducted in high-poverty public schools;
- requires PED to determine application requirements, procedures, and evaluation criteria;

- specifies that teachers and educational assistants must be paid at the same rate as teachers and educational assistants in regular educational programs; and
- allows PED to use up to 4.0 percent of legislative appropriations for K-3 Plus for professional development.

Since FY 08, Mr. Johnson continued, the Legislature has appropriated approximately \$27.6 million in General Fund revenue for K-3 Plus programs, which have been serving an average of 6,500 students each year. For school year 2010-2011, PED approved 62 K-3 Plus programs, serving 5,816 students in 19 districts, plus one state-chartered charter school. Mr. Johnson concluded his remarks by noting that EIRI had recently received approximately \$19.1 million in funding to conduct a full evaluation of the K-3 Plus program.

Dr. Goetze said that the study will be conducted in partnership with New Mexico State University and four school districts. The EIRI, she continued, has established two goals: (1) to determine the cost-effectiveness of the K-3 Plus program in reducing the achievement gap; and (2) to use the evaluation to support the scale-up and replication of the K-3 Plus program. The study is funded by:

- approximately \$15.3 million from the US Department of Education's Investing in Innovation program; and
- a required 20 percent funding match, which has been met with dollars received from foundations and in-kind contributions from districts and publishers.

Dr. Goetze further explained that the evaluation funding will pay for K-3 Plus services to students randomly assigned to the program in approximately 38 classrooms and that approximately \$8.8 million in funding will be provided to those four school districts for K-3 Plus services and research activities. This funding will supplement and not supplant existing state K-3 Plus funds and will pay for K-3 Plus services for students who otherwise would not receive them.

In addition, Dr. Goetze continued, the evaluation funds will allow districts to receive \$2,000 per student to provide K-3 Plus services for students in the experimental group. Districts will also receive \$100 per experimental group student and \$25 per control group student for research-related costs. Parents of the students in the study will receive \$100 at the time of enrollment and for the first assessment and \$50 for each subsequent assessment.

Finally, Dr. Goetze said that the first cohort of pre-kindergarten students will be randomly assigned to either the experimental group or the control group. Both the experimental group and the control group will be given the pre-intervention assessment and the post-intervention assessment; and the study will collect data in three research areas: child outcome measures, implementation measures, and cost data.

Committee Discussion

In response to a committee member's question about the criteria used to select participating districts, Dr. Goetze explained that she had wanted a mix of urban and rural schools although the enrollment in some rural schools was too small to provide both an experimental and a control

group. The schools' improvement status – whether in corrective action or restructuring – was another factor.

Several committee members asked whether the additional funds for the programs in the study might skew the results. In reply, Dr. Goetze said that she has tried to account for that possibility, adding that some of the additional funding is for costs of the study itself rather than the programs being studied. One of the points she hopes to determine is the amount of funding needed to make the K-3 Plus program cost-effective.

In response to other questions about funding, Dr. Goetze said that the study could proceed without state funding although the overall program would be much smaller; and that she intends to seek additional funding for future analyses.

When asked what extended benefits might be found for the program, Dr. Goetze said that, as an economist, she expects to find such benefits as reductions in costs for child-care, special education, and juvenile justice, as well as a decrease in the achievement gap.

In response to a question from a committee member about the curriculum used in the K-3 Plus programs, Dr. Goetze said that the study will reveal what each program is doing. Typically, she continued, schools use their school-year curriculum during the summer although she may also find that, at least in some cases, schools are employing different curricula for the extended time. Dr. Goetze added that one of the challenges teachers face in the fall is having mixed classes containing some students who have been in K-3 Plus and some who have not. In that case, teachers must individualize instruction.

In response to a committee member's question about parental involvement, Dr. Goetze said that the study will examine the differences in parental involvement in the various programs and that parental involvement will be a topic addressed in the focus groups. She added that one question to be answered is whether K-3 Plus will free parents to pursue more education or training for themselves.

Finally, committee members discussed a number of other points, among them the effects of class size, the variety in the assessments used, and the need to identify a minimum level of state funding necessary to maintain the K-3 Plus program.

NEW MEXICO PREK EVALUATION REPORT

Senator Nava recognized Mr. Craig Johnson, LESC staff, to discuss the funding and external evaluations of New Mexico's pre-kindergarten program (New Mexico PreK). He stated that, for FY 11, the Legislature has approved total funding of about \$17.0 million and that the Public Education Department (PED) and the Children, Youth and Families Department (CYFD) together have approved 92 programs serving a total of almost 4,400 children statewide.

Describing the funding structure, Mr. Johnson noted that since 2005 the Legislature has appropriated over \$98.8 million to implement New Mexico PreK, including over \$6.0 million in

federal Temporary Assistance for Needy Families (TANF) funds, and approximately \$17.0 million for classrooms.

Mr. Johnson then discussed the PreK external program evaluations, explaining that to address the need for program evaluations, PED and CYFD contracted with the National Institute for Early Education Research (NIEER) at Rutgers University to conduct a “comprehensive program evaluation” of the New Mexico PreK program. This evaluation employed a number of measures of pre-kindergarten programs, one of the most familiar being the Early Childhood Environment Rating Scale (ECERS), which measures overall classroom quality.

The purpose of the initial contract was to evaluate New Mexico’s PreK program for school years 2005-2006, 2006-2007, and 2007-2008:

- during the 2006 interim, NIEER presented its first report, which found that New Mexico PreK was just beginning and had promise;
- during the 2007 interim, the second evaluation presented by NIEER found that New Mexico PreK had made a statistically significant and meaningful impact on children’s early language and math development;
- during the 2008 interim, NIEER reported that New Mexico PreK had produced gains in children’s vocabulary knowledge, math skills, and print awareness. However, the evaluators found the overall classroom quality of New Mexico PreK programs to be limited; and
- during the 2009 interim, NIEER presented results from the initial four years of New Mexico’s PreK program in its report. Results of the study show that New Mexico PreK produces consistent benefits for children who participated in PreK, compared to those who did not, across all three years of the study. Findings in literacy and math were statistically significant in analyses for each school year of New Mexico PreK.

Mr. Johnson continued by describing the ongoing status of the evaluations, saying that, in 2009, PED and CYFD contracted with NIEER again for a second series of evaluations to study program results for four more years. In October 2010, NIEER issued a report on the fourth year (2008-2009) of the PreK program. According to the Office of Education Accountability (OEA), this will be the last report submitted by NIEER as PED and CYFD have decided to terminate the contract for further evaluations effective November 13, 2010, based on budget constraints.

The October 2010 report includes positive impacts of PreK in each of three content areas – language, literacy, and math – results that were generally similar to the findings of previous reports, according to Mr. Johnson. Overall, he said, the findings suggest that New Mexico PreK improves children’s readiness for kindergarten in key academic areas. The last report showed that:

- vocabulary scores increased by approximately 5 raw score points;
- math scores increased by approximately 2 raw score points; and
- early literacy scores increased by approximately 23 raw score points.

Committee Discussion

In response to a question from a committee member, Mr. Bill Dunbar, Secretary of CYFD, said that, while statute allows both PED and CYFD to retain up to 10 percent of the New Mexico PreK appropriations for their administrative costs, each department uses only approximately 5.0 percent of those funds.

In response to a question from a committee member about the long-term effects of pre-kindergarten, Dr. Scott Hughes, Director, OEA, cited a recent study by economists from Harvard University that found lasting benefits through high school and beyond, evidenced by higher levels of postsecondary education, increased income, and lower rates of incarceration.

Among other points, the committee discussion raised concerns about the facilities funding for the PreK programs administered by CYFD and the usefulness of ECERS as a measure of the effectiveness of New Mexico PreK. On this latter point, one committee member noted that ECERS is a good tool for what it measures but that it does not account for other factors affecting the quality of pre-kindergarten programs.

TEACHER PROFESSIONAL DEVELOPMENT PLANS

The Chair recognized Ms. Ally Hudson, LESC staff, to present a report on teacher professional development plans.

In a brief introduction, Ms. Hudson explained that national policy-making is moving in the direction of linking student achievement with individual teachers. She further referenced a staff report to the LESC in 2006 that indicated New Mexico has long recognized this connection between student achievement and teacher quality. She explained that, in its final report in December 2002, the LESC Ad Hoc Subcommittee for Education Reform identified improving student achievement as the premise behind its recommendation of a three-tiered teacher licensure framework. Enacted in 2003, this three-tiered framework has included student achievement as a factor in teacher evaluations – including (1) progression through the three levels of licensure and (2) the increasing minimum salaries attached to each level. She further clarified that evaluations focus primarily on describing or documenting student achievement through the nine teacher competencies (Attachment 1), but provide few, if any, explicit consequences for teachers based on the achievement gains of their students.

