

STATE OF NEW MEXICO
LEGISLATIVE EDUCATION STUDY COMMITTEE

REPRESENTATIVES

Mimi Stewart, Vice Chair
Nora Espinoza
Jimmie C. Hall
Rick Miera
Dennis J. Roch
Sheryl M. Williams Stapleton

State Capitol North, 325 Don Gaspar, Suite 200
Santa Fe, New Mexico 87501
Phone: (505) 986-4591 Fax: (505) 986-4338
<http://www.nmlegis.gov/lcs/lesc/lescdefault.aspx>

SENATORS

John M. Sapien, Chair
Craig W. Brandt
Gay G. Kernan
Howie C. Morales

ADVISORY

Alonzo Baldonado
Nathan "Nate" Cote
George Dodge, Jr.
David M. Gallegos
Stephanie Garcia Richard
Timothy D. Lewis
Tomás E. Salazar
James E. Smith
Christine Trujillo
Bob Wooley



ADVISORY

Jacob R. Candelaria
Lee S. Cotter
Daniel A. Ivey-Soto
Linda M. Lopez
John Pinto
William P. Soules
Pat Woods

Frances Ramirez-Maestas, Director

MINUTES
LESC MEETING
November 17-20, 2014

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:35 a.m., on Monday, November 17, 2014, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LESC were present:

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

The following voting members of the LESC were not present:

Senator Howie C. Morales; and Representatives Nora Espinoza and Dennis J. Roch.

The following advisory members of the LESC were present:

Senators Lee S. Cotter, Linda M. Lopez, John Pinto, and William P. Soules; and Representatives Alonzo Baldonado, Tomás E. Salazar, James E. Smith, and Christine Trujillo.

The following advisory members of the LESC were not present:

Senators Jacob R. Candelaria, Daniel A. Ivey-Soto, and Pat Woods; and Representatives Nathan "Nate" Cote, George Dodge, Jr., David M. Gallegos, Stephanie Garcia Richard, Timothy D. Lewis, and Bob Wooley.

Representative James R. Madalena was also in attendance.

On a motion by Representative Stewart, seconded by Senator Kernan, the Committee approved the agenda for the meeting.

TEACHER AND PRINCIPAL EVALUATION PANEL SUMMARY REPORT: PUBLIC EDUCATION DEPARTMENT (PED) RESPONSE

The Chair recognized Ms. Hanna Skandera, Secretary-designate of Public Education, and Mr. Matt Montañó, Director of Educator Quality, Public Education Department (PED), to present the department's response to the teacher and principal evaluation panel summary report.

Also in attendance was Dr. Joel D. Boyd, Superintendent, Santa Fe Public Schools (SFPS).

The Chair indicated that during the 2014 interim the LESC heard testimony from school districts; charter schools; and special, state-supported schools on the implementation of the teacher and principal evaluation system. Ms. Skandera was provided a copy of the teacher and principal evaluation panel summary report for her review. The Chair stated that the LESC wanted to give PED an opportunity to respond to the school leaders' concerns as well as provide steps going forward.

Ms. Skandera stated that the new evaluation system for teachers and principals, New Mexico Teacher Evaluation Advisory Council (NMTEACH), is an opportunity to support New Mexico's teachers and give them professional training based on strengths and weaknesses. It is also an opportunity to champion teachers' successes and identify highly rated teachers who can mentor struggling teachers in targeted areas of development, she said. In addition, Ms. Skandera acknowledged the New Mexico School Superintendents' Association for offering suggestions on how to make the system better. She indicated there are always opportunities to improve, particularly on the implementation side of the teacher and principal evaluation system.

Referring to a PED handout, Ms. Skandera stated that approximately 76 percent of New Mexico teachers are rated as effective, highly effective, or exemplary and that approximately 24 percent of teachers are rated as ineffective or minimally effective. She also noted that more exemplary teachers were identified when the student achievement portion of the evaluation system was considered by itself. Using only the observation component of the system yielded fewer exemplary teachers, she added. To date, the first-year outcomes for New Mexico teachers indicate that approximately 3,500 are rated as highly effective or exemplary and approximately 3,700 are rated as minimally effective or ineffective, according to Ms. Skandera.

Ms. Skandera then reviewed the following areas of improvement, as identified by the school districts, in the implementation of the new system:

- incomplete or inaccurate data;
- understanding teacher attendance as a component of the system;
- understanding value-added scoring (VAS);
- professional growth plans (PGPs)/baseline year;
- increased weighting of NMTEACH observations; and
- adapted protocol for special education teachers.

First, she said, regarding PED's solutions for incomplete or inaccurate data, the department has:

- established a NMTEACH liaison for each district/charter school;
- ongoing training to districts/charter schools on the teacher-student data link (roster verification), VAS, and summative reports;
- established multiple windows to verify data;
- created a teacher-student roster verification system for districts/charter schools to verify data sets used for VAS;
- developed a dashboard for reports; and
- allowed attendance reporting to be open throughout the school year.

The teacher attendance component in the system, according to Ms. Skandera, has also posed problems for school districts and charter schools. She emphasized that the inclusion of teacher attendance in the framework is a local decision. For instance, Albuquerque Public Schools (APS) included attendance within the district's framework, and within four months APS saw a 15 percent improvement in the district's teacher attendance, she said. Ms. Skandera further discussed the following solutions for understanding teacher attendance:

- direct outreach from NMTEACH liaisons;
- ongoing reporting and verification;
- clarification on district reporting requirements regarding the *Family Medical Leave Act*, bereavement leave, jury duty, military leave, religious leave, coaching, and personal development; and
- do not prorate attendance when other data are missing.

In addition, Ms. Skandera emphasized the following solutions for understanding VAS:

- develop a proactive training process beginning in December 2014;
- partner with districts such as Las Cruces Public Schools and Hobbs Municipal Schools on training modules used for improving practitioner understanding;
- implement a dashboard that will provide reports on each of the multiple measures; and
- continue development of materials and resources specifically for value-added models (VAMs) aimed to increase understanding.

Ms. Skandera stated that PGPs are only required for teachers who were rated as ineffective because this past school year was a baseline year. It is at the discretion of the local districts to require a teacher rated as minimally effective to be placed on a PGP. The PGP goal is to support teachers by providing them with an opportunity to take targeted, specific steps, which will close gaps in some of their weaknesses, she said. Ms. Skandera also indicated the following solutions for PGPs:

- review established guidance documents available in the toolbox on the NMTEACH website; and
- seek ongoing guidance and support for teachers and principals through the Learn tool.

She then discussed the following solutions for increased weighting of observations, which include:

- simplified graduated considerations;
- keeping teacher attendance and student surveys weighted at the same level;
- limiting the number of multiple measures a district can use; and
- a teacher-student roster verification process to provide districts with a better understanding of the data being used to generate summative forms.

Regarding adapted protocol for special education teachers, Ms. Skandera noted that PED is piloting an aligned NMTEACH rubric for teachers in intervention programs at APS. She also stated that, within the data verification process, PED will provide guidance and technical assistance to districts to understand appropriate rosters.

Regarding feedback on the teacher and principal evaluation system, Ms. Skandera stated that she received the following comments from the field, which noted that NMTEACH:

- is better than the system school districts used previously;
- increased involvement of principals within the district;
- increased communication and dialogue about instruction between principals and teachers;
- puts districts in a better place than the previous year;
- adds accountability that was previously missing;
- provides valuable information for teachers via walkthroughs;
- allows administrators to support development of skill sets; and
- is good for improving instruction.

Lastly, the Chair recognized Dr. Boyd. While acknowledging Ms. Skandera's willingness to collaborate, he stated that SFPS has a number of concerns, including:

- accuracy of data;
- accuracy of the measures being used;
- adequate timelines; and
- potential lags in the data used.

Dr. Boyd also noted that his conversations with Ms. Skandera were focused on how, not whether, to go forward.

Committee Discussion

In reference to a committee member's inquiry on better understanding VAMs, Ms. Skandera stated that several school districts are working on presentations and are willing to share them with colleagues upon completion.

In reply to a committee member's question on whether a rural district's small school size affects the data scheme, Ms. Skandera stated that the denominator has to be an in-size of 10 students. If the teacher does not have data for at least 10 students, graduated considerations should be used.

Replying to a committee member's inquiry on the current status of the utilization of data, Ms. Skandera stated that the data are better and more reliable. She added that PED is in discussion with the institutions of higher education about sharing the three years worth of data tied to teachers graduating from the colleges of education.

Regarding principal evaluations, Ms. Skandera stated that principals were evaluated this past year as well. The components of principal evaluations, she said, are based on school growth measures, how well the principal implemented observations in a timely fashion, and the Highly Objective Uniform Statewide Standard of Evaluation (HOUSSE) competencies.

In reference to a committee member's inquiry on calibration training and results, Ms. Skandera explained that the calibration is tied to experts who have done observations as well as rated the same teacher via video. Currently, under PED regulations, if the teacher has a discrepancy in the observation or VAM data, there will be a call for a second review of that particular summative report, she said. PED is developing ways to work with districts on a way to accomplish this, Ms. Skandera added.

Replying to a committee member's inquiry about placing less weight on the student achievement portion of the evaluations, Ms. Skandera stated that she had met with the New Mexico School Superintendents' Association leadership, and they brought forth six requests based on different compromises and changes. PED agreed to all but one request, which she said was to decrease the student achievement weight.

Regarding consequences for not following regulations pertaining to the PGPs, Ms. Skandera stated that it is a local decision to place a teacher on a PGP if the teacher is rated as minimally effective. She also emphasized that it is a local decision to issue or terminate teacher contracts.

In reply to a committee member's question on whether a teacher who is placed on a PGP can submit a dossier, Mr. Montañó stated that if the teacher is not effective, the principal cannot indicate that the teacher is meeting competency and thus cannot submit a dossier.

In response to a committee member's inquiry on whether the first year ratings were current in the handout, Ms. Skandera noted that the NMTEACH distribution of teacher ratings were current. She also stated that, after the reported errors had been corrected, there was approximately a 1.5 percent change in distribution ratings. In reply, a committee member noted that during the 2014 interim the LESC heard from school districts across the state and the overall error rate was approximately 30 percent. The committee member expressed confusion as to why there was not a greater change in the overall distribution of scores.

Regarding data for the old system and where it came from, Mr. Montañó stated that PED had never collected evaluation data up until that particular data point. The data came from the number of dossiers that had been submitted and had been meeting competence based upon strands D and E. Thus, 99.8 percent of those teachers in the dossier process had been approved to move forward. In response, a committee member asked how many teachers were a part of that system. Mr. Montañó acknowledged that approximately 7,000 teachers were part of that particular system, and these data reflected only those teachers out of the possible 21,000 teachers in the state. The committee member suggested that this is not an adequate comparison because the old system was a salary and career advancement system, not an evaluation system.

