

State of New Mexico
LEGISLATIVE EDUCATION STUDY COMMITTEE

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MINUTES
LESC MEETING
MONDAY, OCTOBER 15, 2007

Representative Rick Miera, Chair, called the Legislative Education Study Committee (LESC) meeting to order on October 15, 2007 at 9:20 a.m., New Mexico Farm & Ranch Heritage Museum – Tortugas Room, Las Cruces, New Mexico.

The following LESC members were present:

Representatives Rick Miera, Chair, Jimmie C. Hall, Mimi Stewart, and W. C. "Dub" Williams; and Senators Cynthia Nava, Vice Chair, Mary Jane M. Garcia, and Gay G. Kernan.

The following LESC advisory members were present:

Representatives Ray Begaye, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, Thomas A. Garcia, Dianne Miller Hamilton, Rhonda S. King, Jim R. Trujillo, and Teresa A. Zanetti; and Senators Lynda M. Lovejoy and Mary Kay Papen.

Also in attendance was Representative John Peña.

Approval of Agenda

Upon a motion by Representative Stewart, seconded by Representative Hall, the committee unanimously approved the agenda as presented.

Welcome and Introductions

Representative Miera recognized the following individuals who welcomed the committee to Las Cruces: Dr. Waded Cruzado-Salas, Executive Vice President and Provost, New Mexico State University (NMSU), and Mr. Stan Rounds, Superintendent, Las Cruces Public Schools (LCPS).

A handout titled “Mathematics Success Center Pre-Calculus Sequence,” was distributed to the committee by Dr. Cruzado-Salas to inform the members about steps that NMSU is taking to improve student outcomes in mathematics. Dr. Cruzado-Salas said that the program is making a significant difference in student comprehension and success in this subject area at NMSU due to the tracking of student progress as they transition from one math course to another. Mr. Rounds welcomed the committee and introduced two members of the LCPS Board, Mr. Chuck D. Davis and Mr. Gene H. Gant, as well as two members of his staff, Mr. Steven Sanchez, Assistant Superintendent of Instruction, and Mr. Herb Torres, Chief Operations Officer. He stated that the partnership between LCPS and NMSU has resulted in the seamless articulation that is occurring in the Las Cruces area.

Ms. Shawna Brown, Museum Foundation Executive Director, New Mexico Farm & Ranch Heritage Museum, welcomed the committee and gave a brief description and schedule of events offered by the museum. She informed the committee that a \$9.0 million request had been presented to the Legislative Finance Committee to complete various education projects that are underway.

THE SCHOOL IMPROVEMENT FRAMEWORK

Dr. David Harrell, LESC staff, introduced Dr. Karen K. Harvey, Assistant Secretary, Quality Assurance & Systems Integration, Public Education Department (PED), who presented information on portions of the School Improvement Framework. Dr. Harrell also introduced other PED personnel in the audience who were available for questions: Dr. Beverly Johnson, Director, Priority Schools Bureau, Mr. Sam Ornelas, Director, Title I Bureau, and Dr. Carlos Martinez, Assistant Secretary, Assessment and Accountability Division.

Dr. Harrell presented a report on the School Improvement Framework established in PED to assist schools that have been designated in the school improvement cycle. He said both state law and the federal *No Child Left Behind Act of 2001* (NCLB) provide a series of consequences and sanctions for schools that fail to make adequate yearly progress (AYP), which is a prescribed degree of improvement, primarily in student achievement, that schools are expected to make each year – not only for their entire student population but also for certain subgroups of students: economically disadvantaged students, major racial or ethnic groups, students with disabilities, and English language learners. The ultimate goal of NCLB, Dr. Harrell said, is that all students, including those in all the subgroups, must be 100 percent proficient in reading and math by school year 2013-2014. Dr. Harrell said that achieving AYP becomes progressively more difficult each year and New Mexico’s Office of Education Accountability (OEA) has noted that, “it is likely that most schools in most states will not make AYP at some point in the next few years.”

Dr. Harrell continued with an explanation of the school improvement process, presenting information gathered from PED on AYP in New Mexico, Dr. Harrell said preliminary school rankings for school year 2007-2008 indicated a total of 430 public schools in New Mexico (53.9 percent) failed to make AYP; of that total, 373, or 46.7 percent, received designations in the school improvement cycle because they had failed to make AYP for at least two years in a row. He said for school year 2007-2008, the number of schools not making AYP decreased by three, but the number of schools in the school improvement cycle increased by 24. According to PED data for school year 2006-2007, Dr. Harrell stated 433 public schools failed to make AYP and 349 were placed at one point or another in the school improvement cycle; and for school year 2005-2006, a total of 416 schools failed to make AYP and 236 were placed in the school improvement cycle.

Dr. Harrell reported that AYP data from outside New Mexico presents a mixed picture. Some states are seeing increasing numbers of schools failing to make AYP; however, in general, other states seem to be faring better than New Mexico. Comparisons of the AYP rates among states are not necessarily informative, stated Dr. Harrell, because such figures do not indicate which, of the nearly 40 factors, accounted for schools' missing AYP. Dr. Harrell shared concerns regarding the uneven provisions among states of school improvement plans negotiated individually by the US Department of Education (USDE), as well as proficiency rates that vary widely from state to state.

Dr. Harrell described PED's School Improvement Framework for school year 2007-2008 as a comprehensive approach to school improvement that, among other features: (a) builds leadership capacity at the school and district levels; (b) provides different levels of monitoring and support, either by PED or by the district, according to a school's NCLB status; and (c) draws support from a wide variety of education partners engaging in special projects, such as Re:Learning and Strengthening Quality in Schools (SQS).

Dr. Harvey said when a school enters the school improvement cycle (stages SI-1 or SI-2), PED requires the district to conduct a needs assessment and to develop a technical assistance plan that addresses such matters as curriculum and data analysis. She said a key feature is the school's Educational Plan for Student Success (EPSS), which the School Improvement Framework defines as "a strategic plan for continuous improvement consolidating all improvement plans into one document." Since 2000, Dr. Harvey stated, state law has required each district to develop an EPSS, and PED rule has extended that requirement to each school, with certain exceptions. She said the EPSS contains an action plan (Plan, Do, Study, Act cycle) specifying how the district or school will accomplish the identified goals including interventions, strategies, plans, and evaluations for each action. For schools in the school improvement cycle, Dr. Harvey said PED requires that the EPSS show focused professional development for teachers and the principal; required interventions for students not at proficiency; the short-cycle assessments being used; and the alignment of the school's budget with the EPSS goals.

Dr. Harrell said that assistance to public schools in need of improvement can be provided through the Schools in Need of Improvement Fund, created by the 2003 Legislature. However, the Legislature did not provide appropriations to the fund in FY 04, FY 05, or FY 06 based on information from PED that federal funds would be available each year to meet those needs. In describing federal funding, Dr. Harrell said that according to PED, the state has received the following amounts of federal Title I school improvement funds (dollar amounts rounded up): \$1.96 million for school year 2003-2004; \$4.36 million for school year 2004-2005; and \$2.55 million for school year 2005-2006. For school years 2006-2007 and 2007-2008, the Title I funds were \$2.8 million and \$3.2 million, respectively, in both cases for support to schools through America's Choice.

Regarding state funding, Dr. Harrell said that for FY 07, the Legislature appropriated a total of \$8.4 million: \$2.4 million in recurring funds for the Schools in Need of Improvement Fund and another \$6.0 million in nonrecurring funds for the School Improvement Framework. For FY 08, he said the Legislature appropriated \$2.5 million in recurring funds for the Schools in Need of Improvement Fund and another \$3.0 million also in recurring funds for the School Improvement Framework.

With the state and federal appropriations combined, Dr. Harrell said PED received more than \$11.2 million for school improvement efforts in school year 2006-2007 and more than \$8.7 million for school year 2007-2008.