Ms. Hudson explained that, in 2010, New Mexico took another step in the direction of evaluating teacher effectiveness by enacting LESC-endorsed legislation (SB 111) that addresses the connection between teacher performance and student achievement. This legislation amended the *School Personnel Act* to require that teacher professional development plans include documentation illustrating how the results of professional development are incorporated in the classroom.

Before beginning the body of her presentation, Ms. Hudson recognized the primary source for her report as information collected from a brief questionnaire about the implementation of the

legislation – and other aspects of professional development – that LESC staff presented to school district superintendents.

Shifting her focus to the topic of the statewide implementation of these requirements, Ms. Hudson noted that the LESC questionnaire asked superintendents about the guidance they had received from the Public Education Department (PED). A large majority of the respondents – 81 percent – indicated that, as of October 2010, their district had not received guidance from PED on implementation of the law. Ms. Hudson further clarified that there is no existing regulation or PED-issued memoranda to provide direction on the implementation of the law.

Regarding the implementation of an existing statutory requirement for “objective uniform statewide standards of evaluation for the annual performance evaluation of licensed school employees,” Ms. Hudson explained that PED developed a number of guidelines, handbooks, manuals, and presentations. However, because many of the materials have not been updated since 2005, they do not reflect the changes in recent law. Regardless, Ms. Hudson reported that the department is aware of the need for guidance and is currently working on the following activities:

- drafting a rule to implement the new law;
- planning to convene the Professional Development Subcommittee of the Professional Practices and Standards Commission to put in place various pieces of the legislation; and
- issuing a survey and collecting data on how the uniform teacher and principal evaluation system is currently being used.

Related to the issue of professional development plans (PDPs), Ms. Hudson explained that, since 2003, state law has required that teachers and principals devise PDPs at the beginning of each school year; and teacher performance evaluations must be based, in part, on how well the PDP was carried out. Although these requirements apply statewide, Ms. Hudson stated that the frequency and delivery of teacher professional development vary considerably among school districts. For example, respondents to the questionnaire indicated a range of professional development days included in teacher contracts from a minimum of one to a maximum of 13, with five being the average. In terms of when teacher professional development is provided, Ms. Hudson highlighted the top three responses as follows (Attachment 2, *Professional Development Offering Scenarios*):

- during contract days, professional development in-service days;
- during contract days, prior to start of school year; and
- during school day, substitute in class.

Regarding the delivery of professional development, Ms. Hudson stated that the questionnaire respondents specified the top three methods as follows (Attachment 3, *Professional Development Providers*):

- mostly planned and delivered district-wide;
- mostly planned and delivered at the school level; and
- delivered by a Regional Education Cooperative (REC).

Ms. Hudson explained that, in light of the lack of guidance and current evaluation materials from PED, the questionnaire asked, “Is the impact of professional development in each classroom evaluated in your district?”

- 28.8 percent (or 17 of 59 respondents) indicated that the district ensures that it is evaluated;
- 69.5 percent (or 41 of 59 respondents) indicated that this evaluation is part of the continuous school improvement process district-wide;
- 22 percent (or 13 of 59 respondents) indicated that the impact of professional development in the classroom may or may not be evaluated, depending upon the principal; and
- 5.1 percent (or three of 59 respondents) indicated that the evaluation is too difficult to quantify.

Next, Ms. Hudson referred to a point of concern from the Albuquerque Teachers Federation (ATF). Specifically, ATF has expressed apprehension over the mandatory inclusion of potentially poor or irrelevant professional development in the classroom. In cases of irrelevancy or poor quality, she noted, the ATF representative wondered if the law should provide flexibility to individual teachers in determining what aspects of the required professional development to implement.

In an attempt to gain a better understanding of the state and federal funds that are used to support educator professional development, Ms. Hudson noted that the questionnaire asked if a district is incurring costs for teacher professional development in school year 2010-2011, and if so, what funds are being used. In reply, she reported the top funding sources as follows (Attachment 4, *Professional Development Funding Sources*):

- federal Title II funds;
- federal IDEA funds;
- federal Title I funds; and
- federal ARRA funds.

Ms. Hudson further clarified that, although the respondents indicated that the majority of funds supporting professional development come from federal sources, an additional 55 percent (or 33 of 60 respondents) identified State Equalization Guarantee operational dollars as a funding source. Ms. Hudson also noted that, in response to a question whether districts had eliminated or reduced expenditures or budgets for teacher professional development:

- 63.2 percent (or 24 of 38 respondents) confirmed that there had been cuts for school year 2009-2010; and
- 92.1 percent (or 35 of 38 respondents) confirmed that there had been cuts for school year 2010-2011.

Finally, Ms. Hudson concluded her presentation by providing background on the funding appropriated for teacher professional development and the related professional development framework from FY 05 to the present.

Committee Discussion

While addressing a committee member's concern that nothing had been done regarding guidance from PED on the implementation of the legislation, Ms. Sheila Hyde, Deputy Secretary, Learning and Accountability, PED, indicated that, while it is unlikely that something will be distributed before the end of the year, information will be included in the transition materials for the new administration.

Several committee members expressed concern over the source of professional development funds – and more specifically whether those funds originate from a state or federal source. One committee member questioned whether the federal funds are being used for staff salaries to attend professional development. In response, Ms. Hyde indicated that stipends for both professional development attendance and substitute teachers are available through federal Title II monies.

On a related note, a committee member expressed concern that if professional development days were cut with the intent of saving state dollars, this might not be the case due to the nature of the federal funds being used to support professional development activities. In response, another committee member suggested that the source of professional development funding be more closely analyzed before action is taken.

Regarding the relevancy of professional development, a committee member argued that off-site training might not be the most influential; but, that, instead it should be incorporated into the work environment and ongoing mission of a specific school.

In response to a committee member's question if the Professional Development Dossier form could be modified to increase relevancy, Ms. Hyde clarified that the form serves as a "statewide minimum" and therefore can be modified to augment requirements at the district-level.

THE FLORIDA MODEL FOR K-12 IMPROVEMENT: RAISING STUDENT ACHIEVEMENT AND CLOSING RACIAL ACHIEVEMENT GAPS

The Chair recognized Dr. Clifton Matthew Ladner, Vice President for Research, Goldwater Institute, to provide the committee with an overview on the methods and model that the state of Florida is using to raise student achievement and close racial achievement gaps.

Dr. Ladner began by discussing pertinent statistics related to race and achievement, specifically the National Assessment of Educational Progress (NAEP) scores of minority populations in Florida compared to average statewide scores of all students:

- African-American students in Florida now outscore or tie the statewide reading average of all students in eight states;
- Hispanic students in Florida now outscore or tie the statewide reading average of all students in 31 states;
- Hispanic students in Florida now outscore the national Hispanic average in fourth grade reading by more than a grade level;

- Hispanic students in Florida receiving free- or reduced-price lunch now outscore all New Mexico students in fourth grade reading by more than a grade level;
- all students in Florida now outscore all New Mexico students in fourth grade reading by almost two grade levels;
- English language learners in Florida now score less than half a grade level below all New Mexico students in fourth grade reading; and
- all Florida students now outscore middle- and high-income New Mexico students in fourth grade reading.

Dr. Ladner then described K-12 education reforms in Florida that have led to the state's progress:

- grading schools using A-F letter grades based on solid state standards and a state accountability exam;
- the nation's largest voucher program, largest private school tax credit program, and sixth-strongest charter school law;
- a \$100 per-student funding bonus for schools scoring an A or improving a letter grade, and a \$700 bonus for students passing one or more advanced placement exams;
- half of all new teachers in Florida are hired from alternative certification routes;
- a ban on social promotion – students not learning basic literacy skills by the end of the third grade do not advance; and
- revamped early childhood literacy curriculum and instruction.

A result of the *Florida A+ Plan*, Dr. Ladner said, is that the number of schools receiving an A or a B grade has risen to over 3,000 since 1999, while the number of schools receiving a D or an F has dropped from over 600 to just over 200.

Parental choice has also played a significant role in Florida's reforms, Dr. Ladner said, citing the availability of scholarships for students with disabilities, tax credit scholarships for low-income students, the Florida Virtual School, and the strength of Florida's charter school law.

In conclusion, Dr. Ladner described ways in which Florida has provided incentives for rigor, and he noted measures that the Florida Partnership for Minority & Underrepresented Students has taken:

- free PSATs for all tenth graders;
- professional development for teachers to teach Advanced Placement courses;
- Advanced Placement teacher bonuses of \$50 for every passing student score up to \$2,000;
- Advanced Placement teacher bonuses of \$500 for first passing score in schools with a D or an F designation up to \$2,000; and
- a \$700 bonus to schools for Advanced Placement passage.

Committee Discussion

In response to a committee member's question, Dr. Ladner stated that the Florida system was put into place prior to the federal *No Child Left Behind Act of 2001* (NCLB) and that Florida's state system is what most Floridians pay attention to.

In response to a committee member's question, Dr. Ladner stated that the Goldwater Institute does not support the implementation of a national assessment system.