HISPANIC EDUCATION ACT UPDATE

The Chair recognized Mr. David Rogers, Executive Director, Dual Language Education of New Mexico and Chair, Hispanic Education Advisory Council (HEAC); Ms. Vicki Mora, Executive Director, New Mexico Association of General Contractors and Co-Chairperson, Unidos Project; and Dr. Meriah Heredia-Griego, Assistant Research Professor, Center for Education Policy Research, University of New Mexico and member, Unidos Project, to inform the LESC on the progress of the five-year plan for the *Hispanic Education Act* (HEA).

Briefly describing a timeline of the plan, Mr. Rogers explained that since the publishing of the HEA annual report for school year 2012-2013 much progress has been made, including:

- the development of the HEA five-year plan beginning in January 2014;
- from January through April 2014, a map of the plan's direction created with assistance from staff at the Public Education Department (PED) and members of the Southwest Regional Education Board;
- a work session called La Plática Bajo la Resolana held by HEAC in September 2014 and facilitated by New Mexico First;
- the 2nd Unidos Legislative Education Summit held in September to identify policy recommendations to support strategic priorities and a Collective Impact Team (CIT) to focus on student success, family engagement, and collaboration; and
- the annual HEA report submitted in November 2014 that summarizes work accomplished by HEAC, strategic partners, and CIT.

Referring to a handout, Mr. Rogers discussed HEAC's top strategic priorities, namely:

- student success – cultural competence, evidence-based approaches, and cultural and linguistic professional development;
- family engagement – family centers and authentic family partnerships; and
- collaboration – business support, incentives and best practices, and project-based learning.

Ms. Mora continued, citing a handout that summarized the final report of La Plática Bajo la Resolana. She explained that a group of 67 strategic partners attended the work session. These partners represented:

- school districts;
- higher education institutions;
- business and government; and
- nonprofit organizations.

Ms. Mora further noted that participants engaged in small group discussions to conceptualize the strategic priorities, and at the end of the session, groups had the opportunity to review the work they had done and were able to weigh in regarding their level of support for each priority.

In addition, she said the participants were involved with drafting ideas for how the success of these priorities could be measured and monitored, including:

- the use of measurement tools already available;
- establishing a baseline to measure ongoing progress; and
- the consideration that measuring success using a community-based approach may have a different look and outcome.

Directing the committee members' attention to the 2nd Unidos Legislative Education Summit handout, Ms. Mora explained that the purpose of the summit was to identify policies that will drive an agenda for Hispanic education excellence in early childhood development programs, K-12 schools, and higher education institutions. She further explained that the summit produced a platform of nine recommendations based on the three strategic priorities:

1. student success:
 - early childhood – dual language and culturally relevant professional development;
 - K-12 – culturally and linguistically responsive professional development; and
 - higher education – culturally competent programs and practices;
2. family engagement:
 - early childhood – support for non-traditional families;
 - K-12 – community engagement coordinators; and
 - higher education – equitable, authentic family engagement; and
3. collaboration:
 - early childhood – support collective impact;
 - K-12 – incentivize business involvement; and
 - higher education – incentivize local and Hispanic-focused research.

Referring to a table handout, Ms. Mora stated that the intent of the summit was to create very clear policy priorities that advocates and legislators can use to foster education reform that specifically address the unique needs of Hispanic students and their families. She explained that participants were able to work in small groups to prioritize the recommendations by electronically polling them to establish top priorities within the framework of student success, family engagement, and collaboration.

To conclude, Mr. Rogers asked the committee to consider supporting HEAC in their efforts to move forward through:

- communicating and advocating for HEAC's findings in the three areas of student success, family engagement, and collaboration;
- research that utilizes local experts and data that are based on children from New Mexico; and
- providing full-time staff to gather and report these data.

Committee Discussion

In response to a committee member's question regarding support from the LESC to help communicate and advocate HEAC's findings, Dr. Heredia-Griego explained that the strategic partners were struggling with agreement on the types of questions the data are able to answer. She further noted that questions, answers, and solutions already existed and, as strategic partners begin to understand how to measure those they can begin to see how to use those data to help guide for success. Mr. Rogers added that guidance from the LESC will help the progression of the three strategic priorities. He also explained that data on family engagement and collaboration with businesses and nonprofit community organizations were not apparent in the *Hispanic Education Status Report* and these data will be important to include in the annual report.

A committee member observed that teachers were not listed as part of the dialogue and only administrators were included. The member claimed that practitioners end up with trickle-down training from mid-level administrators and the process is slowed down due to lack of direct involvement.

A committee member commented that the report on the HEA five-year plan was timely in that HEAC's focus looked at research that was unique to New Mexico; the member said hopefully HEAC will utilize some of those research dollars to continue to work with PED and the Higher Education Department, and the Department of Workforce Solutions. The member also commented that the HEA should create a sound and excellent education program for Hispanics so other states will seek guidance from New Mexico.

In response to a committee member's question regarding PED's financial support for full-time equivalent positions, Mr. Rogers said that Ms. Hannah Skandera, Secretary-designate of Public Education and Dr. José Z. Garcia, Cabinet Secretary, Higher Education Department are committed and hope to discuss the matter before the upcoming 2015 legislative session. With regards to funding for staff, another member urged the HEAC to contact the Legislative Finance Committee to work with the appropriate people as soon as possible.

In regard to a committee member's comment about the New Mexico Lottery Scholarship's success with Hispanic students graduating from college compared to other demographics, Dr. Heredia-Griego explained that data regarding these successes is precisely the kind of data they would like to have disaggregated. She continued to say that they would also like to include factors such as socio-economic status, which may affect lottery scholarship success.

In conclusion, a member commented on the success gap of students graduating from higher education programs and suggested looking at graduation numbers. The member further commented that the Legislature needs to continue support for students who completed their freshman and sophomore years and wish to finish college.

HIGHER EDUCATION CONNECTION TO PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS (PARCC) AND COMMON CORE STATE STANDARDS

The Chair recognized Dr. Rick Scott, Partnership for Assessment of Readiness for College and Careers (PARCC) Liaison for New Mexico, Higher Education Leadership Team, for a

presentation regarding the connection between New Mexico higher education and PARCC testing.

After providing the committee with an overview of his background, Dr. Scott explained his role as a PARCC liaison in New Mexico. This role was necessary, Dr. Scott said, because the Common Core State Standards (CCSS), which are the standards the PARCC test was designed upon, have implications for higher education as well as K-12 education. Dr. Scott further explained that, after realizing these implications for postsecondary educational institutions, Dr. José Z. Garcia, Cabinet Secretary, Higher Education Department, asked him to work with the deans at the various institutions of higher education (IHEs) to aid in the transition to the CCSS from the standpoint of higher education.

According to Dr. Scott, PARCC offers four suggestions for IHEs:

1. integrate CCSS and PARCC into teacher preparation programs, which may include preparing teachers for the content and pedagogy of the CCSS and preparing future teachers to use PARCC results to improve teaching and learning;
2. work with high schools to make sure more students are “college-ready,” including support for senior-year students who are ready, other high school experiences for students who are not ready, and state-funded dual credit;
3. reconsider first-year college courses based on the impact of the CCSS by assuming that future students will be different in what they know and how they can learn; and
4. use PARCC test results for first-year student course placement.

On this last suggestion, Dr. Scott noted that PARCC testing scores will be based on a 1-5 scale, with a score of 4 indicating college-readiness. He cautioned, however, that PARCC does not suggest using its test as an admissions test, but rather a placement exam for first-year college students.

Dr. Scott continued his remarks by discussing several actions taken in New Mexico to prepare IHEs for CCSS and the PARCC exam. First, he explained, the Secretary of Higher Education was named to the PARCC testing consortium’s Advisory Committee on College Readiness. Second, a Higher Education Leadership Team (HELT) comprising stakeholders from around the New Mexico postsecondary educational community was established. HELT participates in bi-monthly conference calls with PARCC and has participated in two PARCC national postsecondary meetings, Dr. Scott said. He also reported that three statewide meetings of higher education leaders were held between October 2012 and September 2014.

Finally, Dr. Scott emphasized that PARCC is seeking out “PARCC pioneer” states to lead the way in recognizing the PARCC test as a placement exam for first-year college students. Moving forward, he said, HELT will continue to participate in bi-monthly conference calls with PARCC and a fourth PARCC statewide postsecondary meeting is scheduled to take place after the PARCC test results are released in the fall of 2015.

Committee Discussion

A committee member asked whether the decision to use the PARCC exam as a placement test is made by each IHE, and Dr. Scott explained that the decision is in fact left to each college or

university. He added that IHEs have a great deal of autonomy in this regard and some may use the same placement tests but assign varying cut scores.

In response to a committee member who asked whether the PARCC exam could be used to determine admission into a particular program, such as nursing or teacher preparation, Dr. Scott explained that PARCC does not expect its test to be used for admissions; rather, the consortium suggests that the test be used only for placement for first-year, credit-bearing courses.

Dr. Scott noted that standardized testing has had high stakes for schools and school districts, but the use of the PARCC test for college placement may give students a reason to take the PARCC test seriously as well. In reply, a committee member commented that students in grade 11 must take the test seriously because it is required for graduation.

There being no superintendent and community input or further business, the Chair recessed the LESC meeting at 3:58 p.m.

**MINUTES
LESC MEETING
NOVEMBER 18, 2014**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:17 a.m., on Tuesday, November 18, 2014, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LESC were present:

Senators John M. Sapien, Chair, Craig W. Brandt, Gay G. Kernan, and Howie C. Morales; and Representatives Mimi Stewart, Vice Chair, Jimmie C. Hall, Rick Miera, and Sheryl M. Williams Stapleton.

The following voting members of the LESC were not present:

Representatives Nora Espinoza and Dennis J. Roch.

The following advisory members of the LESC were present:

Senators Lee S. Cotter, Linda M. Lopez, and John Pinto; and Representatives Alonzo Baldonado, Nathan “Nate” Cote, David M. Gallegos, Tomás E. Salazar, James E. Smith, and Bob Wooley.

The following advisory members of the LESC were not present:

Senators Jacob R. Candelaria, Daniel A. Ivey-Soto, William P. Soules, and Pat Woods; and Representatives George Dodge, Jr., Stephanie Garcia Richard, Timothy D. Lewis, and Christine Trujillo.

Representative James R. Madalena was also in attendance.

NEW MEXICO EARLY CHILDCARE AND EARLY EDUCATION TASK FORCE RECOMMENDATIONS

The Vice Chair recognized Ms. Katherine Freeman, President and Chief Executive Officer, United Way of Santa Fe County/New Mexico Early Childhood Development Partnership (NMECDP), to update the LESC on the interim work of the Child Care and Early Education Task Force (CCEETF).

Also in attendance was Ms. Linda Siegle, New Mexico Child Care and Education Association.