Regarding the effectiveness of the School Improvement Framework, Dr. Harrell stated that the questions being asked during the 2007 interim are whether the framework is working and if it is actually helping schools improve and exit the school improvement cycle. He said that these questions are difficult to answer because there are currently several major initiatives that are aimed at improving student achievement, such as the three-tiered licensure system and New Mexico PreK, and at this time it would be difficult to pinpoint a specific initiative to individual school improvement. Dr. Harrell summarized a comparison of reading and math scores from school year 2005-2006 with school year 2006-2007, reporting that the picture is mixed when comparing scores from these two school years.

In continuing with his review of the effectiveness of this program, Dr. Harrell described a study completed by OEA in 2006, which discussed the National Assessment of Educational Progress (NAEP) results from 2005 and concluded with the progress of “priority schools,” as designated by PED. The study found that in terms of student proficiency in math and reading at least half of the schools had made some progress, but fewer than half of the students in those schools had reached proficiency in math, whereas more than half had reached proficiency in reading.

Addressing the final stages in the school improvement cycle, Dr. Harrell said that, after the fifth consecutive year of not making AYP, a school enters the restructuring phase. State law and the School Improvement Framework, however, do not offer the same options for restructuring. For example, state law allows the option of reopening a school in restructuring as a charter school; and legislation enacted in 2007 provides a process for exercising this option. However, the School Improvement Framework does not list this option because, Dr. Harrell explained, PED believes that certain details still must be addressed. Once they are, the Priority Schools Bureau will produce an addendum to the framework.

Concluding with the policy options, Dr. Harrell said that because school improvement activities occur in both the state and federal contexts, the committee may wish to consider the following recommendations within either or both of those arenas:

1. to obtain a better sense of the effectiveness of the School Improvement Framework, the committee may wish to ask the OEA to continue its study of AYP and school improvement by examining the interventions and other activities (whether district or PED-supported) of those schools that have moved into delay status or exited from the school improvement cycle altogether. Such a study could identify activities that similar schools – according to size, type, location, and demographics, for example – might replicate for similar results;
2. depending upon the issues that PED identifies regarding the restructuring option of reopening a school as a state-chartered charter school, the committee may wish to consider amending statute or asking PED to address the issues in rule;

3. given the pattern of frequent decreases in proficiency in math and reading at grades 3 and 11 for both whole student populations and subgroups of students, the committee may wish to encourage PED to focus on those grades in particular as it plans interventions for schools in the school improvement cycle; and
4. as Congress debates the reauthorization of NCLB, the committee may wish to review the letter it sent to US Secretary of Education Margaret Spellings in August 2005 and the response from US Assistant Secretary Henry L. Johnson in March 2006 to determine whether any of those original issues need to be re-addressed during reauthorization. If so, the committee may wish to encourage the New Mexico congressional delegation to consider those issues. In addition, the committee may wish to request that research-based criteria be applied to the restructuring options in NCLB to determine whether there is scientific evidence that these options are likely to increase student achievement.

Committee Discussion:

In response to a committee member's question if students are being provided transportation when transferring to a higher performing school as required by NCLB, Dr. Harvey said transportation is paid through Title I funds.

In response to a committee member's question if New Mexico's special education subgroup is the reason that most schools do not make AYP, Dr. Harvey said that generally students with disabilities, English language learners, and absenteeism and truancy issues contribute to schools not making AYP. Further discussion followed regarding students with disabilities and their impact on schools making AYP.

Among other points of concern, some committee members questioned whether the program America's Choice (allocated \$925,000 of state money in the Priority Schools Bureau budget) is the best intervention for schools in the greatest academic need; and others questioned whether other programs identified for priority schools, especially those schools with large Native American populations, are funded sufficiently to help schools address their deficiencies.

Senator Nava requested PED to provide a list of awards and awardees from the Incentives for School Improvement Fund and a description of how each recipient used the funds in school years 2004-2005, 2005-2006, and 2006-2007. She also requested the current cash balance in the fund.

Representative King requested PED to provide a flowchart that outlines a school reform model of America's Choice and a list of schools using the model for school years 2006-2007 and 2007-2008.

Representative King also asked for more information about the alignment of the School Improvement Framework with the state's standards for excellence in schools.

Representative Zanetti asked for the percentage of schools in states surrounding New Mexico that made AYP for school year 2007-2008.

DIRECTOR'S REPORT

a. Approval of LESC Minutes for August 2007

Upon a motion by Representative Stewart, seconded by Representative Hall, the LESC August 2007 Minutes were unanimously approved.

b. Approval of LESC Financial Reports for July and August 2007

Upon a motion by Representative Stewart, seconded by Senator Garcia, the LESC Financial Reports for July and August 2007 were unanimously approved.

c. Correspondence

Dr. Rindone reviewed several items of correspondence which are included in the committee members' notebooks, adding that these items are also included in the permanent file in the LESC office. She noted a Memorandum to LESC containing a report from Ms. Sandy Gladden, Director, Regional Education Cooperative (REC) #9, regarding a committee request for a report from the RECs on their meeting to resolve issues regarding cash flow assistance and receipt of federal *Individuals with Disabilities Education Act* (IDEA) funds; a letter to Dr. Veronica C. García, Secretary of Public Education, regarding a request for issuance of a login ID for LESC staff for the Student Teacher Accountability Reporting System (STARS); and a Memorandum to the LESC Director from PED regarding a correction to the chart – "Response to Intervention: Ethnicity Categories for Students with IEPs."

Committee Discussion:

In response to a committee member's question regarding the disparity of the Wagon Mound Public Schools numbers listed on the memorandum titled "Correction to Response to Intervention: Ethnicity Categories for Students with Individualized Education Programs (IEPs) Chart," Ms. Ruth Williams, Program Manager, Legislative and Community Relations Bureau, PED, said that the numbers might not match because the comparison may have been from different years; however, this would be verified with the Special Education Bureau.

In response to a committee member's question if special education students include students that are gifted, Senator Nava said that gifted students are listed under the category of special education, but their programs are not funded with federal dollars.

After some discussion regarding the letter from the LESC to the Secretary of Public Instruction requesting issuance of a login ID for LESC staff, PED staff members were requested to remind the Secretary of Education to respond to this correspondence. A brief discussion ensued as to the importance of New Mexico having one data warehouse system in order to provide accurate and reliable data for all students beginning with Pre-K through postsecondary education.

Upon a motion by Representative Hall, seconded by Representative Williams, the committee unanimously approved that both the Higher Education Department and PED should work cooperatively to establish a single, unified data warehouse at PED.

IDEAL-NM AND THE STATEWIDE CYBER ACADEMY

Mr. Peter van Moorsel, LESC staff, introduced Dr. Penne Wilson, eLearning Services Center Executive Director, Innovative Digital Education and Learning-New Mexico (IDEAL-NM), and Dr. Susan Bussmann, Project Coordinator of Regional Educational Technical Assistance (RETA), who would conduct the technical demonstration of a synchronous and asynchronous eLearning system.

Mr. van Moorsel reported on the implementation of IDEAL-NM and the Statewide Cyber Academy (SCA). He said the IDEAL-NM initiative represents a significant step toward providing New Mexico students access to online learning resources, noting it is a cooperative effort between the Public Education Department (PED) and the Higher Education Department (HED) to implement a statewide eLearning delivery system for K-12, higher education, and state agencies; a SCA; and a statewide eLearning Service Center that will support the use of the eLearning delivery system.

Mr. van Moorsel outlined the IDEAL-NM initiative, which will establish a common infrastructure for online learning for the project's three main components: K-12 education, higher education, and state agencies. When fully implemented, he said, IDEAL-NM will allow participating institutions to access online distance education and professional development activities. Mr. van Moorsel explained that the first phase of IDEAL-NM is the implementation of an SCA that will allow all public, middle, and high schools to acquire eLearning courses for their students, with an initial emphasis on serving rural districts. He said the later phases will implement eLearning services that focus on higher education, workforce development, and the provision of professional development for public school districts and state agency employees.