A committee member inquired how such a system would be applicable to New Mexico, given the highly rural population, and Dr. Ladner stated that the system has proven successful in rural areas of Florida.

In response to a committee member's question how parity is achieved if half of Florida's teachers come from alternative education programs, Dr. Ladner indicated that student learning gains are tied to postsecondary teacher preparation programs, but that some programs have experienced better outcomes than others.

A committee member asked if, under the Florida model of holding third graders back as a result of an unacceptable level of reading proficiency, students who are much older than their peers have a negative impact on the classroom. Dr. Ladner responded that they can only be held back twice, and that the Florida model was successful in this regard due to its focus on early reading.

A committee member inquired about the number and demographic of students attending K-12 in Florida, and Dr. Ladner stated that of the roughly 2.0 million pupils, approximately 25 percent are Hispanic.

A member of the committee asked Dr. Ladner to expand on the role reading programs have played in the success Florida has had in improving proficiency. Dr. Ladner replied that, while he has no hard data regarding the impact of reading programs, he expressed confidence that Reading First, along with other reading initiatives, contributed to the progress Florida has made.

He also stated that the math gains made during the same period suggest that reading was not the only contributing factor.

Responding to a committee question about the lowest-performing 25 percent of students, Dr. Ladner stated that Florida structured incentives so that those students are not ignored.

In response to a committee member's question, Dr. Ladner stated that, in the beginning, individuals were concerned that an F designation would stigmatize schools; but in practice those low-performing schools increased their performance.

Responding to committee inquiry, Dr. Ladner stated that Florida has not experienced a large increase in home schooling due to the new measures.

There being no other business, the Chair, with the consensus of the committee, recessed the LESC meeting at 4:09 p.m.

**MINUTES
LESC MEETING
NOVEMBER 9, 2010**

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

The following LES C members were present:

Senators Cynthia Nava, Chair, Gay G. Kernan, and Lynda M. Lovejoy; and Representatives Rick Miera, Vice Chair, Roberto “Bobby” J. Gonzales, Jimmie C. Hall, Dennis J. Roch, and Mimi Stewart.

The following LES C advisory members were also present:

Senators Vernon D. Asbill, Stephen H. Fischmann, Howie C. Morales, John Pinto, and Sander Rue; and Representatives Andrew J. Barreras, Ray Begaye, Eleanor Chávez, Nora Espinoza, Mary Helen Garcia, Sheryl Williams Stapleton, and Shirley A. Tyler.

COMMUNITY CONVERSATIONS PROCESS FOR SCHOOL REFORM

The Vice Chair recognized Dr. Will Friedman, Chief Operating Officer of Public Agenda, Inc., to provide the committee with a presentation about his organization’s process for developing issue-oriented public engagement, and a description of how that process was used in Carlsbad in partnership with Carlsbad Municipal Schools to create the Carlsbad Graduation Summit initiative.

Dr. Friedman told the committee that Public Agenda is a nonpartisan, nonprofit research and public engagement organization founded in 1975 by former US Secretary of State Cyrus Vance and social scientist Daniel Yankelovich “to help the nation tackle tough issues by bridging the gap between leaders and the people.” He said that, in 1996, he had established Public Agenda’s Center for Advances in Public Education, which conducts action research through public opinion polling to improve school practices.

Dr. Friedman began his presentation, which was supported by a PowerPoint outline, by describing Public Agenda’s months-long problem-solving community engagement process. Generally, he said, Public Agenda was invited to a community by one or more local nonpartisan organizing groups that wished to organize a public engagement process that would open up a dialogue by exposing a diverse cross-section of participants to different points of view than they normally heard. He said the organization started by developing frameworks for deliberation, such as the “Choicework Discussion Starters” included in committee members’ notebooks, based on issue research and focus group discussions. Next, the organization helped the community build its problem-solving capacity through moderator and recorder training, online collaboration, and planning. At the actual gathering of stakeholders, Public Agenda provided support to help participants develop areas of agreement and then focus on specific steps to implement the

agreed-upon approaches, and then followed up later with any task forces that were formed to see what actions had been taken.

Dr. Friedman said that the Carlsbad Graduation Summit was a good example of Public Agenda's process, with three active task forces following up on three priorities established by the community. He further indicated that what happened in Carlsbad could spread to other communities, and he cited an example from Connecticut wherein several rounds of training and conversations in "early adopter" communities led to over 100 community conversations over 10 years.

Finally, to illustrate the Public Agenda process, Dr. Friedman played a video for the committee that documented how the organization worked with several community colleges in the country to engage educators, parents, students, employers, and other stakeholders with the "Achieving the Dream" initiative for first-generation and minority college students.

Committee Discussion

In response to a question from the Chair, Dr. Friedman said that, if Public Agenda were to implement its model in another community in New Mexico, it would need to identify an in-state partner and would use a "train the trainer" approach. The organization would recruit some sites and organize conversations on whatever issue was identified in perhaps two sites in the spring and two the following fall. He said the cost would be approximately \$70,000 to \$80,000 for a statewide effort.

In response to a follow-up question regarding how the process would move forward once begun, Dr. Friedman said that success depends on working with the community from "day one" with action in mind. He said Public Agenda had learned that with well-rounded, strong, interested partners from the outset, outcomes are stronger and do not rely on one or two people to do all the "heavy lifting." He noted that there is no obligation, and in fact it is not wise, to follow up on every idea that surfaces in the conversations; instead, the convening organizations should prioritize the ideas that may generate energy.

In response to a question from the Chair regarding whether multiple school districts near the Mexican border could collaborate to problem-solve about safety issues, Dr. Friedman said that Public Agenda would need first to develop new, appropriate conversation starters, since the topic would be unique for the organization. He responded similarly to a question from another committee member regarding consolidation or cooperation among small rural school districts seeking ways to combine some of their functions to achieve cost-savings and efficiency.

In response to a question from a committee member regarding what happens in the consensus-building process when people do not agree, Dr. Friedman said that, if the issues are tightly framed, it is more important for people to hear one another and to acknowledge that other viewpoints can be legitimate, than to reach a full consensus.

LESC POTENTIAL LEGISLATION FOR THE 2011 SESSION

a. LESC-endorsed Items Introduced but Not Enacted in 2010

The Chair recognized Ms. Pamela Herman, LESC staff, to provide the committee with a review of legislation that was introduced in the 2010 Regular Session with an LESC endorsement but that was not enacted. She presented the following list, which was included on a handout provided to the committee:

- **HB 67, *Extend Educational Testing Contract Lengths*:** Amend the *Procurement Code* to allow extensions of up to 12 years for the development and implementation of standardized tests in grades K through 12 and for the development and implementation of teacher tests for professional licensures.
- **HB 191, *Prohibit Virtual Charter Schools*:** Amend the *Charter Schools Act* to define the term “virtual charter school” and to prohibit virtual charter schools in New Mexico.
- **SB 78, *Alternative School Curricular Plans*:** Amend the *Public School Code* to allow the Secretary of Public Education to waive class-size requirements for classes to which a student teacher who meets certain criteria has been assigned. (Pocket vetoed.)
- **SB 106, *Education Dept. Pays for Standards-based Tests*:** Amend the *Assessment and Accountability Act* to require PED to pay the costs of administering, scoring, and reporting standards-based assessments.
- **SB 114, *Create Dual Credit Textbook Fund*:** Add a new section to the *Public School Code* to create the Dual Credit Textbook Fund to distribute money to school districts, charter schools, state-supported schools, and BIE schools to provide textbooks and course supplies for their students participating in the Dual Credit Program; require that PED establish, by rule, a method to allocate and distribute monies in the fund to school districts, charter schools, state-supported schools, and BIE schools; and require certain reports from school districts, charter schools, state-supported schools, and BIE schools.
- **SB 140, *School Facility Leases and Standards*:** Create certain standards and requirements for charter school facilities; specifically, require that:
 - charter school facilities receive a condition rating better than the average condition of all New Mexico public schools for that year, as measured by the New Mexico Condition Index; and
 - charter schools must gain the Public School Facilities Authority approval before entering into facility lease or lease-purchase agreements.

b. Issues Examined during the 2010 Interim

At the request of the Chair, Ms. Herman also reviewed potential items based on issues and topics that the committee had examined during the 2010 interim. These included the following:

Charter Schools

- **Monitoring of Charter School Performance by Authorizers:** Introduce legislation to amend the *Charter Schools Act* to require that each authorizer monitor the performance of the charter schools that it authorizes through at least one annual site visit and through periodic progress reports.
- **Enrollment in Charter Schools Created through Restructuring:** Amend the *Assessment and Accountability Act* to clarify that, if a traditional public school in Restructuring 2 is converted to a state-chartered charter school pursuant to its restructuring plan, it may grant enrollment priority to students already attending that school.