Referring to a committee handout, Ms. Freeman explained the mission of the NMECDP was to create public awareness and political will for investments in early childhood care and education in New Mexico. She explained that the goals of early childhood programs include:

- targeting 6.9 percent of the state's population (approximately 143,764) who are under age 5;
- impacting the 62 percent of New Mexico's children (ages 3 and 4) who are not attending preschool;
- providing a foundation for school readiness; and
- reducing the number of children in New Mexico who enter kindergarten without important pre-literacy skills.

Ms. Freeman explained that CCEETF engaged a variety of stakeholders to build consensus for the following:

- best practices on implementing quality efforts in child-care and education settings;
- policy levers to improve the quality and accountability of child-care and education;
- policy recommendations to include in legislation to be proposed during the 2015 legislative session; and
- regional meetings for input from additional stakeholders.

Referring again to the handout, Ms. Freeman briefly explained that high-quality care and support for working families would:

- ensure all child-care providers accept child-care assistance;
- increase the percentage of children under age 6 from low-income families who are eligible for child-care assistance;
- lengthen the average stay in child-care for a child receiving child-care services;
- work so that state policies support child-care assistance; and
- increase efficiencies in program management for recipients of child-care assistance.

Ms. Freeman pointed out that the definition for child-care has a dual role for supporting both working families in need and school readiness. She explained that the task force recommended the following:

- stability for child and family eligibility by:
 - changing the child-care re-certification period from six months to up to 12 months;
 - extending child-care assistance to remain in place during high school and college breaks; and
 - setting entrance eligibility for child-care assistance to 200 percent of the federal poverty level and exit at 250 percent;
- stability for children and families to reduce the administrative burden by:
 - eliminating reporting of income increases between certification periods; and
 - expanding ways people can apply for child-care assistance;
- support for early education and care professionals by:
 - offering tax credit incentives for early child-care employees to further their education and individuals and businesses for donating to early childhood programs (in addition to the charitable contribution); and
 - eliminating the gross receipt tax for Children, Youth and Families Department (CYFD)-contracted pre-K providers;
- workforce development through:
 - encouragement of job-embedded professional development through grants from CYFD; and
 - joint professional development opportunities for birth-to-five and K-3 teachers;
- enhance higher education by:
 - making higher education more accessible to all students, including non-traditional students, through funding and support; and
 - revising educational requirements for program directors;
- develop child-care effectiveness indicators that include evidence:
 - of the availability of affordable, high-quality child-care for families with low-income and working parents;
 - that children are healthy and safe; and
 - of high-quality early education; and
- support successful FOCUS implementation to:
 - ensure FOCUS training is widely accessible to different audiences;
 - recognize equivalent training;
 - reduce initial employee professional development requirement from 100 percent to 80 percent of teachers who have taken mandatory training;
 - assign each multi-site child-care facility only one FOCUS consultant and ensure they are trained; and

- create a structure where experienced teachers can “test out” of new training if they can demonstrate proficiency.

To conclude, Ms. Freeman stated that the work of the task force focused on:

- identifying and pursuing incentive options that would encourage child-care subsidy families to select high-quality, evidence-based child-care;
- setting an attainable goal for the percentage of subsidized children who attend high-quality programs within the next five years; and
- providing support to enable registered home-based providers to become licensed.

Committee Discussion

In response to a committee member’s question regarding businesses that accept child-care assistance, Ms. Freeman explained that the task force hopes that all child-care providers will accept child-care assistance to better understand their business and what makes them effective.

Regarding equalization in funding for both the Public Education Department (PED) and the CYFD for early childhood care programs, a committee member explained that funding should be equal because it is appropriated through the *General Appropriation Act*. The member continued to say that the real issue is whether they are spending it. The member also noted that PED cut the reimbursement rate for pre-K, which makes it disproportionate to CYFD. The member also recommended that there be support for certain private child-care centers so they can qualify and eventually be able to receive funding from CYFD.

In response to the discussion surrounding funding both CYFD and PED for early child-care programs, a member explained that it was a question about funding a quality system already in place rather than funding an idea and hope that a quality system will be developed.

Ms. Siegle stated that there are more problems with the disproportionate amount of funding between CYFD and PED. She said that there is a breakdown of collaboration between PED and CYFD in regard to the number of requests for proposals going out, having more slots in a district for PED, and when those slots are filled; some districts are reluctant to refer to private providers, she said. She continued to say that there has not been an analysis of needs/poverty level, and the departments should work together to figure out how to allocate slots for each department so there is an equalization of funding.

A committee member suggested that instead of a regulation, the LESC may potentially consider legislation to require that collaboration must take place between CYFD and PED, together with private child-care providers.

NEW MEXICO BUSINESS ROUNDTABLE (NMBR) 2015 LEGISLATIVE EDUCATION PRIORITIES

The Chair recognized Mr. Larry Langley, President and Chief Executive Officer, New Mexico Business Roundtable (NMBR), and Ms. JoLou Trujillo-Ottino, Chairwoman of the NMBR Board of Directors, to present on the NMBR’s 2015 legislative education priorities.

Mr. Langley began by informing the committee that in the spring the NMBR Board of Directors selected education topics that were deemed to be in the best interest of New Mexico's private sector business community and that exemplify how NMBR can best help pursue reform and improve education in New Mexico. Specifically, he noted, during the interim the NMBR formed a public policy committee that was tasked with the responsibility of researching specific topics and conducting monthly meetings to discuss the findings and recommendations of the group.

The following is a list of NMBR legislative education priorities and recommendations, Mr. Langley stated, that were approved by the NMBR Board of Directors:

- early childhood care and education:
 - continued infrastructure development and program expansion for early childhood care and education programs; and
 - a comprehensive accountability system, which must be inclusive of a system of educator/provider accountability and the evaluation of children who participate in the program;
- reading interventions and grade 3 retention:
 - end promotion at grade 3 as a last resort for students who are not reading at grade-level proficiency;
 - assess K-3 students to determine student learning capacity and cognitive process skills; and
 - develop approaches to help build student learning capacity, including intervention coaches, supplemental tools, and grade-level appropriate approaches;
- Jobs for America's Graduates and dropout prevention and recovery programs – fund programs designed to address high school dropout and student recovery for the purpose of increasing student graduation rates, work-based learning and experience opportunities, and student follow-up into career and/or postsecondary education;
- charter schools:
 - support flexibility for high-performing charter schools; and
 - support a standardized fiscal accountability system for charter schools similar to traditional schools;
- public education funding – support the continued study and implementation of a fair and equitable funding formula; and
- higher education funding – support adequate funding for research universities and community colleges based on a fair and equitable funding formula.

Ms. Trujillo-Ottino reviewed NMBR-supported initiatives, including:

- prioritization of funding for programs uniquely designed to address high school dropout and student recovery for the purpose of increasing student graduation rates, work-based

learning and experience opportunities, and student follow-up into career and/or postsecondary education;

- the continued implementation of Common Core State Standards and the Partnership for Assessment of Readiness for College and Careers test, with a recommendation that the LESC conduct a comprehensive study of implementation costs and resources necessary to conduct these initiatives effectively;
- changes to the *Charter Schools Act* that increase student access to effective school options, support for additional flexibility for high performing charter schools as well as rapid closure for failing schools within three years of operation, and a standardized fiscal accountability system commensurate to traditional schools;
- continued study of the impact of increased funding for pre-K and K-12 public education and the utilization of State Equalization Guarantee and Public Education Department (PED) funding for specific programs;
- continued incremental funding for, and evaluation of, the impact of increased funding for early childhood care and education for children ages 0-5;
- adequate funding for research and comprehensive universities and community colleges based on a fair and equitable funding formula;
- confirmation of the secretaries of the Children, Youth and Families Department, PED, and the Higher Education Department; and
- the timely dissolution of the Public Education Commission (PEC) per a joint resolution of the Legislature.

Mr. Langley then outlined initiatives opposed by NMBR, including:

- any additional authority to the PEC;
- any additional distribution from the Land Grant Permanent Fund (LGPF); and
- support for a return of the distribution of the LGPF to 5.0 percent.

To conclude, Mr. Langley emphasized that:

- per Section 8 of the 1910 *Enabling Act for New Mexico* there is no provision for distributions from the LGPF for faith-based or private sector providers, and funds are for the express use of land grant schools;
- a change would require an act of Congress and presidential signature;
- early child-care and education is not an “entity” or “specified beneficiary”;
- protecting the solvency and growth of the fund in turn provides additional revenue at the 5.0 percent distribution rate; and
- there is no guarantee that additional distributions from the fund will result in increased funds for early childhood care and education programs. He emphasize that historical appropriations have demonstrated that increases in the fund distributions have resulted in the supplanting of General Fund dollars.

Committee Discussion

In response to a question relating to “tapping” the LGPF to support early childhood programs, Mr. Langley stated that if an additional beneficiary were to be added to the list of current beneficiaries, a lawsuit could follow primarily because it could allow faith-based entities to access funds.

In reference to a committee member's inquiry on why NMBR recommends eliminating the PEC, Mr. Langley stated that another organization would be set up and this particular organization would essentially be doing the same tasks as the PEC. In response, a committee member noted that the PEC is a well established organization whose expertise deals specifically with charter school authorizers.

Regarding the role of community colleges, Mr. Langley stated that NMBR is supportive of community colleges as they are an essential component supporting businesses in communities. Mr. Langley also noted that funding for institutions of higher education should focus on workforce readiness.

WONDER OF LEARNING EXHIBIT

The Chair recognized Dr. Baji Rankin, Executive Director, New Mexico Association for the Education of Young Children, to discuss the Wonder of Learning Exhibit currently available at the New Mexico Museum of Natural History and Science.

Referring the committee to a PowerPoint handout, Dr. Rankin reported that the exhibit is a collection of interactive displays, photos, and videos that provide insight into the many ways young children think, interact, and construct views of their world. From the world-renowned early childhood program in Reggio Emilia, Italy, she explained, the exhibit documents children's amazing sense of exploration and learning.

To conclude, Dr. Rankin urged the members to consider visiting the exhibit before it closes on November 30, 2014 to be sent to New York for exhibition.

HIGHER EDUCATION FUNDING FORMULA UPDATE

The Chair recognized Dr. José Z. Garcia, Cabinet Secretary, Higher Education Department (HED), and Ms. Tracy Hartzler, Principal Analyst, Higher Education, Legislative Finance Committee (LFC), for an update regarding the higher education funding formula.

Also in attendance were Mr. Glenn Walters, Deputy Secretary, HED, and Mr. Vicente Vargas, State Director, Government Affairs, New Mexico State University (NMSU).

Referring to a PowerPoint presentation, Dr. Garcia stated that HED worked with higher education institutions throughout the year in a robust process, which, according to Dr. Garcia, was inclusive and more transparent than previous higher education funding formula processes. As a result, he said, there is more support for the currently proposed formula. Among other items, Dr. Garcia explained that the current higher education funding formula process includes the creation of a funding formula steering committee comprising presidents and representatives from the various institutions, representatives from higher education associations, some members of university boards of regents, and legislative staff. In addition, Dr. Garcia noted, several subcommittees were formed to share in the work, including a technical subcommittee and a subcommittee to examine "base funding"; although, the latter did not reach an agreement, he said.