Mr. van Moorsel said that to implement the provisions of the *Statewide Cyber Academy Act*, the 2007 Legislature appropriated approximately \$7.6 million, including:

- \$6.4 million to HED to implement IDEAL-NM;
- \$500,000 in HED's budget for operational costs;
- \$500,000 to PED for operational costs of the Statewide Cyber Academy;
- \$120,000 to Regional Education Cooperatives (RECs) 3, 8, and 9. The eLearning Services Executive Director reports that the RECs will be involved in the development of the request for proposal for the help desk software and assist with the reporting of cyber academy student data. RECs will also act as regional training and support centers providing phone and online support and technical training for teachers; and
- \$50,000 to the Rio Rancho Cyber Academy, which HED has reported will be used to lease office space for the cyber academy's statewide eLearning Service Center to be located at Rio Rancho Cyber Academy.

The \$6.4 million to HED for the implementation of IDEAL-NM, said Mr. van Moorsel, includes language requiring HED to make monthly progress status reports, including funds expended, milestones achieved, number and location of distance learning sites and students served to the Office of the Chief Information Officer (CIO) of the State of New Mexico. He said all data processing appropriations also include language that the Department of Finance and Administration (DFA) may not allocate the funds until it has received notice from the state CIO that the project has been certified.

Passed in 2007, Mr. van Moorsel reported that when the *Statewide Cyber Academy Act*, enacted in 2007, is fully implemented, it will provide online courses to K-12 students statewide. He said students that enroll in cyber academy courses will remain students in their local school districts, as specified in law. Maintaining student transcripts, testing, and Student Teacher Accountability Reporting System (STARS) data remains the responsibility of the district, said Mr. van Moorsel, and the district is also responsible for online support of the student. In addition, he said, the school district must provide cyber academy students with the necessary internet connection and computers to participate in online courses.

Mr. van Moorsel said that school districts receive no extra funding through the funding formula for student participation in SCA courses; school districts must use their state equalization guarantee (SEG) funding to pay for student participation in the SCA. He said HED's Cyber Academy Plan describes the methodology used to determine a reasonable estimate for the cost of an SCA course and assumes that the primary cost of a course is the teacher's salary.

Mr. van Moorsel said HED and PED report that the SCA will not be fully operational until the beginning of school year 2008-2009. Mr. van Moorsel said an issue that has arisen is that even though initial presentations made by the IDEAL-NM planning group had reported that the SCA would be fully operational in school year 2007-2008, HED reports this was not feasible due to time constraints and the language making funding contingent upon the creation and approval of distance education and cyber academy plans. He said a delay in approving these plans has led to a delay in the flow of funding. Because of this delay, the hiring of cyber academy and IDEAL-NM staff, the procurement of the Learning Management System (LMS), and the opening of the SCA has been delayed.

Mr. van Moorsel said, however, that in order to allow the cyber academy to offer courses in school year 2007-2008, the Albuquerque Public Schools (APS) has donated 500 seats from the district's own distance learning program to the SCA. These seats are available to students statewide. He said that two courses are currently under development in New Mexico – Algebra I and New Mexico History – and will be completed and offered for the spring 2008 semester. In order to offer courses for the fall 2007 semester and to test online processes in preparation for the opening of the SCA in 2008, Mr. van Moorsel said, PED has contracted with Aventa Learning, a private online course vendor, to provide 700 student enrollments to districts.

To assess awareness of the implementation and course offerings of the SCA among New Mexico high schools, Mr. van Moorsel said that LESC staff conducted a survey of high school principals. He said of the 146 principals to whom the survey was mailed, 27 public and 11 charter schools, or 26 percent, responded. Mr. van Moorsel noted that responses indicated interest, a desire for more information, and a lack of awareness about the SCA implementation. Mr. van Moorsel suggested that eventual SCA participation and enrollment may benefit from an effort by the IDEAL-NM and SCA administration to increase awareness of the cyber academy's current and future course offerings and costs.

In conclusion, Mr. van Moorsel said two issues on educational technology were reported to the LESC at its September meeting: (1) some districts received Educational Technology Fund distributions despite not having an approved technology plan; and (2) school district technology self-assessments did not adequately determine the school district's level of technology adequacy.

Regarding policy options, Mr. van Moorsel stated that in an attempt to learn about the capacity and level of educational technology in New Mexico schools, LESC staff surveyed public and charter high schools. However, only 26 percent of high schools responded, making it difficult to accurately assess the ability of New Mexico public schools to support distance learning. Without sufficient and reliable information on which to base decisions, he said it is difficult for the committee and the Legislature as a whole to make effective decisions.

- In order to ensure that this information is collected, the committee may wish to make educational technology funding contingent upon PED's verification of district self-assessments of educational technology deficiencies, and school districts' sufficient and timely reporting of the adequacy of their educational technology.

Mr. van Moorsel said that the survey responses that were received included many comments asking for more information about the Statewide Cyber Academy. Increased awareness of IDEAL-NM and the Statewide Cyber Academy may encourage greater participation in the programs and help lead to program success.

- Another option the committee may also wish to consider is to request PED and HED to create a communications plan for increasing awareness of, and providing training for the utilization of the Statewide Cyber Academy.

Representative Miera recognized Dr. Kate Friesner, Liaison, IDEAL-NM Project, and member of the Rio Rancho Cyber Academy staff as an English teacher, to provide a brief overview of the Rio Rancho Cyber Academy. She said that to make distance learning work, it is vital for a teacher and student to be trained to understand how to get good results from the system. She said that onlineschool computers do not make learning easier, but simply more accessible, and what students need most are training and support.

Dr. Friesner said the Rio Rancho Cyber Academy has a learning management system that works, but programs have to be customized to meet the needs of the students while maintaining the standards. One essential of this kind of program is that students must be able to read at a reasonable level. She said there are not yet programs to accommodate students with special needs or for English language learners, noting that this type of learning works well for students that are motivated, as they can test out of one course and begin another one.

Dr. Wilson demonstrated a synchronous eLearning system housed at New Mexico State University (NMSU). Also involved in the demonstration were two SCA teachers, and NMSU staff. The presentation on eLearning tools included a demonstration of a learning management system and an eLearning teacher preparation course. Dr. Wilson stated that there are three basic delivery methods: synchronous (at the same time), asynchronous (independent of time), and blended (a combination of both).

The eLearning Service Center, Dr. Wilson said, is currently open through the learning management system, having a telephone number and staff. She explained that if instruction is being delivered in an asynchronous environment, she can use video and instructional television (ITV), teleconferencing, instant messaging, or web conferencing, giving a few of the many choices available to teachers and students as ways of communicating at the same time. She said the benefits of the synchronous learning environment are that it increases interaction between the learner and the instructor. She explained the following possible activities in this environment:

group discussion led by the teacher or a student, short lectures, demonstrations and inclusion of small groups; student interaction pertaining to projects, giving the feeling that someone is there working with the student; meetings of teachers and administrators; teacher and parent conferences, where the parents can actually talk to the teachers even though they never actually meet them face to face; and, professional development for teachers.

In explaining the asynchronous environment, Dr. Wilson said DVDs and CDs with accompanying textbooks can be used. The biggest advantage to students, she said, is that they can rewind their DVD or CD to review information not understood or missed, having control of what is happening in their individual classroom setting. Another advantage is being able to use the internet, using the learning management system. She said this provides a tremendous warehouse of information for students and teachers. In addition, this environment affords students a more reflective learning experience, as the environment is set up with discussions involving the teacher or students, logs, and chats as needed. Dr. Wilson said that an asynchronous environment costs less to implement once it is operational, and is more flexible. Also, there are options between teacher-led and self-paced instruction and there are reflective interactions to improve writing skills. In conclusion, Dr. Wilson said that in the asynchronous environment, there is continuous feedback on how the student is doing in the classroom, and this information is easily accessed by the student, teacher, and the parent.

Dr. Bussmann presented the technology demonstration of the online learning course and introduced the off-site presenter, Ms. Julia Parra, Assistant Professor, NMSU, and other off-site participants, Ms. Heidi Parnell, a student from Rio Rancho Cyber Academy, and several teachers. She also introduced Ms. Rose Manning, Reader Instructor and New Mexico Cyber Academy teacher in training, in Santa Fe. These participants shared with the committee some of the features in the course management system.