Assessment and Accountability

- **Cohort Graduation Rates:** Introduce legislation to allow a school district to eliminate from its cohort, for purposes of calculating four-year and five-year high school graduation rates, a student with no other nexus to a district than temporarily receiving educational services in a residential treatment center, juvenile detention facility, or other residential program within district boundaries, if, upon release from the program, the student does not transfer into a regular program within the school district.
- **Delay Implementation of New High School Exit Exam:** Introduce legislation to delay the requirement that, beginning with school year 2010-2011, a student shall not receive a New Mexico diploma of excellence if the student has not demonstrated competence in required subject areas on a standards-based assessment or assessment or portfolio of standards-based indicators.

Public School Facilities

- Pending recommendations of the Public School Facilities Capital Outlay Oversight Task Force.

Public School Finance

- **Oversight of Emergency Supplemental Funds Distribution:** Introduce legislation to require that the LESC and the LFC have oversight or approval of the distribution of emergency supplemental funds to school districts to ensure that they comply with the law.
- **Regulation of Procurement Cards:** Introduce legislation to require school districts and charter schools that use procurement cards to comply with regulations promulgated by DFA.
- **School Board Financial Disclosure:** Introduce legislation to require members of charter school governing boards and members of local school boards to file annual financial disclosure statements similar to those already required from certain candidates for office, elected officials, and public officers; include in the statements charter school facilities lesser and lessee relationships.

- **Other:** Pending recommendations from the November meeting of the LESC School Finance Work Group.

Public School Personnel

- **Evaluations of Teachers and Their Preparation Programs:** Introduce a memorial requesting a study to develop an evaluation system of teachers that includes a student growth component and that links the teacher’s evaluation to the teacher’s preparation program. This system should also prescribe a process that could lead the Professional Practices and Standards Council to recommend that the Secretary of Public Education close a teacher preparation program that, despite prescribed interventions, continues to be ineffective.

Language in HB 2

- **Breakfast Program:** If funds are included in HB 2 for the Elementary Breakfast Program, include language to provide that non-Provision 2 schools receive priority for funding.

Committee Discussion

In response to a committee member’s question why HB 2, *General Appropriation Act of 2010*, did not include the language endorsed by the LESC regarding K-3 Plus funding, Ms. Ramírez-Maestas indicated that the language was included in HB 3, *Education Appropriation Act*, but not rolled into HB 2 when it left the House Appropriations and Finance Committee.

A committee member requested that the item regarding authorizers’ monitoring of charter schools, when drafted, address the issue of charter school audit findings.

In response to a committee member’s question regarding the effect of delaying the implementation of the high school exit exam, Ms. Herman responded that it would mean that one or more classes of high school seniors could graduate without passing an exit exam.

In response to a committee member’s question regarding how many students might opt to be retested on the high school exit exam in school year 2011-2012, Ms. Herman stated that the number would depend on where the passing cut score was set, which would not be known until summer 2011. Dr. Sheila Hyde, Deputy Secretary for Instruction and Accountability, PED, stated that the department planned to review a range of options to address the costs of the state assessment system with a stakeholder work group and that she would present a report to the committee in December.

In response to a question from a committee member regarding the difference between appropriations for “emergency support for school districts” and “emergency supplemental support for small school districts,” Ms. Ramírez-Maestas stated that HB 3 could include language that established some criteria for an emergency; and several members concurred.

In response to a committee member’s request for more information about the issue of procurement card use by school districts, Ms. Ramírez-Maestas indicated that there was some

concern about a lack of clear guidelines for their use. She added that the question needed to be reviewed with staff of the Legislative Finance Committee.

In response to a committee member's question regarding the proposed item to require financial disclosure by board members, Dr. Harrell replied that there was not a clear consensus among stakeholders whether legislation on this subject would be appropriate without formation of a work group to explore the matter.

The Chair requested that PED provide the committee with the number of three- and four-year-old developmentally delayed students in the public schools receiving speech-language therapy.

UPDATE ON RECOMMENDATIONS OF SJM 3 (2008), *SCHOOL PRINCIPAL RECRUITMENT & MENTORING*

The Chair recognized Dr. David Harrell, LESC staff, for a presentation providing an update on the implementation of the recommendations of SJM 3 (2008), *School Principal Recruitment & Mentoring*. Dr. Harrell introduced several presenters:

- Ms. Teresa Archuleta, Principal of Valle Vista Elementary School in Albuquerque Public Schools (APS) and New Mexico's National Distinguished Principal for 2010;
- Dr. Susanna Murphy, Secretary of Public Education Designate;
- Dr. Linda Paul, Director, New Mexico School Leadership Institute; and
- Dr. Scott Hughes, Director, Office of Education Accountability (OEA).

Dr. Harrell also acknowledged two other interested parties in the audience: Dr. Peter Winograd, Education Advisor to the Governor; and Mr. Phil Baca, Program Manager, Professional Licensure Bureau, Public Education Department (PED).

Dr. Harrell began the presentation by observing that probably few memorials have had as many long-term effects as SJM 3. Endorsed by the Legislative Education Study Committee (LESC) and carried by Senator Gay Kernan, this joint memorial requested that OEA, PED, and the Higher Education Department (HED), in collaboration with school districts and institutions of higher education, develop a plan to enhance the recruitment, preparation, mentoring, evaluation, professional development, and support for school principals and other school leaders.

Supported by a grant from the Wallace Foundation, OEA took the lead in the study requested by SJM 3, Dr. Harrell continued. A report presented to the LESC in 2008 identified six recommendations to implement the intent of SJM 3.

1. Revitalize school principal standards: by devoting particular attention to alignment between the PED rule on administrative licensure and the recently adopted framework for the evaluation of principals and assistant principals; and by implementing a revised,

standards-based process through which PED approves all educational leadership preparation programs in New Mexico.

2. Strengthen recruitment, incentives, and retention: by identifying potential school leaders; by considering financial incentives like a loan-for-service program; and by improving the working conditions through such activities as mentoring, internships, and defining school success in terms broader than just the adequate yearly progress of the *No Child Left Behind Act of 2001* (NCLB).
3. Develop and implement the New Mexico Leadership Institute: by supporting a collaborative framework for strengthening the preparation, mentoring, and professional development of school leaders through several specific programs, including a licensure program for aspiring principals, mentoring for new principals, intensive support for principals in schools in need of improvement, support for aspiring superintendents, and mentoring for new superintendents.
4. Establish data and accountability systems: by developing a database that, among other features, links higher education and public school data to track supply and demand and that captures demographic and academic data on leadership candidates.
5. Refine current certification requirements: by changing the required years of teaching experience to obtain a Level 3-B license and by developing a provisional school administrator license.
6. Refine and revitalize university principal preparation programs: by developing a core educational leadership curriculum for the colleges of education and ensuring transferability of this core curriculum; and by having the colleges of education partner in the development of the New Mexico Leadership Institute.

In addition to the information forthcoming from the presenters, Dr. Harrell said, legislation endorsed by the LESC has contributed to the implementation of some of the SJM 3 recommendations. Two of these measures, he said, were enacted in 2009.

- Relating to Recommendation 4 (establish data and accountability systems), SB 123 (Laws 2009, Chapter 20), *Administrators in Accountability Reporting*, requires that data about administrative licensure candidates be included in the Educator Accountability Reporting System.
- Relating to Recommendation 5 (refine certification requirements), SB 133a (Laws 2009, Chapter 117), *Teacher Licensure Changes*, removes the requirement that applicants for a Level 3-B administrative license hold a Level 3-A teaching license for one year; and it creates a provisional Level 3-B license.

Dr. Harrell added that LESC-endorsed legislation in both 2009 and 2010 addressed the implementation of Recommendation 3 (develop and implement the leadership institute) and part of Recommendation 6 (refine and revitalize university principal preparation programs).

- Although SB 124 (2009), *Create School Leadership Institute*, did not pass, an appropriation of \$200,000 to establish the School Leadership Institute was included in the *General Appropriation Act of 2009*. With additional funding from the Wallace Foundation, the leadership institute was established (housed at the University of New Mexico) and a director was hired.
- Enacted in 2010, SB 85, *School Leadership Institute* (Laws 2010, Chapter 65) adds a new section to the higher education statutes to create the School Leadership Institute, administratively attached to HED.

Finally, Dr. Harrell noted that the staff brief contains a background section that reviews the impetus for SJM 3 and a chronology of the LESC's interest in and study of school leadership, beginning in 2001. Dr. Harrell then deferred to Ms. Archuleta as an example of the sort of high-quality practitioner that the SJM 3 recommendations hope to produce, noting that she would discuss the characteristics and preparation of an effective principal.

Remarks by Ms. Teresa Archuleta

Ms. Archuleta began by emphasizing the importance of the relationship among the families, the teachers, and the students. When she was first assigned to Valle Vista Elementary School, she said, the school was one of the lowest-performing in APS; however, through a variety of initiatives – among them the distributive leadership model, the careful use of data, and simply listening to the ideas and concerns of teachers, families, and students – the school increased its percentage of students proficient in math from 16 percent to 49 percent over a period of four years, with up to 60 percent proficiency in grade 5.