Dr. Garcia explained that the funding formula steering committee requested the use of a single distribution formula for all institutions and unanimously voted to support the proposed distribution formula for FY 16. This distributive model formula, he said, sets the total FY 16 funding percentage that will be distributed through performance measures, and any “new money” – additional state revenue above recurring appropriations from FY 15 – will also be distributed through performance measures. According to Dr. Garcia, these performance measures account for end-of-course student credit hour completion; academic improvement among at-risk populations; increased student enrollment in science, technology, engineering, mathematics, and health sciences degree fields; and mission-specific targets.

Looking ahead to funding formula issues to address for FY 17 and FY 18, Dr. Garcia noted, among other items, that the funding for smaller schools needs to be examined and mission-specific measures are in need of review, particularly the dual credit measure. Additionally, he said the funding formula review process will include the development of productivity measures for all institutions; a review of matrices used for distribution; and a review of state appropriations, tuition, financial aid, and revenue in support of instruction and general costs.

Next, Ms. Hartzler provided some contextual and background information regarding higher education funding in New Mexico. After providing an overview of the various higher education institutions in the state, Ms. Hartzler explained that since academic year 2010-2011 most institutions have increased the number of degrees and certificates awarded annually and raised certain retention rates. Further, she said, institutions have reported during the last two interims that they have:

- changed graduation requirements and course scheduling, in addition to the removal of program barriers, to quicken college completion;
- changed remedial education delivery so students complete college-level courses sooner; and
- added intrusive academic counseling, mandatory tutoring and skills-based programming, and learning cohorts.

Turning to outcome-based funding, Ms. Hartzler referred to a graphic in her PowerPoint presentation indicating that seven states, in addition to New Mexico, are currently transitioning to outcomes-based funding. Meanwhile, she noted, six states already have outcomes-based funding policies in place. The transition to outcome-based funding, according to Ms. Hartzler, reflects common metrics advocated for more than a decade by several organizations such as the National Governors Association, the National Conference of State Legislatures, the Education Commission of the States, and the National Center for Higher Education Management Systems. Ms. Hartzler explained that common components in states that utilize outcome-based funding formulas include incentives for degree completion, “momentum points,” economic development, and productivity.

Ms. Hartzler further explained that, over time, the Legislature and HED have embraced the following goals and objectives in line with outcome-based funding:

- a movement from funding inputs to funding outcomes;
- the rewarding of institutions for student success; and

- the rewarding of institutions for meeting statewide needs and respective institutional missions.

As the state works to accomplish these goals, Ms. Hartzler continued, the higher education funding formula revision should provide institutional budget stability and predictability, through base funding, and have clear measures and be transparent to policymakers, institutions, and the public. Ms. Hartzler added that further refinements should occur to address unintended consequences from the formula changes. Concluding her remarks, Ms. Hartzler emphasized that the formula that has resulted from the Executive and the Legislature working together has moved higher education institutions from simply addressing access to ensuring college completion.

Committee Discussion

In response to a committee member's question regarding funding to branch community colleges, Dr. Garcia explained that the funding formula distributes state funds to the numerous higher education institutions throughout the state. If a community college is part of a larger university, according to Dr. Garcia, then the amount distributed to the community college is a decision made by the university, not HED.

In response to a committee member's question regarding community college presidents' concerns, Dr. Garcia stated that he had convened a meeting of administrators from two-year institutions in response to testimony he heard during a recent LFC meeting. The discussion, Dr. Garcia explained, centered on two "philosophies" to:

1. look at the share of funding that is given across all institutions and make distributions regardless of institutional type (i.e. community colleges, comprehensive institutions, and research institutions), which is the methodology that was recommended by the steering committee and is currently being implemented; or
2. compare an individual institution's performance against the institution's performance in the previous year.

Dr. Garcia added that, based on the current formula methodology, some two-year institutions received more funding than others.

In response to a committee member's question about the award distributions on page 4 of the HED handout, Ms. Hartzler acknowledged that there was a reduction in funding awarded to New Mexico Junior College and explained that this change may be related to a number of factors that could be better explained by reviewing the raw data for the junior college.

Replying to a committee member who asked about "new money" for FY 16, Ms. Hartzler stated that revenue forecasts will be updated in December 2014, but there will likely be a reduction in the forecast.

Regarding a question about state support of public television through university budgets, Mr. Vargas explained that three institutions – Eastern New Mexico University, NMSU, and the University of New Mexico – did not ask for an increase in General Fund appropriations for public broadcasting. He stated that funding for public television was increased two years ago and the institutions prefer not to ask for an increase in General Fund appropriations but will ask for capital outlay funding.

On this point, a committee member asked whether an institution would be excluded from capital outlay funding if the institution can pay for a project through mill levy. Mr. Walters responded that a capital outlay committee looks at all institutional capital outlay projects and considers all sources of revenue to cover the cost of the project. He also stated that an institution would not be eliminated from the capital outlay process based on its taxing capability alone, but the committee does consider all sources of revenue.

A committee member noted that there has been a decline in teacher preparation program enrollment and asked if that is reflected in the funding formula performance measures. Dr. Garcia replied that this reduction in enrollment would not be reflected in the funding formula except perhaps in overall student credit hour completion measures.

In response to a committee member's question relating to faculty compensation, Dr. Garcia explained that compensation is set at the institutional level, not by HED.

A committee member expressed concern regarding the direction of the higher education funding formula and noted that smaller institutions and community colleges are missing out on funding. Meanwhile, the member said, larger institutions have had the "political clout" to continue to receive a larger share of funding.

HM 99, ADULT EDUCATION PROGRAM FUNDING FORMULA

The Chair recognized Ms. Frances Bannowsky, Director, Adult Basic Education Division, Higher Education Department (HED), to present the HM 99, Adult Education Program Funding Formula work group report, *Recommendations for an Annually Adjusted Fully Funded Formula for Adult Education in New Mexico*.

Ms. Bannowsky stated that the report is a recommendation of the HM 99 work group, not HED, and added that the budget recommendations for adult education are submitted through the department's normal budgeting process. After noting which pages outline the funding recommendations of the work group, Ms. Bannowsky explained that the report also gives an overview of adult education in New Mexico. She concluded her remarks by mentioning that the statewide adult education program is designed around building skills for participants, not just High School Equivalency Credential attainment, and adult education is available to those who already have a High School Equivalency Credential.

NORTHERN NEW MEXICO COLLEGE (NNMC) REPORT: FISCAL IMPACT OF DUAL CREDIT

The Chair recognized Mr. Ricky Serna, Vice President for Institutional Advancement, Northern New Mexico College (NNMC), and Mr. Domingo Sanchez, Vice President for Finance and Administration, NNMC, to present on the fiscal impact of dual credit on the college.

As an introduction to this topic, Mr. Serna described the dual credit program within the context of the Legislature's high school redesign. He explained that, among other things, dual credit was intended to:

- introduce high school students to college-level coursework and postsecondary culture;
- reduce the time required to get a degree after high school graduation; and
- provide an option for reducing the overall cost of a college degree to the student.

Speaking to the challenges faced by NNMC in its dual credit program, Mr. Serna explained that about 25 percent of dual credit hours fulfilled general education courses, which are core courses necessary for degree completion. Moreover, citing a presentation slide with average student proficiency rates of school districts partnering with NNMC for dual credit, Mr. Serna suggested that some students taking a dual credit course may not have the requisite proficiency levels to successfully complete the coursework.

Referring to the presentation slides, Mr. Serna testified that costs from NNMC's dual credit program have risen to about 7.0 percent of the college's annual legislative appropriation. Noting that dual credit costs had increased more than twofold from \$293,500 in FY 13 to over \$700,000 in FY 14, Mr. Sanchez added that NNMC received only \$5.00 per credit hour of dual credit coursework provided, amounting to under \$18,000, or less than 2.25 percent of the total cost.

Mr. Sanchez suggested that, in spite of the reimbursement rate, NNMC needed to dedicate additional staff and resources to processing dual credit enrollees. With respect to costs associated with holding classes at school district facilities rather than on the college campus, Mr. Sanchez also noted that some teachers could receive a regular salary by the school district and then also, when teaching a course for NNMC in their free period, receive compensation as an adjunct professor. Additionally, Mr. Sanchez emphasized the need to ensure that coursework offered at high school sites are as rigorous as those offered on the college campus.

Committee Discussion

A committee member implied that there may be a misinterpretation of the high school redesign legislation, suggesting that it might be inappropriate for ninth graders to participate in dual credit classes.

A committee member asked for clarification on the \$700,000 cost to NNMC to provide its dual credit program, suggesting that the cost might be overstated as it doesn't account for filling empty seats in courses otherwise below capacity. Mr. Serna replied that, to the extent that about 35 percent of dual credit courses are offered at high school sites, a large portion of that estimate does reflect the true cost of the program. Additionally, Mr. Serna noted the extra administrative, utility, and infrastructure burdens created by the program, suggesting that those unreimbursed costs detract from other areas of need at the college.

Proposing that the conversation should continue in the future, the Chair emphasized focusing on potential solutions, to which Mr. Serna replied that the higher education funding model presents challenges. Having been previously based on enrollment, the funding formula is now based on outcomes and degree completion, Mr. Serna explained, which may not adequately reflect the purpose of dual credit.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized the following individuals who requested to provide testimony:

- Ms. Rachel Altobelli, Albuquerque Public Schools, representing the New Mexico Task Force for School Libraries, who thanked the LESC for the committee's history of support for school libraries. She noted that in 2003 the LESC helped establish the *School Library Materials Fund* (SLMF) and that every two years the LESC has supported General Obligation Bond (GOB) funding for libraries statewide. She reported that the recent GOB approved by New Mexico's voters will provide \$3.0 million (which translates to approximately \$8.95 per student) to maintain and improve library collections in rapidly changing areas, such as social studies, science, and technology, as well as popular titles that encourage a love of reading. To conclude, she emphasized that if SLMF was funded in the same amount (\$3.0 million), New Mexico's school libraries would receive an additional \$8.95 per student this year.
- Mr. Tom McGaghie, ABE/GED/ESL Director, New Mexico State University-Grants Campus, who expressed concern relating to the committee report on HM 99, *Adult Education Program Funding Formula*. He emphasized that several staff from adult education centers statewide had travelled to Santa Fe to hear and discuss the recommendations that were to be delivered by Higher Education Department (HED) staff; however, it was his understanding that HED staff were restrained from testimony to the committee by HED management.
- Mr. Miguel Gomez, Policy Director, St Joseph's Community Health, expressed concern that remarks made during the New Mexico Business Roundtable 2015 Legislative Education Priorities presentation were misleading, primarily the statement that the state cannot create another new beneficiary to fund early childhood programs from the Land Grant Permanent Fund (LGPF). He stated that a new beneficiary is not being proposed. He stated that kindergarten has been funded through the LGPF. He emphasized that evidence shows that early childhood initiatives need to be provided for children before they reach age 5, including prenatal outreach and home visitation. To conclude, he requested that the committee consider a formal presentation to the LESC from early childhood advocates.