Committee Discussion:

In response to a committee member's question of how many courses are currently available through the eLearning delivery system, Dr. James Holloway, Assistant Secretary, Rural Education Division, PED, said that two courses have been developed – New Mexico History and Algebra I.

In response to a committee member's questions regarding what happened to the General Fund dollars that were received for this project, how the money would be spent, and if more General Fund dollars would be requested, Ms. Veronica Chavez-Neuman, Communications Information Officer, HED, said they just received the first increment of appropriation in the amount of \$2.4 million and will acquire the remaining \$6.4 million in November 2007. Ms. Chavez-Neuman said the \$6.4 million would be spent on the learning management and web conferencing systems, an independent validation and verification contractor.

Regarding the FY 09 request, Ms. Chavez-Neuman said the expansion funds would be \$2.0 million for each department (HED and PED). The committee member expressed concern with what the ultimate cost of the SCA will be, as initially, the Legislature was told that the \$6.4 million appropriated in the General Fund was the amount needed to have the full program "up and running"; however, the total amount has been spent and the program is not yet fully functioning.

In response to a committee member's question regarding the credentials for teachers who are prepared for online teaching, Ms. Chavez-Neuman said that in order to be a teacher for the SCA, teachers will need to apply; their applications will be screened regarding their background; they will have to be highly qualified under NCLB, and then they will be invited to participate in the training program.

In response to a committee member's question if there are time constraints for students to complete online courses, Mr. van Moorsel said the synchronous courses require students and teachers to be online at the same time so that they can pace themselves to complete the course in a given time; however in the asynchronous course, he said he did not know the minimum or maximum time that a student can take to complete an online course.

In response to a committee member's question of who approves an online course for a student, Dr. Holloway said the high school counselor approves the course the first time, and in higher education, Ms. Chavez-Neuman said students make their own decision to take online courses. Concern was expressed regarding the asynchronous environment because of the student being allowed to complete their work at anytime, which may mean there is no teacher available.

Representative Miera requested PED to explain the process of how district self-assessments of educational technology deficiencies will be verified.

Representative Miera requested PED to explain how students who graduate from high school early, including online students, affect the calculation of the graduation rate.

Senator Nava requested from HED and PED a description of how the following funds would be expended: FY 08 appropriations for IDEAL-NM and SCA and the additional \$2.0 million for FY 09.

With the consensus of the committee, Representative Miera recessed the LESC meeting at 4:20 p.m.

**MINUTES
LESC MEETING
TUESDAY, OCTOBER 16, 2007**

Representative Rick Miera, Chair, called the Legislative Education Study Committee (LESC) meeting to order on October 16, 2007, at 9:15 a.m., New Mexico Farm & Ranch Heritage Museum – Tortugas Room, Las Cruces, New Mexico.

The following LESC members were present:

Representatives Rick Miera, Chair, Jimmie C. Hall, Mimi Stewart, and W. C. "Dub" Williams; and Senators Cynthia Nava, Vice Chair, Mary Jane M. Garcia, and Gay G. Kernan.

The following LESC advisory members were present:

Representatives Ray Begaye, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, Thomas A. Garcia, Dianne Miller Hamilton, Rhonda S. King, Jim R. Trujillo, and Teresa A. Zanetti; and Senators Lynda M. Lovejoy and Mary Kay Papen.

Also in attendance was Representative John Peña.

RESIDENTIAL TREATMENT CENTERS

Ms. Frances R. Maestas, LESC staff, provided the committee with a report on issues relating to the provision of educational services for school-age children residing in a residential treatment center (RTC). She indicated that Mr. Albert Gonzales, Legal Counsel, and Mr. Duane Ellis, Education Administrator, Special Education Bureau, Public Education Department (PED), were in attendance to respond to committee questions, if necessary.

Ms. Maestas explained that New Mexico, like other states receiving federal funding from the *Individuals with Disabilities Education Act* (IDEA), is required through its state education agency, or PED, to provide a free and appropriate public education (FAPE) to all children with disabilities residing in the state between the ages of three and 21. This obligation, she noted, also encompasses school-age youth with disabilities who have been placed in a facility to receive services through an RTC.

Current law, Ms. Maestas stated, defines “residential treatment services” as “a program that provides 24-hour therapeutic care to children/adolescents with severe behavioral psychological, neurobiological, or emotional problems, who are in need of psychosocial rehabilitation in a residential facility.” The law, she indicated, also requires the Children, Youth and Families Department (CYFD) to be the certification and licensing authority of RTCs for youth in New Mexico. According to CYFD, Ms. Maestas reported, 30 facilities in the state are currently certified RTCs and an additional 19 are licensed RTCs to provide residential treatment services for school-age children. The difference between the two, she explained, is that while all RTC facilities must be “licensed” to meet health and safety requirements, the “certified” RTCs are eligible to receive Medicaid dollars.

Ms. Maestas reported that at least since the 2005 interim, the LESC has heard PED testimony indicating that the department has not been able to provide clear guidance or direction on the issue of who is responsible for the costs of providing special education services to non-district students residing in an RTC primarily because of inconsistencies in federal and state law. She explained that while the federal law requires each state to ensure that FAPE is available to all children with disabilities who reside within the state, provisions of at least one section of New Mexico law [Section 22-12-4A] clearly provide two possible ways – residence or presence – for a student to be entitled to attend public school within a given district. As a consequence, Ms. Maestas noted, PED believes that the conflicts must be resolved to arrive at a solution on responsibility of financial burden.

Ms. Maestas reported that a review of policies relating to students residing in RTCs from other states, including Arkansas, Colorado, Florida, Colorado, Iowa, Kansas, Ohio, and Vermont, revealed that with the exception of Florida, all of the states had adopted policy to determine

(assign) responsibility and costs for special education students residing in an RTC and to reimburse the school district with an RTC within its boundaries for providing special education and related services for non-district students, including out-of-state students.

Ms. Maestas also included an attachment outlining recent guidance from the US Office of Special Education Programs (OSEP) relating to the costs of providing special education services for school-age children residing in a residential facility. The guidance, she noted, indicated that a state educational agency should ensure that agreements are in effect between local school districts, other agencies, and other states to determine who is obligated under federal or state law to provide or pay for any special education services necessary for ensuring FAPE to children with disabilities in the state. With specific reference to out-of-state students, Ms. Maestas stated, the federal guidance states that a child is a resident of the state in which (1) the parent or guardian legally resides, or (2) the child is a ward of the state. As such, she emphasized, residence is not necessarily the location of the school or facility in the state where the child has been placed.

Ms. Maestas also summarized the results of an LESC staff survey of New Mexico school superintendents and regional education cooperatives (RECs). She noted that 40 responses were received: 37 out of 89 school districts and four out of nine RECs. Of the 40 responses, 29 school districts and the four RECs indicated that they do not provide services to RTC students. The remaining eight districts indicated that they have an RTC within their boundaries and provide educational services for students residing in those facilities. Ms. Maestas stated that with fewer than half of the 89 school districts responding to the LESC survey, it is difficult to determine how many school districts statewide provide educational services to students residing in RTCs or to draw conclusions that apply to all school districts that are providing educational services for these students. However, it is possible to note certain issues among the respondents that may be indicative of conditions statewide, including inconsistency in the type of educational resources being provided by an RTC, such as classroom space and equipment; student information available for a school district from an RTC, including the parent's legal residence and student's IEP and for New Mexico students, the PED-issued ID; negotiation of formal agreements between the school district and RTC for the educational services provided for an RTC student.

To conclude, Ms. Maestas provided the following policy options that the committee may wish to consider: introduce legislation to define "residency" for the purposes of assigning responsibility for the provision of educational services and for the costs of a student residing in an RTC; require PED to enter into interagency and interstate agreements for the placement of students in RTCs in New Mexico; require PED to adopt a rule governing students residing in RTCs for the purpose of allocating public school funds from a student's home district or obtaining reimbursement from a student's home state; and request PED to examine statute and rule in other states that have already developed a methodology for reimbursing a school district for the educational services provided for students in RTCs.