Parental involvement, Ms. Archuleta continued, was especially significant. A number of parents were willing to assume certain leadership roles – one even offered to produce a school newsletter – and parents in general insisted on high expectations of their children and supported the school's efforts to reach those expectations.

Committee Discussion

In response to a committee member's question about the distributive leadership model, Ms. Archuleta said that she holds monthly meetings to share best practices within the model. She also noted her belief that most people want to do better and are therefore willing to find the root cause of a problem and address it. The school's process of involving staff members in selecting instructional coaches and other leaders has strong union support, Ms. Archuleta added.

In response to another question, Ms. Archuleta concurred with the suggestion that teachers and administrators should have connections with the community that the school serves, offering her own experience as an example. Valle Vista Elementary School, she said, was her first assignment as a teacher; and now that she has become the principal, her daughter is one of the students there. In addition, 21 staff members have children attending the school.

When a committee member described the expanded role of the school principal during the past few years, Ms. Archuleta concurred, noting that, in addition to the traditional roles of building

manager, disciplinarian, and parental liaison, a school principal must also be an instructional leader. In this respect, she said, it is important not only to examine and use student data but also to see the student behind the data.

Finally, several committee members congratulated Ms. Archuleta on her success and her leadership style.

Implementation of the Recommendations of SJM 3

Together, Dr. Murphy, Dr. Paul, and Dr. Hughes reviewed the progress toward implementing the recommendations of SJM 3.

- Regarding Recommendation 1 – revitalize school principal standards – they discussed the activities of a work group that PED had created in summer 2009 to review and revise the PED rule governing those standards, with particular attention to the administrative licensure competencies and indicators. Projected completion date for these revisions, they said, was January 2011.
- Regarding Recommendation 2 – strengthen recruitment, incentives, and retention – Dr. Hughes noted OEA’s plan to update an analysis of principal turnover rates throughout New Mexico and of the graduation rates from administrator preparation programs. Another project was a survey by OEA and the School Leadership Institute to determine principals’ assessment of their working conditions.
- Regarding Recommendation 3 – develop and implement the New Mexico Leadership Institute – the presenters discussed the membership of the Executive Committee – five deans from colleges with education leadership programs, five superintendents, and representatives of three state agencies (PED, HED, and OEA) – as well as the Executive Committee’s approval of the institute’s mission: “to develop and sustain highly accomplished school leaders who champion effective teaching and improved student learning, by establishing collaborative partnerships that support leadership development through recruitment, preparation and professional support.”
 - The presenters also discussed a number of the institute’s activities, among them assisting with the recruitment of principals for certification by the National Board for Professional Teaching Standards; developing a business plan for the institute; assisting PED in applying for School Improvement Grants for selected districts; and initiating Leadership Charter, which they described as a cohort-based professional development opportunity for leaders in New Mexico’s charter schools.
 - They also discussed the recently established website and the activities of the Principal Mentor Network; a recent survey of principals that identified areas of inadequate preparation; and the curriculum of the Aspiring Superintendents Program and the work of members of the first cohort.
- Regarding Recommendation 4 – establish data and accountability systems – the presenters noted the creation of an online survey account and the responses to the

Conditions of Leadership Survey, developed by OEA and the Leadership Institute. The annual Educator Accountability Reporting System (EARS) report, they added, is another feature of the implementation of this recommendation.

- Regarding Recommendation 5 – refine current certification requirements – the presenters noted that the current certification requirements were being studied by PED, with collaborative input by various participants and that the requirements will be modified based on the deliberation of stakeholders. They also listed the districts and charter schools where provisional administrative licenses had been issued.
- Finally, regarding Recommendation 6 – refine and revitalize university principal preparation programs – Dr. Murphy described a two-year effort by university faculty work teams that developed a core educational leadership curriculum and expanded candidates’ clinical experiences, among other activities. Dr. Murphy and Dr. Paul then described the five core courses: Leadership and Organizational Change; Data-informed Instructional Leadership; Instructional Leadership, Supervision and Evaluation; Legal Issues for School Leaders; and School Finance and Resource Allocation.

Dr. Murphy, Dr. Paul, and Dr. Hughes concluded their presentation with a list of future actions, among them ensuring the transferability of courses and alignment of all components of the educational administrator system. Finally, Dr. Hughes recognized the work of Dr. Winograd in the development of SJM 3 and the implementation of its recommendations.

Committee Discussion

In response to a committee member’s question, Dr. Murphy explained that the administrative preparation and licensure programs will be aligned with the handbook for evaluating principals and that the PED rules will need to be updated.

In response to a question from the Chair about the alignment of the institute’s preparation program and that of the National Board, Dr. Paul said that, while there is significant alignment, National Board certification takes school administrators to the next level of preparation, just as it does with teachers.

In response to a question from the Chair about evaluating teachers and principals in terms of student growth and then tying the performance of educators to their preparation programs, the Dean of the College of Education at New Mexico Highlands University said that he was comfortable with a growth model used in that way as a component of an accountability system.

Finally, the Chair invited comments from two members of the audience: Dr. Winograd noted the importance, during the transition from one administration to another, of the stability of the LESC, especially in terms of maintaining the progress in data collection and dissemination and in school leadership generally; and Dr. Viola Florez, Secretary of Higher Education, concurred, citing high levels of collaboration among university faculty members.

STATE REVENUE UPDATE

The Chair recognized Dr. Tom Clifford, Chief Economist, Legislative Finance Committee, for a presentation of the October consensus revenue estimates. Dr. Clifford noted that, compared to the July consensus estimate:

- FY 10 recurring revenue is down \$5.0 million;
- FY 10 nonrecurring revenue is up by \$27.0 million; and
- FY 11 recurring revenue is down by \$40.0 million.

Dr. Clifford noted that, after authorized transfers from reserves, and \$151 million of allotment reductions implemented pursuant to requirements in HB 2, projected FY 11 revenue falls short of appropriations by \$17.3 million.

Regarding FY 12, Dr. Clifford reported that the October consensus revenue estimate was revised downward by \$81.4 million from the July estimate. He added that this reduction increases the projected shortfall between FY 12 revenue and the cost of current services to \$257.6 million.

Dr. Clifford reported that the following revenue sources contributed to the reduction in the estimate:

- a decrease in gross receipts tax revenues in response to a lower forecast of wages and salaries;
- a decrease in selective sales taxes due to lower fire protection fund reversions, a lower growth rate in motor vehicle excise taxes, and lower cigarette taxes;
- a decrease in personal income tax revenues;
- an increase in corporate income tax revenue due to larger-than-expected tax payments in the first quarter of FY 11 and strong income reports from major revenue contributing industries; and
- a reduction in energy-related revenues due to a sharp drop in natural gas prices, despite a small increase in oil prices.

Dr. Clifford next addressed a potential FY 12 funding scenario, stating that over \$350 million in nonrecurring federal funds would need to be replaced, as well as \$33.0 million in one-time savings in the FY 11 budget. Dr. Clifford reported that, although the revenue estimate exceeds the number of recurring appropriations, replacing these one-time funds would create a shortfall of approximately \$257.6 million.

Committee Discussion

In response to a committee member's question whether the sale of a natural gas corporation in Artesia was reflected in the revenue estimate, Dr. Clifford stated that the sale was not specifically reflected, but he added that he was monitoring the effects of the sale and that it may contribute to a nonrecurring increase in personal income tax revenues.

A committee member requested that Dr. Clifford provide a comparison of rig counts and oil and gas prices in the Permian and San Juan basins.

PUBLIC EDUCATION DEPARTMENT (PED) BUDGET REQUEST FOR FY 12

Senator Nava recognized Ms. Frances Ramírez-Maestas for a presentation on the PED FY 12 budget request. Ms. Ramírez-Maestas explained that current statute requires state agencies to submit their budget requests for the following fiscal year to the State Budget Division of the Department of Finance and Administration no later than September 1 of the current fiscal year.

She provided an overview of PED's FY 11 appropriated revenue, FY 11 operating budget, and FY 12 request included in the staff report in Table 1. Significant changes in the FY 12 request compared the FY 11 operating budget include:

- a nearly \$29.6 million decrease in federal funds (line 5), which, according to PED, is attributable to a carryover of federal dollars in FY 11 from previous fiscal years that are not available in FY 12; and
- a decrease of approximately \$16.8 million in contractual services in FY 12 from FY 11.

Next, Senator Nava recognized Mr. Steve Burrell, Interim Deputy Secretary for Finance & Operations, PED, to review PED's FY 12 budget request in more detail. Referring to the handout, he explained that the request included an increase of \$166,700 to fund unemployment liability insurance, and a \$209,500 increase to fund the PED audit.

Mr. Burrell noted that the department currently had 82 vacant positions, or 26.1 percent of all department staff.