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 4:08 p.m.

**MINUTES
LESC MEETING
NOVEMBER 19, 2014**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:10 a.m., on Thursday, November 19, 2014, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LESL were present:

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

The following voting member of the LESL was not present:

Representative Nora Espinoza.

The following advisory members of the LESL were present:

Senators Lee S. Cotter, Daniel A. Ivey-Soto, and John Pinto; and Representatives Alonzo Baldonado, Nathan "Nate" Cote, David M. Gallegos, Tomás E. Salazar, Christine Trujillo, and Bob Wooley.

The following advisory members of the LESL were not present:

Senators Jacob R. Candelaria, Linda M. Lopez, William P. Soules, and Pat Woods; and Representatives George Dodge, Jr., Stephanie Garcia Richard, Timothy D. Lewis, and James E. Smith.

Representative James R. Madalena was also in attendance.

**PERFORMANCE AND IMPROVEMENT TRENDS:
A CASE STUDY OF ELEMENTARY SCHOOLS IN NEW MEXICO**

The Chair recognized Ms. Madelyn Serna Mármol, Program Evaluator, Legislative Finance Committee (LFC), and Mr. Yann Lussiez, Program Evaluator, LFC, to inform the committee about the LFC program evaluation on performance and improvement trends of selected New Mexico elementary schools.

Also in attendance was Mr. Charles Sallee, LFC staff.

Referring to a handout, Ms. Serna Mármol began with an overview of the underlying characteristics of New Mexico public school students, noting that in FY 13:

- approximately 80 percent of students from low-income families were already behind grade level on their first day of school;

- low-income and English language learners (ELLs) lagged behind their more affluent, non-ELL peers in both reading and math; and
- overall, about half of elementary students read at grade-level and less than half performed at grade-level in math.

Based on those characteristics, Ms. Serna Mármol stated that the LFC program evaluation was guided by several factors, including:

- New Mexico’s high rates of students at risk of academic failure;
- previous LFC program evaluations and national research citing that an achievement gap exists that is largely a function of poverty and ELL status; and
- high-performing elementary schools that are characterized by:
 - proficiency gains for low-income students on state assessments, thereby effectively overcoming the impact of poverty; and
 - research-based practices.

Ms. Serna Mármol stated that the objective of the program evaluation was to assess how school leadership — through the use of staff, funding, and programming — impacted student achievement. The methodology used in this evaluation, she explained, employed:

- a multi-site case study;
- mixed qualitative and quantitative methods;
- analysis of state-level, district-level, and Public Education Department (PED) data; and
- a statewide survey of elementary school principals, which had 43 percent response rate.

Noting that 15 schools had been chosen across eight school districts, Mr. Lussiez explained that the method of selecting elementary schools for inclusion in the case study considered:

- residuals from a regression model of student performance;
- at-risk population percentages of 60 percent or higher;
- percentages of low-income students greater than 50 percent; and
- high ELL populations.

Ms. Serna Mármol and Mr. Lussiez then covered the findings of the LFC program evaluation, noting that:

- high-performing schools target funding and resources and use best practices to effectively maximize student achievement;
- many schools face challenges associated with student poverty, including increased student mobility and absenteeism, but some can still attain high levels of achievement with modest improvements in performance;
- effective leadership and teachers are key factors in creating a framework for improved student performance at high-poverty schools; and
- turnaround strategies in schools statewide can be costly to implement, and their results are varied and inconclusive.

Ms. Serna Mármol and Mr. Lussiez concluded their presentation by offering recommendations based on the report's findings, noting that:

- the Legislature should:
 - prioritize K-3 Plus program and pre-K funding for districts willing to implement those programs in all high-poverty schools;
 - continue to increase the funding formula for at-risk students; and
 - modify the public school funding formula's training and experience index to align with the three-tiered licensure system while adding a factor for effective teachers and administrators at high-poverty schools;
- PED should:
 - use the budget process to hold districts accountable for using best practices at high-poverty and under-performing schools; and
 - create guidelines for placing highly effective teachers and administrators at low-performing schools; and
- New Mexico public school districts should make a concerted effort to distribute Level 1 teachers across schools to avoid concentrating them in low-performing schools.

Committee Discussion

A committee member asked for clarification on the implementation of turnaround strategies referenced by the evaluation, specifically whether some schools are experiencing poor implementation or just not following up. In reply, Ms. Serna Mármol explained that the findings were varied with some turnaround programs being costly and that, while some were required to have plans due to being designated "turnaround schools" by PED, others seemed to have no strategy. Mr. Sallee added that a more systemic approach is needed to help these schools implement policies with records of success. The committee member cautioned that these initiatives must have sustainable funding and noted how a particular school lost its performance gains when the funding went away.

Citing that the LFC report indicated 60 percent of school leaders expressed via survey that they plan to stay in their current school district for the long term, a committee member asked about the other 40 percent of principals. Ms. Serna Mármol replied that the survey did not ask a follow-up question on why they would not stay.

A committee member asked whether the LFC staff visited the schools examined in the case study, and Ms. Serna Mármol explained that each of the 15 sites had been visited and LFC staff conducted interviews with the staff and principals of those schools.

A committee member urged caution on prioritizing the placement of teachers rated effective under the teacher evaluation system into high-poverty schools, especially with respect to new teachers for whom there are limited data.

Citing the LFC report's statement that 60 percent of performance can be connected to teachers and principals, a committee member asked about the other 40 percent and what was examined.

Ms Serna Mármol answered that LFC staff did look at other factors, such as wraparound services, other additional services, and after-school programs.

In reply to a committee member's question whether LFC staff have a recommendation on how to get the full value of dollars spent, Mr. Sallee stated that LFC staff are working on a gap analysis to be released next year. This analysis would examine starting the school year early; as is done in the K-3 Plus program; increasing appropriations for the longer school year over time; and prioritizing funding to school districts employing best practices. Mr. Sallee added that the other recommendation was to extend the school years of fourth and fifth grade at certain schools, which would help students catch up by getting more instructional days.

Regarding mobility, a committee member observed that some school districts require, when moving within the district, that the student must still live within the attendance boundaries of the student's previous school or else attend a different school, suggesting that this could happen several times a year.

With respect to teacher and administrator retention, a committee member emphasized that, although Texas has higher salaries, New Mexico has a better retirement program and still allows collection of social security upon retirement.

In response to a committee member's question on whether LFC staff believe that teacher levels make a difference, Ms. Serna Mármol stated that the LFC found that Level 1 teachers were not necessarily ineffective, but they lacked experience and training, which affected their teaching skills. Mr. Sallee added that the data showed little difference between level 1, 2, and 3 teachers; however, Level 1 teachers were placed disproportionately more in high-poverty schools.

With regard to the correlation between truancy and lower test scores, a committee member asked why LFC staff did not recommend more social workers and counselors in public schools. In reply, Mr. Sallee explained that the issue was brought up in other reports and the solution was to use at-risk funds in a sufficient manner. Noting that at-risk units dilute the unit value, the committee member asked for more information on successful schools. For example, the member mentioned that some schools in Gadsden take standards-based assessments in Spanish.

The Chair requested PED to provide answers regarding:

- whether the Partnership for Assessment of Readiness for College and Careers (PARCC) test will be offered in Spanish; and
- clarification on what the "PARCC accommodations" actually are.

To conclude, the Chair urged PED to approve more K-3 assessments for school districts that do not have a K-3 Plus program and asked LESC staff to consider draft legislation requiring the PARCC exam to be administered in Spanish in addition to English. He also suggested that LFC and LESC partner on research methodology moving forward.

ENGLISH LANGUAGE LEARNERS AND ENGLISH AS A SECOND LANGUAGE: BEST PRACTICES

The Chair recognized Ms. Christina McCorquodale, LESC staff, to brief the committee on the findings of an LESC statewide survey on English language learner (ELL) best practices currently used among school districts for language development.

Also in attendance were Ms. Mary Jean López, Adjunct Professor, New Mexico Highlands University and Associate Director of the New Mexico Association for Bilingual Education; Dr. Julia Rosa Lopez-Emslie, retired Professor Emeritus of Education, Eastern New Mexico University; Dr. Gloria O. Rendón, Executive Director, New Mexico Coalition of Educational Leaders; Ms. Victoria Tafoya, Executive Director, Federal, Bilingual and Native American Indian Programs, Rio Rancho Public Schools; and Mr. Michael Chavez, Director of Bilingual Education, Deming Public Schools.

Referring to Attachment 1 of the LESC staff report, Ms. McCorquodale explained that during school year 2012-2013 Hispanic and American Indian ELL students were the lowest performing students within their demographic, yet those who participated in a Bilingual Multicultural Education Program (BMEP) scored higher on standards-based assessments. The demographics of ELL and fully English proficient (FEP) students indicate that:

- approximately 54,000 students are identified as an ELL or limited English proficient;
- approximately 28,000 ELLs participated in a BMEP; and
- over 24,000 ELLs are identified as FEP.

Briefly summarizing the LESC statewide survey on ELL best practices, Ms. McCorquodale explained that 28 out of 89 public schools, and seven out of 54 state-chartered charter schools, participated in the electronic survey. She also reviewed the nine survey questions for the committee members and explained that the report summarized the survey in two parts:

1. sheltered instruction/language development programs currently used in districts across the state; and
2. professional development in:
 - sheltered instruction/language development programs;
 - World-class Instructional Design Assessment's (WIDA) New Mexico English Language Development (ELD) standards; and
 - student's level of language proficiency (LLP).

Ms. McCorquodale then described sheltered instruction and its eight components and explained that the various sheltered instruction programs currently used across districts who participated in the survey demonstrated all or some of the eight components, which are:

1. preparation – clearly defined content and language objectives;
2. building background knowledge;
3. comprehensible input;
4. strategies;
5. interaction;
6. practice/application;

7. lesson delivery; and
8. review and assessment.

Directing the members' attention to the staff report, she reported that the first part of the survey demonstrated that:

- 75 public schools and four charter schools used Shelter Instruction Observation Protocol;
- 137 public schools and one charter school used Guided Language Acquisition Design (Project GLAD);
- 26 public schools used Literacy Squared; and
- 15 public schools used the Cognitive Academic Language Learning Approach.

Ms. McCorquodale explained that some districts used sheltered instruction strategies district-wide and all teaching staff were trained. She said that the survey showed that some of these districts used other research-based language development programs as well, including:

- Creative Curriculum;
- Marzano's Six Step Process;
- Expediting Comprehension for English Language Learners;
- Achievement Inspired Mathematics for Scaffolding Student Success;
- the Gomez and Gomez Dual Language Enrichment Framework; and
- Excellence in Children's Early Language and Literacy.