Committee Discussion:

In response to a question from Chairman Miera relating to PED's perspective in resolving the issue of who is responsible for the costs of providing educational services for RTC students, Mr. Gonzales responded that prior to the 2007 legislative session, the department issued a written report with a recommendation that current statute be amended to delete all references to the word "presence" so that the right to attend public school would be clearly based on New Mexico residency.

Senator Nava discussed inconsistencies in the provision of resources for school districts providing educational services for RTC students, including physical educational (classroom) space and in the coding of PED-approved levels of service. She noted that the summary of selected responses from the LESC survey indicates that only three districts are being provided educational space by an RTC, and she explained that even though a child's individualized education plan (IEP) may identify D-level services for a student, those services are often coded as C-level services for RTC students, resulting in a lower level of reimbursement for a district. In response to a committee member's question as to how FAPE is defined, Mr. Gonzales responded that the Constitution of the State of New Mexico, Article XII, Section 1, requires that a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state to be established and maintained. Under Part B of IDEA, he noted, each state, through its state educational agency has to ensure that FAPE is available to all eligible children with disabilities in mandated age ranges residing with the state.

Representative Miera requested PED to identify and provide a list of all school districts providing special education services to students in RTCs and to establish in rule a requirement that special education services provided by a school district for a student residing in an RTC be coded at the same service level identified in the student's IEP.

OVERVIEW OF PUBLIC SCHOOL FUNDING FORMULA

Dr. D. Pauline Rindone, LESC Director, gave an overview of the history of the Public School Funding Formula enacted in 1974, describing the events that took place prior to enactment of the formula.

At the national level, Dr. Rindone explained that two landmark court decisions and research by the National Educational Finance Project contributed to the social climate and influenced the New Mexico equalization effort. The challenge in both cases, she said, concerned inequalities among local school district funding per pupil as a function of local wealth and property tax rate/yield. In New Mexico, a related class action suit was filed in February 1973.

Dr. Rindone said that in the spring of 1973, to move the funding formula forward, the Governor formed an Advisory Committee on School Finance, which included as members, the Legislative School Study Committee (LSSC), whose name has since been changed to the Legislative Education Study Committee (LESC).

Dr. Rindone explained the primary intent of the formula was to equalize expenditures among the then 88 school districts (now 89 school districts) through a more sophisticated, research-based definition of "need" and a major adjustment in the state-aid distribution, and to ensure that all districts would have access to revenue necessary to meet 100 percent of need. She said both distributional and taxpayer equity are provided in the formula. Dr. Rindone concluded that, although it has undergone numerous changes, the funding formula remains in effect today.

Dr. Kathleen Forrer, LESC staff, explained the sources of public school funding in New Mexico and the method of distribution of such funds through the public school funding formula (PSFF). She said the PSFF has been the basis for providing operating funds to school districts and schools in the state since 1974, when it was enacted by the New Mexico State Legislature. She stated that there have been significant incremental changes made in the PSFF by the Legislature

since its original enactment, which are detailed in a separate document. The written report, she said, provides an overview of the funding formula, its parts, and detail regarding the calculations within the formula to meet student needs and to assure basic funding equity among the various schools and school districts within the state.

Dr. Forrer also presented an overview of the history and purpose of federal Impact Aid, which provides financial assistance to school districts by recognizing the impact of a federal presence upon a school district's ability to provide educational services. The federal law was first enacted in 1950, she said, at a time when nearly all states required public schools to be funded through locally generated property taxes, thereby creating inequities based on local property tax wealth. She stated that in 1974, New Mexico became one of the first states in the nation, along with Alaska and Kansas, to enact an equalized funding system based upon the wealth of the state as a whole, rather than individual district property tax wealth.

Dr. Forrer outlined the tests that states must meet to qualify as an equalized state and explained that current state law allows the state to take credit for 75 percent of federal impact aid and forest reserve funds along with the local 0.5 mill levy. School districts may use the other 25 percent for operational or other allowable purposes. She said the state then distributes to school districts statewide the state equalization guarantee (SEG), an amount equal to program cost minus the 75 percent credits and any cash balance credits.

Between school years 2001-2002 and 2004-2005, Dr. Forrer explained, total basic operational impact aid payments to school districts in New Mexico increased; thus, the impact aid credits taken by the state also increased, from \$48.8 million in school year 2001-2002 to \$51.9 million in school year 2004-2005. She said, however, for the last two school years impact aid credits have decreased, falling to \$46.6 million in school year 2005-2006 and to \$44.8 million in school year 2006-2007. Dr. Forrer referred the audience to Attachment 1 that provides a history of all credits – Impact Aid, Federal Forest Reserve, and the required 0.5 mill local levy – from school year 1993-1994 actual amounts through school year 2007-2008 projected amounts.

As a component of the *No Child Left Behind Act* (NCLB), Dr. Forrer said the impact aid program is also up for reauthorization. Explicitly authorized through federal fiscal year 2007, the program was automatically extended for one additional year under the *General Education Provisions Act*.

Finally, Dr. Forrer provided a history and update of the impact aid lawsuit which began in 1999 when Zuni Public Schools and Gallup-McKinley County Public Schools filed an objection to the certification made by the US Department of Education (USDE) allowing New Mexico to take credit for federal impact aid revenue in determining the distribution for the SEG for school year 1999-2000. An administrative judge and the USDE Secretary subsequently issued decisions rejecting the appeal of the school districts.

Dr. Forrer said both districts filed unsuccessful appeals to the US Tenth Circuit Court of Appeals, and then to the US Supreme Court, which agreed to hear the case. The Supreme Court voted 5-4 in favor of USDE and the US Secretary of Education. Dr. Forrer concluded, saying that lawyers for Zuni and Gallup-McKinley asked the Supreme Court to rehear the case. She said, on June 4, 2007, the court denied that request.

Mr. Robert F. Rosebrough, Attorney for Gallup-McKinley County Public Schools and former Mayor of Gallup, said his remarks would be in respect to the impact aid law suit. He said Dr. Forrer's remark that New Mexico met the disparity test is correct, and said he would explain what that means. He said the issue in the impact aid lawsuit is whether federal regulations promulgated by the USDE Secretary exceeded the scope of the federal statute, noting that the US Supreme Court made its decision based on the technological argument regarding how disparity is calculated and whether or not that calculation falls within the scope of the statutory language. He said that, as federal courts, neither the Tenth Circuit nor the US Supreme Court addressed the issue of the language in the New Mexico State Constitution. He explained that about 40 states in the United States have been tied up for decades in educational funding litigation, almost all of which revolve around language in the various state constitutions. He noted that New Mexico's Constitution, which is similar but not identical to the constitutions of many other states, provides for "a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained."

Mr. Rosebrough said that although New Mexico has, for the most part, escaped litigation regarding its operational funding formula, it has been involved in a capital outlay case in New Mexico District Court that began at almost the same time as the impact aid case. He said the capital outlay case was based on the New Mexico State Constitution. In speaking in the context of Gallup-McKinley County Schools, he said that the district is similar to many other school districts in the state, being one of 39 of the 89 public school districts that receive, or are eligible to receive, impact aid. Noting that Gallup-McKinley has a high level of poverty and English language learners, Mr. Rosebrough noted that the district covers a large area that is comparable to the state of West Virginia. He stated that the school district has extraordinary educational needs, adding that 85 percent of the students receive free and reduced-fee lunch and that the district ranks among the top six among districts with students at-risk. In addition, he said, the district ranks 84 out of 89 districts academically, 86 out of 89 in teacher salaries, and last with regard to training and experience (T&E), explaining that the average tenure of teachers is seven years. He stated that in terms of adequate yearly progress (AYP), 34 of the 35 schools in the district failed to make AYP.