There being no other business, the Chair, with the consensus of the committee, recessed the LESC meeting at 4:40 p.m.

MINUTES LESC MEETING NOVEMBER 10, 2010

Senator Cynthia Nava, Chair, called the Legislative Education Study Committee (LESC) to order at 9:17 a.m. on Wednesday, November 10, in Room 322 of the State Capitol, Santa Fe, New Mexico.

The following LESC members were present:

Senators Cynthia Nava, Chair, and Gay G. Kernan; and Representatives Rick Miera, Vice Chair, Roberto "Bobby" J. Gonzales, Jimmie C. Hall, Dennis J. Roch, and Mimi Stewart.

The following LESC advisory members were also present:

Senators Vernon D. Asbill, Stephen H. Fischmann, Howie C. Morales, and Sander Rue; and Representatives Andrew J. Barreras, Ray Begaye, Eleanor Chávez, Nora Espinoza, Mary Helen Garcia, Sheryl Williams Stapleton, and Shirley A. Tyler.

Also in attendance was Representative Luciano “Lucky” Varela.

EDUCATION PARTNERS LEGISLATIVE PACKAGE

Senator Nava recognized Mr. Tom Sullivan, Executive Director, New Mexico Coalition of School Administrators; Mr. Joe Guillen, Executive Director, New Mexico School Boards Association; Mr. Charles Bowyer, Executive Director, National Education Association-New Mexico; Ms. Christine Trujillo, President, American Federation of Teachers-New Mexico; and Ms. Mercedes Sandoval, President, New Mexico Parent Teacher Association, to provide the committee with the legislative goals of their organization – collectively called the New Mexico Education Partners (NMEP).

Ms. Trujillo began by listing core goals of NMEP, describing them as pragmatic and cognizant of the current state budget shortfall:

- no more cuts to the State Equalization Guarantee (SEG) or the state’s education budget overall;
- generate \$213 million over the next two years to fill the school funding deficit; and
- generate sufficient revenue to hold education harmless from cuts while ensuring that essential services, which also help kids, are held harmless as well.

NMEP then discussed policy issues of interest for the 2011 legislative session, which include

- linking teacher evaluation and student growth by:
 - developing a valid and reliable measure of student learning in all content areas, so that it can be appropriately factored into teacher evaluation systems; and
 - creating a collaborative relationship among all stakeholders to improve our teacher evaluation system and linking evaluation to student outcomes;
- opposing new mandated programs, including new charter schools and district schools;
- repealing HB 691, *School Year and Length of Day* (as per recommendations of the SJM 12 work group); and
- opposing any changes to current per diem language that applies to school boards and district employees.

The partners expanded on these points, noting that, because of declining state revenue and the resultant affect on public education funding, state support for public education continued to dramatically decline in virtually every way:

- the total New Mexico General Fund expenditures for public education have declined, from over 50 percent to 42 percent;
- unit value support has also been decreased by between 8.0 percent and 10 percent; and
- 1,500 educational jobs have been lost and programs for students are being cut.

The NMEP has, however, proposed revenue sources that the group believes would be viable measures toward a sufficiently funded public education system, including:

- close the corporate loopholes (combined reporting);
- roll back the tax rebates for the wealthiest New Mexicans;
- leverage the permanent fund for operational dollars in the short term;
- increase the excise tax on new car sales from 3.0 percent to 5.0 percent; and
- increase the gross receipts tax.

The NMEP stated that the short-term goal must be to return to the adjusted 2009 funding levels, which would mean increasing educational funding for school year 2011-2012 by at least \$141 million. The mid-term goal is a return to the original appropriation for 2009, with an additional \$72.0 million to restore the \$213 million in school year 2012-2013. By school year 2013-2014, NMEP has a goal of achieving constitutionally required sufficiency and beginning the process of increasing funding by an additional \$350 million.

Committee Discussion

A member of the committee asked about the NMEP recommendation that no new district schools be created, and Mr. Guillen clarified that any high growth areas should be exempt from the school creation freeze, including Rio Rancho Public Schools.

In response to a committee member's question about NMEP's position on consolidation, Ms. Trujillo explained that the partners have not yet come to an agreement on the issue.

In response to a committee member's question if one-time federal funds were used for new hires, Mr. Bowyer stated that new people were not hired but that the funds were used to save existing jobs, which are now in danger.

In response to a committee member's question, Mr. Bowyer stated that roughly 75 percent of school employees in the state are under collective bargaining agreements.

In response to a committee member's question if NMEP has a position regarding the consolidation of New Mexico Public Schools Insurance Authority and Albuquerque Public Schools, Ms. Trujillo stated that it has none.

When a committee member inquired about the possibility of regionalizing technical assistance, Mr. Sullivan stated that the Regional Education Cooperatives would need more funding if they were to be expected to provide more services.

Finally, the Chair asked if, given the choice between compliance or technical assistance, which of the two PED would choose, Dr. Susanna Murphy, Secretary of Public Education Designate stated that both are needed.

GAINING GROUND IN THE MIDDLE GRADES: WHY SOME SCHOOLS DO BETTER

The Vice Chair recognized Ms. Trish Williams, Executive Director, and Mr. Matt Rosin, Senior Research Associate, EdSource, to provide a summary of a research report released by EdSource in February 2010 entitled *Gaining Ground in the Middle Grades: Why Some Schools Do Better*.

Ms. Williams explained that EdSource is a nonpartisan, nonprofit organization whose mission is to clarify complex educational issues and promote thoughtful policy decisions about public school improvement. She said that the study, which looked at practices and student outcomes at 303 middle grade schools in California in school year 2008-2009, was conducted by researchers at EdSource and Stanford University to explore the research question: Why do some middle grade schools clearly outperform others on standards-based tests, even though they serve a similar population? About half the schools in the sample served predominantly low-income student populations, while the other half served predominantly middle-income students.

Referring to a PowerPoint presentation, Ms. Williams stated that the study surveyed principals, English language arts (ELA) and math teachers, and superintendents or directors of charter school management organizations about practices in the schools. The surveys included more than 900 items focused on concrete, actionable educational practices and policies organized in 10 different areas, and they used two different statistical techniques to analyze responses based on spring 2009 scores for over 200,000 students on the state's standards-based ELA and math tests, and on longitudinal test scores going back three years, to identify which practices were most strongly correlated to student achievement growth, or gains, beyond predicted levels.

Mr. Rosin noted that California Department of Education data suggested that there were school and district practices that could affect student outcomes regardless of background. On a scatter chart illustrating the data, he pointed to a range in mean test scores among schools serving demographically similar populations, either lower- or middle-income, that was almost three times greater than the difference between the average scores of those two groups of schools.

According to the presenters, the factor with the greatest predictive ability in differentiating higher- from lower-performing middle grade schools was a shared district and school-wide culture that:

- placed an intense school-wide focus on improvements in academic outcomes for all students, from the lowest performing to the highest; and
- designed its instructional programs and reflected a shared mission to prepare all students for a rigorous high school education.

Among other findings, the study indicated that in higher-performing schools:

- curricula and instruction were closely aligned with state academic standards;
- assessment and other student data were used extensively to improve student learning and teacher practice;
- early identification and proactive intervention for student academic needs was emphasized;

- the role of every professional community of educators – teachers, principals, and superintendents – was important to making gains;
- leadership from the superintendent and district support were strongly associated with higher student outcomes;
- the changing role of principals in driving student outcomes, orchestrating school improvement efforts, and connecting district and school staff was documented;
- teachers’ competencies, evaluations, and the adequate availability of support collectively and individually combined to improve student outcomes; but
- there was no clear association between grade configuration or models of instructional organization and higher performance on standards-based tests.

Ms. Williams told the committee that EdSource was preparing to release a follow-up study from the same database in January concerning middle school student mathematics placement, practices, and performance, as well as an action-oriented guide for superintendents and middle school principals based on the results of the EdSource middle school research.

Committee Discussion

A committee member raised concerns about “teaching to the test,” as a result of experiences in another state where improvements on state standards-based exams were not reflected on the National Assessment of Educational Progress. Ms. Williams stated that, if a state’s standards-based assessments are well-aligned with important, well-designed standards, teachers do not need to teach to the test, they just need to teach the standards. Mr. Rosin said that this issue is connected to upcoming changes that will occur in school year 2014-2015 when new multi-state standards-based assessments based on the Common Core State Standards replace the assessments currently in use in many states across the country. At that point, he said, there should be much greater alignment among states and their assessments nationally.

In response to a question from a committee member regarding whether there was evidence of a correlation between school budgets and student performance, Ms. Williams replied that, in California, there is very little variation in per-pupil funding because of court rulings. She said there may have been variation among schools and districts as to how spending was prioritized, although California does not have site-based budgeting for schools. She said the only area of the middle school study where there may have been differences in budgeting was in the implementation of interventions for students at risk, since those often involve an extra cost.