Referring to Table 2 of her staff report, Ms. McCorquodale explained that the second part of the survey showed the number of teachers who had been trained and used sheltered instructional strategies, WIDA's ELD standards, and the student's LLP to differentiate daily core instructional practice.

Also included in the staff report is a brief description of the three tiers of Response to Intervention (RtI) for ELLs, she said, noting that Tier 1 of RtI represents the:

- universal or core instruction that all students receive, including ELLs; and
- English language development instruction that ELL students may receive (bilingual, English as a second language, sheltered instruction, or dual language instruction).

Ms. McCorquodale further explained that Title III of the *Elementary and Secondary Education Act* requires the Public Education Department (PED) to monitor FEP students for two years after reclassification. She said that districts may choose to monitor for longer than the required two years, and according to PED:

- all students are monitored for academic progress through progress monitoring and RtI; and
- if an ELL or FEP student is struggling academically and not responding to Tier 1 interventions that are in place for core instruction, then a student assistance team (SAT) creates an intervention plan for Tier 2 interventions, which includes language development support as part of the plan.

In addition, Ms. McCorquodale said the survey indicated that some districts and charter schools provided professional development for some of their staff regarding:

- WIDA's ELD standards and students' LLP; and
- sheltered instruction language development programs.

She noted that the goal for educators is to use sheltered instruction, ELD standards, and LLP of ELLs to guide differentiated core instruction. Ms. McCorquodale also informed the committee that PED had also offered some professional development in WIDA's ELD standards and ELD student data analysis.

To conclude, she emphasized that the staff report includes the following related background information for the committee's review:

- *Bilingual Multicultural Education Programs;*
- *WIDA;* and
- *Screening/BMEP Placement and Reclassification.*

Committee Discussion

The Vice Chair recognized Ms. López, who, in response to the staff report, said that the number of teachers trained in sheltered instruction is minimal and it is the regular education teachers who need this training, not just those teachers who are teaching English to speakers of other languages (TESOL) or those who are bilingual certified. In response to a committee member's question regarding New Mexico Teacher Evaluation Advisory Council (NMTEACH), Ms. López indicated that NMTEACH is not entirely inclusive of these best practices for ELLs and the topic will be brought up at this year's La Cosecha conference in Santa Fe, New Mexico.

In response to Ms. López, a committee member requested a report from her when the La Cosecha conference concluded and offered to disseminate the report to provide expertise in what should be done. Regarding the report, the member stated that for the 54,000 students identified as ELL, only a little over 2,000 teachers are trained in these best practices, which is not encouraging.

The Vice Chair recognized Dr. Lopez-Emslie, who, in response to the staff report, said that one can ascertain from the report that there is clearly a need for bilingual and TESOL certified teachers. Dr. Lopez-Emslie also encouraged the Higher Education Department to improve their efforts in preparing and recruiting these types of teachers.

A committee member observed that comprehensive data have shown that for teachers trained in sheltered instruction programs, student academic progress is evident. The member added that bilingual teachers are often used for other purposes in addition to their teaching duties which may inadvertently create shallow teaching performance.

In response to a member's question regarding whether it can be determined if any of the monies used to fund language development programs can be traced to the *Indian Education Act*, Ms. McCorquodale explained that the BMEP annual report did indicate Title III funding as well

as funding from the state based on the MEM unit value of participants; however, funding solely for Native Americans was not disaggregated.

In response to a committee member's inquiry on funding for language development programs for Native Americans, LESC staff stated that each tribe received \$30,000 for Tribal Language Sustainability grants according to the 2013 *Indian Education Act* annual report, and the report showed a breakdown of how the money was used for specific language development programs.

The Vice Chair recognized Dr. Rendón, who, in response to the report, said that there are a number of certified bilingual and TESOL teachers who choose to teach in a regular classroom instead because of the amount of work associated with servicing ELLs. Even though some districts provide a stipend for certified bilingual and TESOL teachers, Dr. Rendón said, it is not enough incentive. She further commented that funding bilingual education is difficult because there are not enough certified teachers to provide the service, and, without a certified teacher, districts cannot receive that funding.

The Vice Chair recognized Ms. Tafoya, who asked the committee to consider additional professional development days that can be dedicated for all teachers, specifically in sheltered instruction. Ms. Tafoya also emphasized that with dedicated time and funding there will be evidence that the state is committed to providing quality education to ELLs.

Finally, the Vice Chair recognized Mr. Chavez. He stressed the need to differentiate between ELLs and culturally and linguistically diverse students who do not participate in a BMEP, as well as those living in poverty who demonstrate low language skills regardless of home language. Mr. Chavez added that if students do not have adequate academic language development, they will struggle academically.

NEW MEXICO'S COLLEGIAL LEARNING COLLABORATIVE PROPOSAL

The Chair recognized Ms. Maria Jaramillo, President of the Regional Education Cooperative Association (RECA) and Executive Director of the Central Regional Education Cooperative (REC); Mr. Mike Chambers, Superintendent, Magdalena Municipal Schools and Chair of REC 5; and Ms. Vicki K. Chavez, RECA President-elect and Executive Director of the Southwest REC, to provide the committee with a presentation on the New Mexico Collegial Learning Collaborative Proposal.

Referring the committee to a handout, Ms. Jaramillo reviewed the RECs' history by stating that:

- in 1984, State Board of Education regulation established 10 regional cooperative centers to coordinate support and services in order to leverage limited resources, primarily for ancillary and related services in school districts statewide;
- in 1993 provisions were modified to create RECs as state agencies administratively attached to the Public Education Department (PED); and
- since then, one of the RECs in the northwest region (serving Aztec, Bloomfield, Central Consolidated, Zuni, Gallup-McKinley) has been closed.

Ms. Jaramillo noted that the current nine RECs:

- represent 63 member school districts as well as state-supported schools;
- provide services as determined by each governing council of representative superintendents; and
- coordinate a variety of services and initiatives to their member districts, including cooperative purchasing, professional development, staffing, administration of flow-through grants, and programs (such as New Mexico Reads to Lead! and Edgenuity).

To conclude, Ms. Jaramillo emphasized that in school year 2013-2014:

- 32,740 students and 243 schools were served through the nine RECs;
- 5,837 educators participated in REC-sponsored professional development;
- eight school-based health centers were sponsored by RECs;
- 62 percent of member schools maintained or improved their school grade; and
- 81 percent of students in member school districts graduated from high school.

Mr. Chambers outlined the vision and mission to create a statewide learning collaborative focused on supporting a high functioning and effective educational system in New Mexico. He also discussed the desired outcome of funding to each REC, in order to:

- ensure effective, efficient, and equitable use of funds to support systemic delivery and support of state and federal initiatives;
- braid initiatives from all areas of PED to deliver a message of support and consistency; and
- provide regional professional development, in alignment with local, state, and federal initiatives that is timely, consistent, and ongoing so that internal capacity is developed and sustained in every district.

Finally Mr. Chambers gave an overview of the collaborative's proposal of support. He emphasized that the RECs recognize that shifts need to occur. Understanding the challenges that the state is facing to implement initiatives, he added, the RECs believe a more efficient system of delivery for professional development is a critical component in supporting all districts, especially the state's small, rural districts where one individual wears a multitude of "hats."

Ms. Chavez provided a summary of the benefits of New Mexico's Collegial Learning Collaborative. She informed the committee members that the benefit to PED would be a regionalized and cost-effective system of delivery that supports initiatives in a consistent manner. She also noted the efficient use of staff by targeting training and support to nine RECs, which would contribute to consistent delivery of professional development throughout every region of the state.

Among other benefits, Ms. Chavez emphasized that:

- districts would benefit from coordinated and collaborative partnerships with already established agencies that provide comprehensive student services to increase accuracy of information and support, including access for small districts to the same resources as larger districts;

- investing in each region, internal capacity will be developed and balanced throughout the entire state so that every district has the support needed to improve outcomes;
- by consolidating funds, regions and member districts would have access to professional development and technical assistance;
- the collaborative would benefit students by adding effective teachers in every classroom; and
- increased funding would improve achievement and outcomes.

To conclude, Ms. Chavez informed the committee that in school year 2014-2015, the current level of financial support to RECs is \$103,995. Referring the committee to the collaborative budget request for school year 2015-2016, she reported that the collaborative is requesting a total of \$521,250, including:

- \$255,000 to support three full-time equivalent professional development education specialists;
- \$191,250 for administrative support; and
- \$75,000 for infrastructure costs, such as a facilities, utilities, and required technology.

SCHOOL LEADERSHIP PROGRAM INITIATIVE: NMLEAD

The Chair recognized Mr. Stan Rounds, Superintendent, Las Cruces Public Schools (LCPS); Dr. Steven Elias, Associate Dean, College of Business, New Mexico State University (NMSU); Dr. Arlie Woodrum, Associate Chair, Department of Teacher Education, University of New Mexico (UNM); and Dr. Craig White, Interim Dean, Anderson School of Management, UNM, for an update on the school leadership program initiative through the Public Education Department's (PED) NMLead program that was initially presented to the LESC at its June 2014 interim meeting.

Mr. Rounds prefaced his remarks by explaining that, in developing their school leadership program proposal, the partners evaluated what New Mexico schools are doing and what they can do better, leading to a two-pronged approach in the proposal. The first prong, he continued, is a Master of Business Administration (MBA) degree in Educational Leadership from both NMSU and UNM. The second prong would be what Mr. Rounds described as a New Mexico turnaround innovation program, similar to the Darden-Curry Partnership for Leadership in Education program at the University of Virginia (UVA).

With respect to funding for this proposal, Mr. Rounds stated that UNM, NMSU and the Woodrow Wilson National Fellowship Foundation (WWNFF) would join in partnership to spend \$2.5 million, which is not the total amount appropriated for the NMLead program for FY 15.

Referring to a committee handout, Mr. Rounds suggested that the MBA in Educational Leadership would be a three- to four-year program and that the partners were in discussions with Ms. LeAnn Buntrock and Mr. Arthur Levine, both with the WWNFF. Under this program, Mr. Rounds continued, an education path would go through the business schools of UNM and NMSU, and the program will address the differences and unique challenges faced by both rural and metropolitan areas of New Mexico. For instance, he explained that rural schools have little capacity for extra staff to accommodate the absence of an administrator during the program.

Referring to the second prong of the approach based on 19 principals and seven school administrators who completed at least one year of the training, Mr. Rounds suggested that the UVA turnaround program has some beneficial components and high-yield processes that need to be adapted to New Mexico. However, he noted that work on this second prong has not been funded or completed at this time. Mr. Rounds also stressed the need for a high yield on the funding spent for these reforms.