Acknowledging that districts receiving impact aid would prefer to keep it, Mr. Rosebrough suggested three options for consideration by policymakers:

1. allow school districts that receive impact aid to keep it;
2. allow school districts to keep impact aid but require them to use it for capital outlay expenditures; or
3. continue to take credit for impact aid but change the Public School Funding Formula to either create a direct multiplier for training and experience, which might cause a problem for Gallup-McKinley, or a direct multiplier for at-risk children to address issues associated with poverty.

Mr. Rosebrough noted that, although his third option might not be particularly popular with some of the impact aid districts, he believes it to be the most equitable approach for all school districts.

Committee Discussion:

The committee members complimented the LESC Director and Dr. Forrer for the thorough and excellent presentation of the public school funding formula.

There was considerable discussion on the lawsuit as described by Mr. Rosebrough and the effect it has had on Gallup-McKinley County Public Schools. Concern was expressed for the children in the school district and their need.

In response to a committee member's question if the suggested approaches to the impact aid problem would pertain only to Gallup, Mr. Rosebrough said any changes made would pertain to all districts not just to Gallup, adding that there are children in need statewide and impact aid should go to all of them, not just to the children in need, in Gallup.

PROFESSIONAL DEVELOPMENT

Ms. Pamela Herman, LESC staff, introduced Ms. Ann Steinhoff, Federal Programs Director, Gadsden Independent Schools, and Mr. Dan Davis, Principal, Vista Middle School, Las Cruces Public Schools, who presented on their districts' plans for professional development.

Ms. Herman said that the Public Education Department (PED) staff members available for questions were: Dr. Mary Rose CdeBaca, Assistant Secretary, Educator Quality Division; Dr. Karen Harvey, Assistant Secretary, Quality Assurance & Systems Integration Division; and Mr. Lawrence Martinez, Program Manager, Professional Development Bureau.

Ms. Herman stated that a 2005 meta-analysis of the national research defining high quality professional development by Mid-Continent Research for Education & Learning indicates that standards-based professional development can have a positive effect on classroom practice and student achievement, but to do so, it should have:

- considerable duration;
- a focus on specific content or instructional strategies;
- a "critical mass" of teachers in a school, grade level, or subject;
- coherence with teachers' goals, activities, materials, and district policies; and
- a strong active learning approach.

Ms. Herman said that the National Staff Development Council standards cited by McRel and many other sources are the most frequently referenced standards in the field.

Ms. Herman explained that the New Mexico Professional Development Framework resulted from LESC-endorsed legislation enacted in 1999 to require that a state framework be developed that provides training to teachers and principals to improve and enhance student achievement. She said that 2003 amendments established criteria for applying for funds and guidelines for developing activities. She said that in 2004, PED convened a statewide committee to develop the framework in rule. The rule includes definitions stating that a district's professional development plan component is part of the Educational Plan for Student Success (EPSS).

Ms. Herman raised the following issue regarding the framework: according to PED, while the framework requires each school district to submit its annual EPSS for department approval, it does not monitor implementation of the EPSS except in schools and districts in the school improvement cycle; nor does the department require school districts to provide the results of evaluations of their professional development activities. She said the EPSS form provided by PED for use by schools in creating their plans requires them to provide only “date, content, and trainer scheduled” for professional development activities.

Ms. Herman said that LESC staff had conducted a survey via e-mail of professional development activities of all 89 district superintendents to learn how school districts evaluate the professional development activities they offer. She stated that 25 superintendents, or their staff members, responded to the survey, and two surveys were returned undelivered by school district e-mail systems. In answer to the question on how they determine the impact of professional development activities on student learning, Ms. Herman said 21 districts use short cycle assessments, such as DIBELS and MAPS, and the same number use annual state standards-based assessment results. Nineteen districts, she said, use classroom walk-through observations by the principal or an outside observer. Fourteen districts, Ms. Herman said, use teacher developed assessment results and the same number use teacher peer or team observations. She said districts report using other methods, such as staff feedback, discussions or team meetings, review of lesson plans, teacher professional development plans, student grades, portfolios, customer satisfaction surveys, and disciplinary referrals.

In addition, Ms. Herman stated, superintendents were asked to describe at least one successful professional development activity their district provided to teachers during school year 2006-2007, and to indicate how the district measured the success of the activity. A table summarizing the responses to these questions was provided to the committee as an attachment to the staff report. Ms. Herman concluded that district self-reports indicate that many of the activities they considered to be successful had the characteristics identified by McRel as likeliest to produce changes in instructional practice and improved student achievement.

Regarding funding, Ms. Herman described the PED-administered Teacher Professional Development Fund (TPDF) enacted in 2003 as a non-reverting fund, with a statutory requirement for annual evaluation and reporting to the LESC. Ms. Herman stated that since FY 05, the Legislature has appropriated \$9.3 million in the *General Appropriation Act* to the Teacher Professional Development Fund.

Ms. Herman said that the TPDF is just one source of funds for professional development. She said PED and school districts use funds from many state, federal, and other sources to provide professional development aimed at improving teacher quality, reforming instructional practice, and raising student achievement.

Other sources of funding, Ms. Herman explained, include numerous programs delivered by PED statewide that provide professional development activities to school districts, including summer math, reading and science institutes, the advanced placement initiative, support for Schools In Need of Improvement, School Improvement Framework strategies for school reform, and the Indian Education Fund projects and activities. She said PED also provides its own professional development activities through each of the entitlement programs under the *Elementary and Secondary Education Act* (ESEA), including titles I, II and III as well as through the *Carl Perkins Career and Technical Education Act* and the *Individuals with Disabilities Education Act*. She referred the committee to a table entitled “Estimated Expenditures for Professional Development FY05-FY08.”

Ms. Herman concluded that based on the data in this report, it appears that over \$45.0 million dollars will be spent for educator professional development in FY 08 alone. She said that this amount is most likely somewhat underestimated since significant amounts of federal funds, as well as state operational and other funds spent for professional development through contractual services could not be easily identified because the public school chart of accounts is not set up specifically to track professional development.

Regarding policy options, Ms. Herman said that because successful professional development is crucial to improving schools and student achievement and because of the large investments in professional development statewide, she suggested the committee may wish to consider the following policy options to ensure an adequate return of quality on its investment in professional development:

- to make it easier both to identify the amount spent on professional development efforts each year and see trends in spending over time, and to compare per pupil spending among districts in order to determine the relationship between spending on professional development and student achievement, require that PED staff explore the practicability of developing a mechanism within the chart of accounts to capture professional development expenses that currently cannot be identified; and
- to encourage greater accountability for the outcomes of the time and money invested in professional development, amend the Professional Development Framework to clarify that school districts and other entities, including bureaus within PED, are required to provide the department with the evaluations of their professional development activities for review and recommendations.

Ms. Steinhoff shared some of the issues that Gadsden Public Schools have learned in regard to professional development. She said that in order to unify professional development in the needed areas, all activities have become very focused and tied to the EPSS and to data that has identified areas of significant need. She said the Gadsden district helps teachers learn techniques and strategies to assist children in the subgroups that are not as proficient in all academic areas. Ms. Steinhoff said that because of Gadsden's location (between the border town of El Paso, Texas and Las Cruces, New Mexico), their greatest need has been to assist teachers to acquire licensure endorsements in Teaching English to Speakers of Other Languages (TESOL). The district also offers opportunities for teachers to earn advanced degrees, especially in the area of mathematics.

Mr. Davis provided to the committee a brief overview of Vista Middle School in Las Cruces Public Schools, and provided a research packet for school year 2007-2008. The packet contained the district's mission statement, values and beliefs, and EPSS, as well as a classroom walk-through that incorporated a 2005 tool for examining teaching and learning; middle school philosophy; and a program that focused on recognition and reward of academic achievement, attendance, and accomplishments for students and staff. It also contained various excerpts of educational writings on successful schools, re-culturing schools, human motivation, and objectives and skills that educators set for students. Mr. Davis said Vista Middle School will acquire two labs this school year which will aid in the accomplishment of EPSS goals. To summarize, Mr. Davis agreed with the policy options provided by Ms. Herman in her report, and added that in addition to these two policy options, the committee may wish to consider requiring PED to provide feedback to the school districts on the results achieved by their individual teachers for participating in PED's professional development activities.