The Chair requested that EdSource send copies of its middle school mathematics placement research and its guide for middle school leaders to the LESC when they were published.

TEACHER EVALUATION

The Chair recognized Dr. Ellen Bernstein, President, Albuquerque Teachers Federation (ATF); and Mr. Larry Langley, President and Chief Executive Officer, New Mexico Business Roundtable (NMBR), to make separate but related presentations on teacher evaluation, compensation, and student outcomes.

Dr. Bernstein began by providing background and developments related to teacher evaluation, stating that:

- Race to the Top (RttT) has replaced the *No Child Left Behind* (NCLB) emphasis on “highly qualified” teachers with “highly effective” teachers;
- RttT also required that evaluation of teachers and principals “take into account data on student growth;” and
- some have assumed that teacher effectiveness can be measured by linking student test scores to teachers’ evaluations.

Dr. Bernstein also noted items in New Mexico’s RttT application that are geared toward improving teacher and principal effectiveness based on performance. Acknowledging that teachers and their union leaders are aware of shortcomings in the current teacher evaluation system, Dr. Bernstein noted the following points:

- teachers embrace professional accountability, and the evaluation system should take into account the outcomes of our work;
- teachers are interested in an assessment system that measures growth, in part, because of the flawed adequate yearly progress system in NCLB;
- teacher unions are not protecting the status quo;
- union leaders, teachers, and other education professionals know that an effective evaluation system that accounts for student growth must be co-developed with us; and
- as unionized professionals, nothing matters more than the knowledge, skills, and effectiveness of our members.

Dr. Bernstein continued by describing value-added methods (VAM) as “the new bandwagon,” saying that good teaching is more than a student test score, and that the research community strongly cautions against reliance on test scores. No strong evidence exists that the teachers who are identified and dismissed using VAM are less effective than those teachers retained or hired to replace them, she said, and that basing evaluations on standardized test scores has led to excessive test preparation and a narrow curriculum. Also, she noted, VAM has led to an arbitrary and inordinate focus on students who are on the cusp of “proficiency” as measured by standardized tests, a focus that undercuts the rights of all students.

The purposes of an evaluation system, according to Dr. Bernstein, include:

- improving the quality of the teacher work force by identifying and building upon individual and collective strengths;
- identifying exemplary teachers;
- identifying ineffective teachers and remediation systems; and
- ensuring fair and valid employment decisions, including decisions about rehiring, dismissal, career paths, and tenure.

On the subject of Student Learning Objectives (SLOs), Dr. Bernstein described them as annual targets for growth that a teacher sets at the beginning of the year and strives to attain by the end of the year. She noted the following points regarding SLOs:

- they are based on a student needs assessment and aligned to the school's standards and curricula;
- SLOs must be based on outcomes, be rigorous, and measurable; and
- SLOs are a way to incorporate an individual teacher's contribution to student learning into an evaluation system and are crafted to be targeted and student specific.

Dr. Bernstein then described the peer assistance and review program, stating that it is an intervention program designed to help improve the performance of experienced teachers who are having difficulty in the performance of their responsibilities. In the program, a consulting teacher works directly with the struggling teacher to provide constructive and intensive intervention. The goal of the program is to develop and maintain the highest caliber teaching staff, she said.

Moving on to compensation of teachers, Dr. Bernstein stated that ATF's position consists of the following:

- teachers should be paid well for teaching and any evaluation must have as its primary goal strengthening the individual and collective practices of teachers and schools to improve student learning;
- teaching is broad in its scope of responsibilities, all of which must be taken into account within a compensation system;
- any compensation system should reward both expertise and extra time; and
- teachers must be valued for their expertise and not just for quasi-administrative work.

Dr. Bernstein then began explaining ATF's position on the three-tiered licensure system, noting that New Mexico's system is unique and high-stakes and that it includes both student learning and teacher evaluations. She added that the current Training & Experience index is not adequate.

Dr. Bernstein acknowledged that revamping the teacher evaluation and compensation systems is necessary, and she said that ATF is currently looking at ways to accurately measure student learning in all content areas, so that it can be appropriately factored into teacher evaluation and compensation systems.

The Chair then recognized Mr. Langley, who provided the committee with initial concerns, observations, and recommendations of the NMBR regarding teacher evaluation, compensation, and student outcomes. For the most part, Mr. Langley made these points in reference to insertions, strikethroughs, and other changes that the NMBR had made in a draft ATF document included in committee members' notebooks.

Emphasizing that the ideas being presented were preliminary and subject to change, Mr. Langley explained the desire of the business community to develop a teacher evaluation system that is fair, rigorous, and effective; that is tied to student outcomes; and that offers rewards, remediation, and removal based on the evaluations. This testimony also noted the significance of the Business Roundtable's collaborating with a teachers union on the subject of teacher evaluation. Mr. Langley added that, while the two groups have found a good deal of common

ground – the value of a pilot program, for example – there are some points of divergence, among them:

- the business community agrees that teacher evaluations must be determined through multiple criteria but believes that not all criteria should have the same weight;
- parent evaluations and student evaluations should accompany principal evaluations, student learning, and teacher artifacts when constructing a balanced evaluation system; and
- the business community has reservations about granting tenure to teachers in public schools, noting that such a system has the unintended effect of protecting teachers who cease to be highly effective. Finally, Mr. Langley noted that the business community has a high stake in the development of a new teacher evaluation and compensation system, and he noted that the creation of such a system will bolster funding opportunities for public schools in New Mexico.

Committee Discussion

In response to a committee member's question, Mr. Langley noted that NMBR recommends that parent evaluation and student evaluation accompany principal evaluations, student learning, and teacher artifacts when constructing a balanced evaluation system.

In response to a committee member's question, Dr. Bernstein lauded the compensation system used in Austin, Texas, and described some of its merits, including its reading assessment system.

In response to a committee member's question, Dr. Bernstein noted that any evaluation system New Mexico may eventually adopt will have elements from successful systems in other states. She added that additional funding will be needed in the event that a teacher evaluation system is adopted.

In response to a committee member's question, Dr. Bernstein stated that if a new teacher evaluation system is successful within Albuquerque Public Schools, that system could be tailored for use in other areas of the state.

In response to a committee member's question, Dr. Susanna Murphy, Secretary of Public Education Designate, stated her intent to assign staff to examine evaluation systems from the rest of the country, in order to find workable mechanisms.

In response to a committee member's question, Mr. Langley declined to voice support for any new revenue enhancing measures specifically for implementing teacher evaluation.

In response to a committee member's question, Mr. Langley re-stated that the teacher evaluation document is a working document, and that the business community looks forward to being present while the document is shaped.

SJM 12, STUDY VARIOUS SCHOOL CALENDARS WORK GROUP: FINAL REPORT AND RECOMMENDATIONS

The Chair recognized Ms. Ramírez-Maestas, LESC Director, and Mr. Richard LaPan, Senior Policy Analyst, Office of Education Accountability (OEA), to present a staff report regarding SJM 12, *Study School Calendars*.

Ms. Ramírez-Maestas reported that, in 2009, legislation was enacted to require that, effective school year 2010-2011, school calendars consist of 180 full instructional days for a regular school year calendar and 150 full instructional days for a variable school year, excluding release time for in-service training. She added that issues raised during discussions about the implementation of this legislation led to the passage of legislation in 2010 that delayed the implementation of the 2009 legislation until school year 2011-2012.

She further reported that, to study the effect of the delayed school calendar legislation, the 2010 Legislature also passed SJM 12, *Study School Calendars*, which requests that OEA, in collaboration with the Public Education Department (PED), school districts, charter schools, school boards and governing bodies, teacher and employee representatives, and parent representatives study current practices and issues related to school calendars and the length of a school day, including:

- scheduling and making up time lost due to inclement weather or pandemic illness;
- scheduling teacher planning time and professional development activities; and
- the impact of various school calendar options and scheduling practices on:
 - teachers;
 - learning time and achievement of students;
 - school operations; and
 - school district budgetary needs.

Mr. LaPan reported that, to perform the work requested in SJM 12, OEA formed a work group comprising 31 representatives of public school districts, charter schools, the business community, public education professional organizations, PED, as well as the Legislature and legislative agencies, including the LESC. He noted that the work group met four times during the 2010 interim, both in person and via teleconference, and communicated via email in between meetings to complete its work.

According to Mr. LaPan, the work group focused on the impact of the 2009 school calendar legislation whose effective date was delayed. To perform this analysis, the work group gathered information regarding public school calendars by:

- reviewing school calendar data submitted by school districts and charter schools to PED, as illustrated in an attachment;
- conducting a survey of school district superintendents and charter school administrators; and
- soliciting position statements from public education professional organizations.

Based on the PED calendar data, Mr. LaPan discussed the average number of instructional days, professional development days, and total teacher contract length, noting that, on average, school districts and charter schools operating on five-day and four-day weeks both were not in compliance with the delayed statutory provisions requiring 180 and 150 instructional days for five-day and four-day weeks respectively.