Dr. Elias asserted that NMSU has a good relationship with both UNM, which will also have an MBA program, and LCPS. He added that this program has potential from a strategic management standpoint, and the Woodrow Wilson Foundation has started this program in several other states with initial success.

Referring to his presentation to the LESC in June, Dr. Woodrum spoke of the opportunities this program would provide to build capacity for management and deep knowledge of schools, suggesting that it would be the first time the state's universities had combined the two. With the WWNFF as a sponsor and partner, he said, the plan proposes to divide New Mexico regionally between north and south. Across both regions, three cohorts of 12 students would be selected to participate in the program, Dr. Woodrum explained. Each selected participant would qualify for a \$32,000 stipend to help those school leaders who might otherwise lack the financial resources to participate. The prospective participants would be nominated at the local level by superintendents or other senior school administrators.

Speaking to the second prong mentioned by Mr. Rounds earlier, Dr. Woodrum explained that UNM reviewed the evaluation data from the UVA program and found limited success with rural, Hispanic, and Native American communities. He emphasized the importance of building on the UVA program and other work done here in the state.

Dr. White emphasized the opportunity for MBA-seekers to build on other knowledge sets. He indicated that Anderson School of Management at UNM was looking forward to continued work with the UNM administration, its College of Education, and NMSU to pull aspects of educational leadership into what the business school already offers in its MBA program. Dr. White stated that the school was exploring scheduling options that would increase flexibility for participating public school administrators, such as classes on every other weekend, which would allow students to travel to the campus and also leverage summer coursework.

Committee Discussion

Regarding the two-pronged approach described by Mr. Rounds, a committee member noted that the only piece thus far funded is the MBA fellowship cohort; the leadership initiative is yet to be funded. When Mr. Rounds also informed the committee member that several million dollars remain undesignated, the member expressed concern because the budget talks last year never included the hybrid MBA program. After emphasizing that none of the universities were at fault, the member stated that the Legislature packaged funding for the turnaround program, but not the MBA program. The committee member continued, acknowledging that there is a need for the MBA program, but this falls short of another UVA program for New Mexico. In reply, Mr. Rounds indicated that the overall program has a great opportunity because the US population will look more like New Mexico's in about 10 years, and the state can be a role model. He added that New Mexico is not rich, which causes its government to be thoughtful on how to use resources.

When the committee member asked the presenters whether they think that UNM and NMSU can put together a program that exceeds the UVA program, Dr. Elias stated that he has full confidence that this can be achieved. In addition, Dr. Woodrum indicated there was good evidence that New Mexico can succeed, but cautioned that the issue is, “where?” He also said that Albuquerque Public Schools may not need the program as much as other school districts that could reap enormous benefits from the program. After commenting that the turnaround program is a year behind at this time, the committee member expressed hope that remaining funds can be redistributed among New Mexico universities.

Mr. Rounds stated that he either fully misunderstood the direction that PED gave, or the other prong was simply not fulfilled. He then committed to asking PED for direction moving forward and taking full responsibility for that not happening.

When Dr. Elias commented that the turnaround program would be for people who want to advance higher than principal, a committee member asked how that would help rural areas where the principal and superintendent are virtually the same? In reply, Mr. Rounds said he is interested in getting his rural colleagues to help sort that problem out. He added that the program would look for candidates moving into assistant superintendent as well as superintendent positions.

The Chair expressed concern that the Legislature allocated funds for something it never asked for, and that the money left in suspense may not go to the turnaround program.

A committee member asked Dr. Woodrum about his presentation to the LESC in June, noting that the turnaround program appeared to be much broader. In response, Dr. Woodrum agreed that what he presented was at a different time, with a different scope. He added that after reviewing the final version of the request for applications, it was very different from what he envisioned.

To conclude, Mr. Rounds indicated that he would keep the LESC informed on the progress of the turnaround program.

DIRECTOR’S REPORT

a. Approval of October 2014 LESC Minutes

On a motion by Representative Miera, seconded by Representative Williams Stapleton, the committee approved the minutes for the October 2014 interim meeting.

b. 2014 Draft of LESC Interim Workplan

Ms. Frances Ramírez-Maestas, LESC staff, referred the committee to the *Legislative Education Study Committee 2014 Interim Workplan* in the committee notebooks. Ms. Ramírez-Maestas noted that the December LESC meeting is scheduled to occur over a one and one-half day period.

c. Informational Items

2013 Educator Accountability Reporting System (EARS) Report

The Chair recognized Mr. Travis Dulany, LESC staff, for an update on the Educator Accountability Reporting System (EARS) report. Mr. Dulany explained that the committee notebooks contain a copy of the 2013 EARS report, which addresses data for school year 2011-2012. Although the EARS report is mandated by law to be submitted to the LESC by November 1 of each year, Mr. Dulany explained, LESC staff have not yet received the report for 2014. Mr. Dulany also noted that New Mexico colleges of education have submitted data to the Public Education Department (PED), which may indicate that the department is working on the 2014 report.

Administrative Rulemaking

Ms. Ramírez-Maestas noted that the Director's Report included an administrative rulemaking update, which Mr. Kevin Force, LESC staff, reviewed for the committee.

Mr. Force indicated that rules for the administration of the K-3 Plus program, originally proposed in February 2014, had been finalized in the October 30, 2014 issue of the *New Mexico Register*.

Mr. Force noted that the rules included provisions for:

- new definitions, such as those for “screening assessment” and “high poverty public school”;
- instructional programs, including requirements for literacy and numeracy instruction;
- assessments;
- professional development, including best practices for instruction in English as a second language;
- funding, including:
 - a stipulation that all program funds are to be paid on a reimbursement basis, with requests for reimbursement to be submitted to PED by December 31 of the program's calendar year; and
 - a requirement that special education services beyond those of the K-3 Plus program that fall under the *Individuals with Disabilities Education Act* may be paid for from a school district's special education budget as long as obligations for maintenance of effort are met; and
- evaluation and reporting, including information to be reported to the department on participating students as well as requirements that PED report annually on the program to the Governor and Legislature.

Mr. Force went on to note that several drafting issues, identified by staff, in the rules as proposed, and for which LESC staff submitted formal comments, had been resolved, including:

- defined terms that did not appear in the body of the rules;
- missing section numbers;
- lack of clarity regarding the timing of administration of particular assessments; and
- the improper use of auxiliary verbs.

Committee Request: High School Equivalency Test: Request for Applications Selection Committee

Referring to a memorandum in the committee notebooks, Mr. Dulany stated that during the October 2014 LESC meeting a committee member requested information regarding the selection committee for the High School Equivalency Credential test. Mr. Dulany informed the committee that, after submitting a request to PED, LESC staff received a list of selection committee members, which is attached to the memorandum in the committee notebooks. Mr. Dulany also noted that PED provided the meeting dates of the selection committee, which are also indicated in the attachment.

d. Correspondence

For the committee's review, Ms. Ramírez-Maestas included correspondence relating to:

- New Mexico Grown Fresh Fruits and Vegetables for School Meals; and
- Southwest Learning Center Charter Schools and Southwest Aeronautics, Mathematics and Science Academy.

SUPERINTENDENT AND COMMUNITY INPUT

There being no superintendent and community input or further business, the Chair with the consensus of the committee, recessed the LESC meeting at 3:48 p.m.

**MINUTES
LESC MEETING
NOVEMBER 20, 2014**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:26 a.m., on Friday, November 20, 2014, in Room 322 of the State Capitol in Santa Fe, New Mexico.

The following voting members of the LESL were present:

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

The following voting member of the LESL was not present:

Representative Nora Espinoza.

The following advisory members of the LESL were present:

Senators Lee S. Cotter, Daniel A. Ivey-Soto, Linda M. Lopez, and John Pinto; and Representatives Nathan "Nate" Cote, David M. Gallegos, Tomás E. Salazar, James E. Smith, Christine Trujillo, and Bob Wooley.

The following advisory members of the LESL were not present:

Senators Jacob R. Candelaria, William P. Soules, and Pat Woods; and Representatives Alonzo Baldonado, George Dodge, Jr., Stephanie Garcia Richard, and Timothy D. Lewis.

Representative James R. Madalena was also in attendance.

LESL CHARTER SCHOOLS SUBCOMMITTEE RECOMMENDATIONS

The Chair recognized the LESL Charter Schools Subcommittee Chair, Representative Mimi Stewart, and Vice Chair, Representative Dennis J. Roch, to review the subcommittee work over the course of the interim, including the subcommittee recommendations for consideration of the full committee.

Representative Roch reviewed the context of the subcommittee's work, noting that:

- as is the case with traditional public schools, there are charter schools that perform well and those that might do better;
- authorizers do possess the power to revoke or decline to renew charters; and
- the law has failed to keep pace with the proliferation of charter schools in New Mexico.

Representative Stewart further noted that, while the issue was one of interest early in the subcommittee's work, after reviewing the situation, the subcommittee did not find a pressing need to enact immediate changes to the issue of virtual schooling in New Mexico, with

Representative Roch noting the lack of comprehensive data on charter schools that exists for traditional public schools; these data would be necessary to inform any effective and constructive legislation in this area, he said.

Referring the committee to a handout, the subcommittee chairs then reviewed the subcommittee recommendations for potential legislation to be considered by the full committee:

.197704.4, Relating to public education; removing the Public Education Commission’s administrative attachment to the PED (PEC bill -- aka the “Lunar Blue” bill)

Representative Roch noted that the issues included in the Governor’s veto message of a previous version of this bill had been addressed.

This bill, he stated, addresses the responsibilities of the Public Education Commission (PEC) by proposing to:

- remove the PEC’s administrative attachment to the Public Education Department (PED);
- grant the PEC rulemaking authority, subject to the approval of the secretary;
- require the PEC to hire staff, subject to legislative appropriation;
- require annual reports to the Governor and Legislature;
- appropriate \$1.1 million to the PEC;
- shift the withholding of the 2.0 percent set-aside for administrative costs from the department to the PEC; and
- adjust application procedures and deadlines.

Committee Discussion

A committee member stated that, by both appropriating the \$1.1 million and redirecting the 2.0 percent set-aside, the bill may be double-funding the PEC, and the member suggested that one or the other may be more feasible and better supported.

A committee member suggested the requirement that a member of a chartering authority who misses a public hearing be given a transcript of the proceedings be changed to a record of the proceedings, as not all chartering authorities provide transcription services for their hearings.