Committee Discussion:

In response to a committee member's question regarding the need for a longer instructional day or year to affect student achievement, Ms. Herman said the committee endorsed legislation to add five instructional days to the school calendar and to appropriate funds to cover the cost in the 2007 session, but the legislation did not pass. Dr. Rindone added that the high school redesign bill also contained more time for professional development, but that section was not in the final bill. Mr. Davis said that schools must ensure that all teachers have planning time or team planning time incorporated within their schedules. On this same point, a committee member asked how many days need to be added for professional development, and Ms. Herman said that would be a teacher contract issue. A brief discussion on the topic of professional development ensued. Ms. Steinhoff said that, as teachers look at instruction in math, language arts, history, reading, bilingual education, art, and physical education classes, as well as additional time for those children that are not proficient, a longer instructional day would be very beneficial. As to a longer instructional day, Ms. Steinhoff said the teachers have expressed the desire for a longer day to better instruct the students under their supervision.

In response to a committee member's question regarding PED's professional development plan, Dr. CdeBaca said that currently, PED is convening monthly meetings of bureau chiefs to catalog the range of teacher professional development activities, as well as working with districts to improve professional development quality at the local level.

Several committee members expressed concern regarding the professional development of teachers and made reference to the policy options presented in the report by LESC staff. Committee members emphasized that a great deal has been done by the Legislature regarding professional development, and better accountability by PED is necessary to be able to learn where all of the funding goes. Dr. CdeBaca said that PED is attempting to account for spending on professional development at the state level, but what is still needed is information from the school districts as to what they are doing with professional development funding.

In response to a committee member's question about parental involvement in professional development activities provided by New Mexico school districts, Ms. Herman said that in the survey conducted, one of the 25 respondents specifically mentioned parental involvement, and that seems to be something that needs to happen more often. A discussion continued on the importance of parental involvement in the instructional development of children.

Representative Miera requested PED to provide a description of how it ensures, through the Professional Development Framework, that school district professional development activities are developed and evaluated regularly with extensive parental participation.

Senator Nava requested LESC staff to write a letter to PED and the Department of Finance and Administration requesting that the agencies come to agreement regarding payment to professional development providers in a timelier manner.

SUPERINTENDENTS AND COMMUNITY INPUT

Golden Apple Foundation of New Mexico

Ms. Celia Merrill, Executive Director of the Golden Apple Foundation, thanked the committee for supporting the Golden Apple Scholars Program and described the Pathway Scholars program that is provided to high school graduates who wish to become teachers in New Mexico.

Ms. Merrill said, thanks to legislative funding in FY 08, these scholars will attend a summer institute, which will include teaching experience and afternoon seminars, with an emphasis on assessing student learning. This year the project will bring in a new class of 64 scholars from May 2008 high school graduates. She said once each group earns a bachelor's degree and becomes licensed, the goal is to provide program participants with mentoring and professional development designed to improve their classroom effectiveness and to move them successfully from Level I to Level II licensure.

New Mexico Association for the Gifted (NMAG)

Dr. Teresa Rowilson, Professor and Program Coordinator at New Mexico State University (NMSU), College of Education, spoke as a representative of the New Mexico Association for the Gifted (NMAG). She presented a request for legislation to establish a gifted education teacher licensure, saying that more than 17,000 students identified as gifted students in the state of New Mexico deserve to be served by teachers who are highly qualified in the area of gifted education. Referring to her written remarks, Dr. Rowilson proposed various ways teachers of gifted learners could demonstrate that they are highly qualified, and concluded with the NMAG proposal that, by school year 2011-2012, districts be required to hire only highly qualified teachers for gifted learners, and by school year 2013-2014, all teachers for gifted learners be highly qualified.

State Trust Land Revenues

Mr. Stephen Fischmann said he has 20 years as a corporate executive at Levi Strauss & Co., beginning his career in finance. He discussed the issue of public schools and the financial benefit they receive from the management of state trust lands. He made suggestions on how to ensure that all available resources are used for the public schools. Mr. Fischmann said the source of the problem is that there is little collaboration or communication between the State Land Office (SLO) and PED on sales and management of land. He said statute gives full authority to the SLO to manage the trust lands, and no authority in this matter to PED. A potential course of action, Mr. Fischmann said, is that PED should request consultation with the SLO prior to any land sale transactions. In the long term, he said the Legislature could evaluate statutory and constitutional revisions to the SLO charter to ensure better collaboration with beneficiaries.

With the consensus of the committee, Representative Miera recessed the meeting at 4:13 p.m.

**MINUTES
LESC MEETING
WEDNESDAY, OCTOBER 17, 2007**

Representative Rick Miera, Chair, called the Legislative Education Study Committee (LESC) meeting to order on October 17, 2007, at 9:10 a.m., New Mexico Farm & Ranch Heritage Museum – Tortugas Room, Las Cruces, New Mexico.

The following LESL members were present:

Representatives Rick Miera, Chair, Jimmie C. Hall, Mimi Stewart, and W. C. “Dub” Williams; and Senators Cynthia Nava, Vice Chair, Mary Jane M. Garcia, and Gay G. Kernan.

The following LESL advisory members were present:

Representatives Ray Begaye, Nathan P. Cote, Nora Espinoza, Mary Helen Garcia, Dianne Miller Hamilton, Rhonda S. King, Jim R. Trujillo, and Teresa A. Zanetti.

MATHEMATICS AND SCIENCE EDUCATION

Ms. Eilani Gerstner, LESL staff, introduced two representatives from the Public Education Department (PED) Math and Science Bureau: Dr. Rick Scott, Bureau Chief, and Dr. Mary Jo Daniel, Science Specialist, who were available for questions. Ms. Gerstner said that this report addresses mathematics and science student achievement in New Mexico; how New Mexico legislation enacted in 2007 is being implemented; summer reading, mathematics and science institutes and other support for mathematics and science education in New Mexico; and recently enacted federal legislation supporting science, technology, engineering and mathematics (STEM) education.

Ms. Gerstner gave an overview of recent math and science legislation. In 2006, she said, the Legislature appropriated \$250,000 to PED to create the Mathematics and Science Bureau, which the Secretary of Public Education established in July of that same year. The bureau convened an advisory committee to assist in creating and implementing a strategic plan for mathematics and science education in New Mexico. The *Mathematics and Science Education Act*, reported Ms. Gerstner, was enacted in 2007 to establish the bureau in statute to emphasize New Mexico’s commitment to improving mathematics and science education. In school year 2005-2007, she said funds were also appropriated for the summer reading, mathematics, and science institutes for professional development. Other legislation enacted in 2007 implemented additional mathematics and science requirements for high school graduation, required school districts to offer Algebra I in 8th grade, and required school districts to align curricula in mathematics and science.

New Mexico has some of the strongest standards in mathematics and science in the country, according to national rankings; however, Ms. Gerstner said, according to the National Assessment of Educational Progress (NAEP), the state’s student achievement levels are among the lowest in the country. The New Mexico Standards Based Assessment and NAEP are two standardized assessments that provide pictures of student proficiency in mathematics and science. Ms. Gerstner summarized achievement scores for mathematics and science beginning with school year 2004-2005 to school year 2006-2007 from both of these assessments.

Ms. Gerstner also provided information on state and federal funding. She said that in 2006 and 2007, the Legislature appropriated a total of approximately \$4.2 million - \$1.7 million and \$2.5 million, respectively - for summer reading, mathematics, and science institutes for teacher professional development. She said that New Mexico has received a total of approximately \$7.3 million in federal Mathematics & Science Partnership (MSP) funds under Title II, Part B of the *No Child Left Behind Act* to be used for professional development for teachers and the evaluation and administration of the programs, including approximately \$1.65 million for federal fiscal year 2007 and approximately \$1.5 million for federal fiscal year 2008.

Ms. Gerstner also reported on the summer institutes providing the criteria established by PED in allocating funds to a variety of entities that conduct professional development throughout the state. She also reported on the evaluation of the institutes including comments from the institute providers.