Mr. LaPan also discussed the work group's analysis of the number of instructional hours in school district and charter school calendars, and further estimated the number of hours (and approximate number of days) by which districts and charter schools exceed the statutory minimum based on the hourly requirements in PED rule. He reported that, on average, all districts and charter schools exceed the current requirement of 1,080 hours of instruction for secondary schools and 990 instructional hours for elementary schools.

Mr. LaPan next reported that, of 89 school districts and 81 charter schools, 51 school districts and 37 charter schools responded to the work group's school calendar survey pertaining to the implementation of statute requiring 180 and 150 instructional days, depending on the length of the school week. He stated that, according to the respondents:

- classroom learning time would be most negatively affected due to the implementation of the new calendar requirements;
- approximately 70 percent of respondents would face an additional cost to implement the additional days to comply with the new calendar requirements; and
- approximately 70 percent of the respondents favored repealing the new school calendar requirements.

According to Mr. LaPan, the point regarding the repeal of the new school calendar requirements was echoed by the statewide public education professional organizations that contributed to the work group. These respondents also felt that the new school calendar requirements should be repealed.

Mr. LaPan concluded by reporting that, based on the calendar data, the survey, and the responses from the educational professional associations, the work group recommends that the 2009 amendments to the *Public School Code* requiring a minimum number of instructional days be either repealed, or indefinitely delayed, until further study of both the costs to districts and charter schools and the impact on student and teacher performance has been completed and the results presented to the Legislature for further consideration.

Committee Discussion

Noting that many school districts already provide more than the required number of instructional hours, one committee member stated that a possible consequence of enforcing the provisions of the 2009 school calendar legislation would be a reduction in instructional hours provided to students.

In response to a committee member's question regarding what types of school calendar issues survey respondents currently experience, Mr. LaPan stated that reported issues include school year start and end dates as well as other local issues.

GOVERNMENT RESTRUCTURING TASK FORCE: UPDATE

In anticipation of the discussion between the LESC and the Government Restructuring Task Force (GRTF) scheduled for Thursday, November 11, committee members engaged in a dialog regarding a number of areas that GRTF had suggested may hold opportunities for cost-savings or increased efficiency, a dialog that had begun during the special meeting in October.

Among other points, committee members:

- questioned the rationale behind the proposed changes to the small school size and small district size factors in the public school funding formula;
- agreed that, while there may be isolated instances of schools or districts taking unfair advantage of the small school size adjustment in the public school funding formula, these instances do not justify changing the formula and affecting all schools and districts;
- suggested that the proposed merger of the Public Education Department and the Higher Education Department requires more study;
- raised questions about the potential benefits of eliminating the Family and Youth Resource Advisory Committee and of assigning the responsibility for educational technology to the Department of Information Technology instead of the Council on Technology in Education; and
- cautioned against combining the New Mexico Public Schools Insurance Authority and Albuquerque Public Schools with the other insurance organizations, the General Services Department and the Retiree Health Care Authority.

There being no other business, the Chair, with the consensus of the committee, recessed the LESC meeting at 4:25 p.m.

**MINUTES
LESC MEETING
NOVEMBER 11, 2010**

After members returned to the meeting room following the presentation to the Government Restructuring Task Force, Senator Cynthia Nava, Chair, called the Legislative Education Study Committee (LESC) to order at 8:39 a.m. on Thursday, November 11, in Room 322 of the State Capitol, Santa Fe, New Mexico.

The following LES C members were present:

Senators Cynthia Nava, Chair, and Lynda M. Lovejoy; and Representatives Rick Miera, Vice Chair, Roberto “Bobby” J. Gonzales, Jimmie C. Hall, Dennis J. Roch, and Mimi Stewart.

The following LES C advisory members were also present:

Senators Vernon D. Asbill, Stephen H. Fischmann, Howie C. Morales, John Pinto, and Sander Rue; and Representatives Andrew J. Barreras, Ray Begaye, Eleanor Chávez, Mary Helen García, Sheryl Williams Stapleton, and Shirley A. Tyler.

DIRECTOR’S REPORT

a. Approval of LES C Minutes for August 2010

On a motion by Representative Gonzales, seconded by Representative Stewart, the LES C unanimously approved the LES C minutes for August 2010.

b. Approval of LES C Financial Reports for July 2010, August 2010, and September 2010

On a motion by Representative Stewart, seconded by Representative Gonzales, the LES C unanimously approved the LES C financial reports for July, August, and September 2010.

c. Request for Approval: Public Education Department Student Assessment Accommodations Manual

Approval of the Public Education Department Student Assessment Accommodations Manual was deferred to December 2010.

d. Committee Requests

The Chair recognized Ms. Pamela Herman, LES C staff, to provide the committee with status updates on items requested by the committee:

- a committee request regarding the alignment of the General Educational Development (GED) test with the New Mexico eleventh grade standards-based assessment;
- a committee request regarding the age eligibility to receive a GED certificate; and

- an update regarding the collaborative between IDEAL-NM (Innovative Digital Education and Learning-NM) and the New Mexico Museum of Art.

e. Written Reports:

Study Uniform Military Credits at NM Colleges (HJM 1)

The Chair recognized Mr. Adan Delval, LESC intern, who presented a status report on HJM 1. Mr. Delval informed the committee that the memorial requested the Higher Education Department (HED) to conduct a study of the benefits and feasibility of establishing uniform standards for accepting military credit and articulation among all colleges and universities in New Mexico.

Mr. Delval informed the committee that the LESC received a letter from Dr. Viola Florez, Secretary of Higher Education. The letter stated that the US Department of Defense assigns standardized credit to specific training that occurs throughout all military branches and military-offered coursework, which is subsequently translated into college credit that is provided to the postsecondary institution. The letter also indicated that the study requested in the memorial is not feasible because of two issues.

- standardization is different for each major and academic program, and each program must abide by separate accreditation standards; and
- HED does not currently have the staffing capacity or funding to administer an extensive study.

Mr. Delval also stated that 15 New Mexico postsecondary institutions are members of the Service Members Opportunity Consortium, which adheres to the American Council on Education's standard reference guide to evaluating educational experience from the military; and the Secretary stated that HED can only encourage higher education institutions to follow these guidelines.

Moreover, the PowerPoint presentation stated that every institution of higher education in New Mexico has approved programs that veterans can participate in using their GI benefits; they are also required to ensure that veterans are taking classes toward a degree. Finally, most lower-division credits are transferable among state institutions with the exception of New Mexico Tech and Luna Community College.

Study Autism & School Services (SJM 25a)

The Chair recognized Mr. Adan Delval, LESC intern, to present a status report on SJM 25. SJM 25 asked the Public Education Department (PED) to conduct a study to determine how to provide adequate services to all children with autism spectrum disorders (ASD) throughout New Mexico. In addition, the study requested a written plan showing how PED will work actively, collaboratively, and cooperatively with stakeholders to develop and implement appropriate systems of care for all students with ASD.

Mr. Delval explained that the report included a list of recommendations, among them:

- each school district develop an ASD team that is adequately trained in evaluation and intervention strategies;
- hours of instruction be determined by the team;
- focus student intervention on communication, social, and cognitive levels while addressing academic life and skill needs; and
- research and training are needed on the multicultural aspects of students who have autism as a best practice.

The report also made suggestions directed toward the lack of organization among the many agencies providing services, including:

- designating a central clearinghouse for statewide services;
- developing a manual that includes statewide programs, services, locations, and contact information, and publishing it on a regular basis; and
- developing an evaluation component for school evaluators to use for medical examinations.

SJM 25a Audience Input

Ms. Liz Thomson and Ms. Katy Stone from the New Mexico Autism Society indicated that insufficient time was provided to stakeholders for supplying adequate feedback to complete the study. Expressing her concern that the study did not reflect the opinions of all the organizations and programs listed in the memorial, the Chair, along with the committee, asked that a revised study be submitted by the December LESC meeting.

f. Correspondence and News Stories

Ms. Ramírez-Maestas presented the following items of correspondence to the committee, noting that they are retained in the LESC permanent files:

- a letter from Dr. Susanna Murphy, Secretary of Public Education Designate, to New Mexico educators, parents, and stakeholders regarding the adoption of official performance level descriptors for the New Mexico Grade 11 Standards-based Assessment/High School Exit Exam;
- a letter from Ms. Ruth Williams, Manager, Legislative and Community Relations Bureau, Public Education Department (PED) to Ms. Ramírez-Maestas regarding the feasibility of combining New Mexico Cyber Academy course material with field experience at local school districts as a for-credit course;
- a news item honoring a number of public service awardees, including Mr. David Abbey, Director, Legislative Finance Committee;
- a notice from the Center on Education Policy noting the increase in proficiency within New Mexico as measured by National Assessment of Educational Progress; and
- a news release from PED regarding the certification of adequate yearly progress figures in New Mexico.