.197716.3, Relating to public education; amending the *Public School Code* to define certain charter school terms and to clarify certain responsibilities of charter school authorizers, charter school governing bodies and charter schools (Cleanup bill -- aka the “Yellow” bill)

Representative Stewart noted that conflicts, ambiguities, and outdated language exist in statute and that this bill is an attempt to address many of these issues. Representative Roch noted that the goal of this legislation is to achieve consistency between charter schools and traditional public schools. Notable sections of this legislation, he stated, include:

- a general definition for “charter school”;
- bullying prevention policies to be promulgated by both local boards and governing bodies;

- a requirement that PED ensure that governing bodies are appropriately prioritizing resources for low-performing schools, under the *A-B-C-D-F Schools Rating Act*;
- a requirement that state-chartered charter schools submit their budgets to the PEC for review and general approval before they are given to PED for approval and amendment, if necessary;
- new definitions, specific to the *Charter Schools Act*, including:
 - enrollment preference;
 - governing body training;
 - management;
 - material violation;
 - nondiscretionary waiver;
 - performance indicator and performance target; and
 - siblings;
- clarification that a local school board may approve the establishment of a locally chartered charter school within the local board's district;
- clarification that the performance framework shall be considered a material term of the charter school contract;
- change of reference to PED's "standards of excellence" from the outdated "minimum educational standards"; and
- provisions to require charter school governing bodies to prepare and submit to PED fine arts and bilingual and multi-cultural education programs.

Committee Discussion

The LESC Chair acknowledged that proposed charter schools legislation would be voted on for endorsement at the December meeting.

A committee member suggested that:

- the definition for "charter school" be subdivided into "state-chartered" and "locally chartered" charter schools;
- definition for adequate yearly progress is no longer really necessary;
- while a definition for "nondiscretionary waiver" is included, the bill lacks a parallel definition for "discretionary waiver"; and
- a concern that "domestic partners" are not included in consideration of the possibility of nepotism.

.197726.2, Relating to public education; amending the *Public School Code* to remove charter school eligibility for small-school size adjustment program units and making state-chartered charter schools eligible for at-risk units (Small School Size Adjustment bill -- aka the "Tan" bill)

Representative Stewart noted that, while the bill proposes to eliminate the small school size adjustment for all charter schools, the committee has been furnished with figures proposing other options, such as:

- a four-year phase-out to eliminate the small school size adjustment by 25 percent each year over the course of four years;
- cutting the small school size adjustment in half, over the course of two years, as above;
- eliminating it for all schools, altogether; and
- eliminating the small school size adjustment, but maintaining or expanding access to at-risk program units.

Committee Discussion

A member asked if the elimination of some or all of the 2.0 percent set-aside in current law for authorizers might not produce more revenue to offset losses due to elimination of the small school size adjustment. The member added that some charter school staff have indicated that charter schools get very little value from the set-aside, anyway. Representative Stewart noted that, when the small school size adjustment is eliminated or reduced, it is at least partially offset by concomitant increases in the unit value.

.197727.2, Relating to public education; allowing school districts and charter schools to establish transportation agreements to transport charter school students (Transportation bill -- aka the “Lilac” bill)

Representative Stewart noted that this bill proposes to remove state-chartered charter schools from the transportation distribution, but the bill allows them to negotiate with local school districts for administration of transportation services, as locally chartered charter schools do currently. She stated that the negotiation process required of charter schools wishing to offer transportation services to their students does not, however, require that an actual agreement be completed.

The LESC Chair noted that the committee was working with spreadsheets that are to be considered the work-product of LESC staff and would not be available for public review. He stated, however, that individuals may email the LESC Director and request information that applies to their school.

Committee Discussion

A committee member noted that the first paragraph of Section 1 of the bill might be subdivided into several paragraphs, including a provision that provides reimbursement for bus passes for students who elect to use public transportation to get to school.

.197728.2, Relating to public education; including locally chartered and state-chartered charter schools in the definition of “agency” for purposes of the *Audit Act* (Agency/Component Unit bill -- aka the “Green” bill)

Representative Stewart stated that this bill would add charter schools to the definition of “agency,” as used in the *Audit Act* to predetermine whether charter schools shall be treated as independent entities for purposes of required audits, rather than component units.

Committee Discussion

Committee members noted that, while the bill may define “agency” to include charter schools, the federal Governmental Accounting Standards Board regulations will guide individual auditor determinations of whether a particular school is a component unit or not.

Another member indicated that an entity can be both an agency and a component unit and suggested language allowing a component unit to select an auditor from a list of approved auditors.

.197795.1, Relating to public schools; amending the *Public School Lease Purchase Act* to clarify the definition of “governing body”; establishing the relationship between a governing body and a school district or a locally chartered or state-chartered charter school in the acquisition of public school facilities pursuant to lease-purchase arrangements; repealing a section of the *Public School Lease Purchase Act* (Lease Purchase Act bill -- aka the “Salmon” bill)

Representative Stewart noted that this bill proposes no policy changes, but merely cleans up problematic language, particularly overly broad and inclusive definitions.

.197801.2, Relating to public education, enacting sections of the *Public School Code* relating to governance of charter schools (Governance bill -- aka the “Cherry” bill)

Representative Roch noted that proposed new sections in this bill create consistency in how the law treats local school boards and charter school governing bodies vis-à-vis their duties with regard to administration of their schools.

Committee Discussion

One committee member indicated that the bill requires a governing board to have five members but noted that the language of the bill might allow for a situation where there is a vacancy in the body’s membership, leaving four serving members. The member added that this situation would require that the four-member board appoint a fifth in order to get to the minimum membership required by statute to lawfully operate.

One committee member pointed out that the language in this bill does not include provisions for domestic partners in consideration of potential nepotism.

POTENTIAL COMMITTEE-ENDORSED LEGISLATION

Public School Capital Outlay Oversight Task Force (PSCOOTF) Recommendations

Representative Stewart, as Chair of the Public School Capital Outlay Oversight Task Force (PSCOOTF), stated that the task force had endorsed only one bill for consideration of the 2015 Legislature. She reported that a similar bill had been endorsed by both PSCOOTF and the LESC for consideration of the 2014 Legislature; however, the legislation did not pass.

Among its provisions, Representative Stewart explained, the legislation proposes to amend the *Public School Capital Outlay Act* to:

- define “building system” as a set of interacting parts that make up a single, non-portable or fixed component of a facility and that, together with other building systems, make up an entire integrated facility or property, including:
 - roofing;
 - electrical distribution;
 - electronic communication;
 - plumbing;
 - lighting;
 - mechanical;
 - fire prevention;
 - facility shell;
 - interior finishes and heating; and
 - ventilation and air conditioning systems, as defined by the council;
- allow up to \$15.0 million to be expended annually by the Public School Capital Outlay Council (PSCOC) from the Public School Capital Outlay Fund for a building system repair, renovation, or replacement initiative provided that the:
 - initiative is identified and approved based on new PSCOC guidelines; and
 - the money allocated is expended within three years; and
- add a new section, “Building System Repair, Renovation or Replacement,” that requires:
 - the PSCOC to develop guidelines for a building system repair, renovation, or replacement initiative;
 - school districts desiring a grant award to submit an application to the PSCOC that includes an assessment that the repair, renovation, or replacement, in the opinion of the school district, would extend the useful life of the building;
 - the Public School Facilities Authority to verify the school district assessment and to rank the application pursuant to a methodology adopted by the council;
 - the council to approve, after a public hearing, building system repair, renovation, or replacement projects on the established priority basis, provided that the school district is willing and able to pay the portion of the total cost of the project that is not funded with grant assistance from the fund;
 - the portion of the state share to be calculated in the same manner as existing standards-based awards; and
 - awards to be expended within three years of an allocation.

Potential Legislation Relating to School Transportation

The Chair recognized Mr. David Craig, LESC staff, for a review of LESC-endorsed legislation relating to school transportation that was introduced during the 2014 Legislature but did not pass. The legislation, he explained, was derived from the recommendations of an LESC School Transportation Subcommittee that was convened during the 2012 and 2013 interims to examine school transportation funding.

Referring the committee to a handout, Mr. Craig stated that the 2014 committee-endorsed legislation included:

HB 97, *School District Liens on Certain School Buses*, which would have amended the *Public School Finance Act* to require school district liens on contractor-owned school buses under contract to the school district.

Mr. Craig noted that Public Education Department (PED) staff provided testimony during each interim that the language of HB 97 would require a school district to have a 12-year term lien filed on contractor-owned buses, rather than the five-year rental period required by current law.

HB 98aa, *School Bus Fuel Gross Receipts*, which would have created a new section in the *Gross Receipts and Compensating Tax Act* to provide for a deduction for the sale of fuel for school buses for to-and-from school or school-related transportation and provided a deduction from the Compensating Tax for fuel used in a school bus.

Mr. Craig noted that the provisions were the result of input from contractors that they are currently required to choose between paying the lesser of gross receipts and compensating taxes or the special fuel excise tax, as well as discussions relating to the circular nature of such taxes.

HB 112, *School Transportation Info Reporting*, which would have amended the *Public School Finance Act* to change the reporting dates for school transportation funding of school districts and state-chartered charter schools to the second reporting date of the prior year (from the first reporting date of the current year).

Mr. Craig reported that the legislation was a result of testimony from contractors and school districts that current year funding for transportation results in a large disruption for transportation operating budgets and contract management as the final allocation differs from the initial allocation.

HB 158, *School Bus Security & GPS*, which would have appropriated \$889,000 from the General Fund to PED to provide for the installation and operation of security and global positioning system (GPS) devices in school buses.

Mr. Craig explained that a 2012 Legislative Finance Committee program evaluation noted that a GPS-driven system would also allow PED to improve the administration of the transportation program and reduce costs statewide.

Committee Discussion

A committee member expressed concern relating to extending the term of a school bus lien under contract with a school.

Other Legislation

Senator Kernan requested that the committee consider endorsement of two pieces of legislation, referring to two discussion drafts distributed to the committee for their review. The two bills would:

1. provide flexibility to schools by renaming the Breakfast After the Bell Program to allow schools the option of providing breakfast before or after the beginning of the instructional day; and
2. remove the provisions in current law that require a student to take either an Advanced Placement, honors, dual credit; or online (distance) learning course in order to graduate.

The Chair requested that the committee members consider the legislation for endorsement by a vote during the December LESC interim meeting.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized Dr. Phil Eaton to discuss a committee handout, *Charter Schools Innovations Helping Our Children*. Dr. Eaton stated that for 2014 the New Mexico Coalition for Charter Schools reported that certain teaching and curriculum innovations have increased the percent of children with reading and math proficiency. He emphasized that with further implementation by the Public Education Department and the Legislature the reach of the state's charter schools should significantly improve the academic performance of our students statewide. He highlighted three schools in Taos Municipal Schools that he noted as representative of the "value" of charter schools, including: (1) the Anansi K-6 Charter School, which has introduced a number of innovations, including "Emotional Intelligence"; (2) the Vista Grande High School, which began with 34 students demonstrating 76 percent "economically disadvantaged" and 24 percent with disabilities; and (3) the Taos Academy, whose program includes a variety of digital curriculum providers, including Edgenuity, My Skill Tutor, and Rosetta Stone.

To conclude, he stated that the Legislature has created resource that is growing and available to advance the promise of helping New Mexico children in both traditional and charter schools, which according to Dr. Eaton will move the state out of its 49th ranking of education in the country.