To learn what resources high schools may need to implement the new graduation requirements for freshmen in school year 2009-2010, Ms. Gerstner said that LESC staff conducted a survey of public high school principals and charter school administrators, including alternative schools, and two special state-supported schools. Principals were asked if they were already offering courses that would meet the new requirements and whether they would need additional sections of courses and additional teachers and if so, the number needed. They were also asked whether they were currently offering distance learning mathematics courses and whether they would need additional science facilities.

Ms. Gerstner stated that the survey results provide a picture of the needs that may exist when the diploma of excellence graduation requirements go into effect for freshmen in school year 2009-2010. She said that of the schools that responded, many are currently offering courses that would meet the mathematics and science requirements (about 90 percent). One-half say they will need additional mathematics teachers, about one-tenth say they will need to eliminate mathematics electives, nearly a third say they will need additional science teachers, and a third say they will need laboratory facilities. Comments from respondents indicated a range of approval, concern, and even misunderstanding concerning the new graduation requirements.

Ms. Gerstner concluded with the following policy options to be considered by the committee:

- considering that no funds currently exist in the Mathematics and Science Proficiency Fund, which is created specifically to “provide awards to public schools, school districts, public post-secondary educational institutions and persons that implement innovative, research-based mathematics and science curricula and professional development programs,” the LESC may wish to endorse appropriating funds for summer reading, mathematics, and science institutes to the Proficiency Fund in future years;
- given that the current scores in mathematics and science have shown improvement on both the NAEP and the New Mexico Standards Based Assessment in the past two to three years, and that the Mathematics and Science Bureau was created in 2006, the committee may wish to consider providing additional support for the bureau to implement its strategic action plan, including providing for the recruitment of highly qualified mathematics and science teachers;

- although the number of respondents was limited, the LESC survey does indicate a need in some cases for additional facilities in order for high schools to increase the mathematics and science course offerings and teaching staff, particularly in schools in which facilities are inadequate or at their maximum capacities. Therefore, the committee may wish to request that PED conduct a more extensive study of teaching personnel and facility needs in high schools to insure that schools have sufficient teachers and appropriate laboratory facilities and classroom space to implement the new requirements.

Committee Discussion:

In response to a committee member's question of who selected the members of the advisory committee convened by PED's Mathematics and Science Bureau to assist in creating and implementing a strategic plan for math and science education in New Mexico, Dr. Scott said that 12 members plus alternates were appointed by the Secretary of Public Education. On this same point and in response to a committee member's question as to how often the advisory committee meets and the strength of their input, Dr. Scott said the committee meets every six weeks and is working diligently to develop and implement the strategic plan, focusing in particular on the two goals of outreach and collaboration. A brief discussion ensued regarding the importance of the advisory committee and its composition with a suggestion made that there be better representation from throughout the state.

A concern was expressed regarding New Mexico's high educational standards for math and the necessity to support math teachers to be able to teach to those standards. Dr. Scott said that New Mexico is moving forward, and it is important to maintain the high standards, even though traditionally, students have not scored well on the NAEP. He gave the specific examples of Gadsden Independent Schools, which took six years to reach their goal in teaching mathematics and Union Elementary School, West Las Vegas Public Schools, where 88 percent of third graders and 91 percent of fourth graders scored at the proficient level or higher in mathematics. Dr. Scott attributed this improvement to the professional development of their teachers and New Mexico's high educational standards for math.

In response to a committee member's question about the percentage of Hispanic students that are in need of remediation, Dr. Scott referred to the success of Gadsden Independent Schools, in which the majority of its students speak Spanish as their first language. He said the problem is not with the students themselves, adding that with the proper teacher training and teacher professional development as well as the use of good instructional materials, all students can succeed.

SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (STEM) EDUCATIONAL OUTREACH

Representative Miera recognized Dr. Robert D. Moulton, Dean, College of Education, and Dr. Steven P. Castillo, Dean, College of Engineering, both from New Mexico State University (NMSU), who reported on Science, Technology, Engineering and Mathematics (STEM) education in America.

In his PowerPoint presentation, Dr. Moulton cited a 2006 National Science Foundation report outlining the growing need for stronger public support for student achievement in the STEM subject areas; high-quality teachers with extensive content knowledge; increased opportunity to learn for underrepresented students; effective guidance counseling on STEM education and careers; and program assessment tools that reinforce learning in STEM fields.

Dr. Moulton said NMSU is concerned that in New Mexico STEM education issues are similar to those of other states but magnified. He provided statistics on educational progress illustrating the achievement gap between Hispanic and Anglo students and the lack of adequately trained middle school math and science teachers. Stating that the problem is growing rather than decreasing, Dr. Moulton spoke about the need to increase the focus on teacher preparation in the state, so that the best and brightest students are teachers and are available for New Mexico's children. He stressed the need for statewide collaboration among government, education, and the private sectors, saying this is the key to bringing high quality STEM to all students.

Pointing to the more than 100 independently managed and funded educational outreach and professional development programs that target instruction and achievement in STEM, Dr. Moulton said that 60 of these programs are sponsored by NMSU. He said the solution to the challenge of transforming New Mexico's educational system to produce a technologically literate workforce is to:

- encourage communication and knowledge sharing among all STEM activities across the state;
- facilitate collaboration among educators, legislators, government agencies, and private enterprise; and
- create a seamless pipeline for education Pre-K–20, aligning the goals of New Mexico and the nation of educational success and economic development.

Dr. Castillo acknowledged Dr. Michael V. Martin's leadership as president at NMSU and his commitment to open enrollment, and partnerships that focus on STEM education. Dr. Castillo said that a major crisis exists in the fields of mathematics and science. He said students have been entering universities under-prepared and there has been a large cost to get them ready for the growing demand for STEM professionals. Dr. Castillo said that enrollments and majors in physical sciences are all up, and through the combination of STEM activities at NMSU, they are having some success. Dr. Castillo shared some of the outreach programs at NMSU, including SEMAA (Science, Engineering and Mathematics Aerospace Academy) and the Gadsden math initiative. He said that in 2007, the National Science Foundation provided funding to evaluate the replication of the highly effective Gadsden model throughout the state. Citing dramatically increased test scores in the Gadsden Independent Schools, Dr. Castillo pointed to the positive results of NMSU STEM programs.

In conclusion, Dr. Castillo indicated that in order to attract more industries to New Mexico, the state needs to improve the overall quality of education and the number of STEM graduates. He stated that with support of the LESC, NMSU desires to continue to press forward to take STEM educational outreach and professional development to the next level.

Committee Discussion:

A brief discussion was held regarding the inadequacy of science facilities, especially in rural areas, and the need to focus on those communities with students most in need. A committee member said that he has seen one of the poorest communities in the state (Gadsden) become a model in its delivery of instruction and would like this same success for Gallup-McKinley County Public Schools and Central Consolidated Schools, as well as other districts in the state that are in desperate need.

Dr. Moulton encouraged the committee members to read his report that was included in the notebooks, "STEM Education in America," that shows NMSU's commitment to a program that prepares Native Americans to become leaders. He noted that NMSU is not focusing only on areas for the privileged, but is focusing on rural and border communities as well as under-privileged and lower income students.

Senator Nava announced a campaign that the Gadsden Independent Schools would "kick off" at 1:00 p.m. on this same date. It is called "Don't Opt Out," which refers to the option for parents to "opt" their children out of the diploma of excellence requirement to take Algebra II for graduation. She said the school district is encouraging parents and students not to opt out, promoting the new diploma beginning in the second grade, and emphasized that the key for success is to educate the parents from the outset of their child's education. She said it is her firm belief that schools need a rigorous curriculum, regardless of whether a child is going into the workforce or going into college.

Representative Zanetti requested the Higher Education Department to provide the number of New Mexico college graduates receiving bachelor's, master's, and doctorate degrees in the math and science disciplines.

ADJOURNMENT

There being no further business, and with the consensus of the committee, Representative Stewart adjourned the LESC meeting at 12:01 p.m.

_____ Chairperson

_____ Date