

STATE OF NEW MEXICO
LEGISLATIVE EDUCATION STUDY COMMITTEE

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MINUTES
LESC MEETING
OCTOBER 16-18, 2013

Frances Ramírez-Maestas, Director

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:15 a.m., on Wednesday, October 16, 2013, 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 Rick Miera, Vice Chair, Nora Espinoza, Jimmie C. Hall, Dennis J. Roch, Sheryl M. Williams Stapleton, and Mimi Stewart.

The following advisory members of the LESC were present:

Senators Lee S. Cotter, Daniel A. Ivey-Soto, Linda M. Lopez, John Pinto, and William P. Soules; and Representatives Alonzo Baldonado, Nathan "Nate" Cote, and Christine Trujillo.

The following advisory members of the LESC were not present:

Senators Jacob R. Candelaria and Pat Woods; and Representatives George Dodge, Jr., David M. Gallegos, Stephanie Garcia Richard, Timothy D. Lewis, Tomás E. Salazar, James E. Smith, and Bob Wooley.

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

OBSERVATION AND FEEDBACK: EFFECTIVENESS EVALUATION SYSTEM

The Chair recognized Ms. LaNysha Adams, LESC staff; Mr. Matt Montaña, Director, Educator Quality Division, Public Education Department (PED); and Dr. Linda M. Paul, Director, School Leadership Institute, University of New Mexico, for a discussion relating to the effectiveness evaluation system (EES).

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Also in attendance was Ms. Alia Congdon, PED staff and former fifth grade teacher in the Los Angeles Unified School District.

Due to time constraints, Dr. Paul's testimony was moved to the November LESC meeting.

Ms. Adams reported that in 2011 and 2012, the Legislature considered, but did not pass, legislation that would have implemented a new system for evaluating teachers and principals. Executive action, she noted, indicates that, through executive order in the 2011 interim, the Governor created the New Mexico Effective Teaching Task Force, whose charge was to provide recommendations to the Governor regarding how best to measure the effectiveness of teachers and school leaders based on specific parameters. In April 2012, the Governor issued a press release directing PED to promulgate rule for a new teacher and principal evaluation system. According to the press release, Ms. Adams stated, the development of a framework for a new evaluation system was one of the conditions of the state's *Elementary and Secondary Education Act Flexibility Waiver*, and the new evaluation system would incorporate many of the measures that were part of the 2012 legislation that did not pass.

In July 2012, Ms. Adams stated, PED held a public hearing to solicit public comment on draft provisions of the Teacher and School Leader Effectiveness rule; and in August 2012, a final rule was adopted. Subsequent to this action, she noted, in July 2013, PED held a public hearing to solicit public comment on revised provisions of the rule, and the final version was adopted in September 2013.

Ms. Adams explained that, among its provisions, the current Teacher and School Leader Effectiveness rule:

- requires 25 percent of all public classroom teachers' EES ratings to be based on teaching observations and 25 percent of school leaders' EES ratings to be based on "documented fidelity observations of the school leader"; and
- specifies two types of observers:
 - "approved observer," which means, for school year 2013-2014, an individual who holds a Level 3-B license, is employed by a school district or charter school as an administrator, and has completed PED's teacher observation training; and
 - "certified observer," which means:
 - for school year 2013-2014, a teacher who has a minimum of five years of verifiable, consecutive classroom teaching experience, has completed PED's teacher observation training, and passes PED's assessment of the adopted observation protocol; or
 - for school year 2014-2015 and succeeding school years, an individual who:
 - ✓ holds an active Level 3-B license or an active teaching license;
 - ✓ is employed by a school district or charter school as an administrator or a teacher;
 - ✓ completes PED's teacher observation training and passes PED's assessment of the adopted observation protocol;

- ✓ receives a highly effective or exemplary rating during the previous school year; and
- ✓ completes follow-up training and passes PED's assessment of the adopted observation protocol on an annual basis.

With regard to legislative appropriations for these initiative, Ms. Adams explained that, since 2012 the Legislature has appropriated \$6.4 million in special, nonrecurring appropriations to PED for initiatives related to educator effectiveness, including:

- for FY 13, a \$1.0 million appropriation to PED for implementing a new teacher evaluation system that is based on student achievement growth; and
- for FY 14:
 - \$3.4 million for implementing a new teacher and school leader evaluation system; and
 - \$2.0 million for teacher and school leader stipends for Level 2 and Level 3 teachers and school leaders to move from schools rated "A" or "B" to schools rated "D" or "F" pursuant to the *A-B-C-D-F Schools Rating Act* that serve a high proportion of at-risk students or high-poverty students and to provide stipends to high school teachers of advanced placement classes who increase the proportion of students receiving college credit for advance placement classes.

Referring the committee to the LESC staff report, Ms. Adams highlighted one observation instrument used in the Measures of Effective Teaching Project, which is commonly known as the MET Project. She reported that key findings from the MET Project's final report, *Ensuring Fair and Reliable Measures of Effective Teaching: Culminating Findings from the MET Project's Three-Year Study*, include:

- effective teaching can be measured even though teaching is too complex for any single measure of performance to capture it accurately. Identifying great teachers requires multiple measures;
- more effective teachers not only caused students to perform better on state tests, but they also caused students to score higher on other, more cognitively challenging assessments in math and English;
- balanced weights indicate multiple aspects of effective teaching;
 - a composite with weights between 33 and 50 percent assigned to state test scores demonstrated the best mix of low volatility from year to year and ability to predict student gains on multiple assessments;
 - the composite that best indicated improvement on state tests heavily weighted teachers' prior student achievement gains based on those same tests;
 - composites that assigned 33 to 50 percent of the weight to state tests did nearly as well and were somewhat better at predicting student learning on more cognitively challenging assessments;
 - multiple measures also produce more consistent ratings than student achievement measures alone; and

- estimates of teachers' effectiveness are more stable from year to year when they combine classroom observations, student surveys, and measures of student achievement gains than when they are based solely on student achievement measures;
- adding a second observer increases reliability significantly more than having the same observer score an additional lesson; and
- a balanced approach – incorporating observations with student achievement gains and student feedback – to identify teacher effectiveness had three important advantages because it:
 - increases the ability to predict if a teacher will have positive student outcomes in the future;
 - improves reliability; and
 - provides diagnostic feedback that a teacher can use to improve.

Ms. Adams emphasized that the MET Project cautions that:

- a prediction can be correct on average but still be subject to prediction error;
- anyone using these measures for high-stakes decisions should be cognizant of the possibility of error for individual teachers; and
- they did not randomly assign students or teachers to a different school; therefore, the findings should not be used for gauging differences across schools because the process of student sorting across schools could be different than sorting between classrooms in the same school.

Referring the committee to Attachment 2 of the LESC staff report, *Group A, B, and C Teacher Descriptions and Business Rules*, Ms. Adams noted that, for evaluation purposes, teachers are divided into the following three groups:

- Group A teachers, who teach in tested subjects and the following:
 - grades 3-5;
 - grades 6-8, and 10-11 for Language Arts or Math;
 - grades 6-7, and 9-11 for Science; and
 - Special Education (except teachers of students who are severely or profoundly disabled);
- Group B teachers, who teach in non-tested subjects and the following:
 - grades 3-5 for non-tested subjects;
 - grades 6-8 for Social Studies;
 - grades 8, 9, and 12 for Science; and
 - grades 9 and 12 for Language Arts or Math; and
- Group C teachers, who teach in grades K-2.

For Group A teachers, Ms. Adams reported that PED's business rules state that:

- 35 percent of the Student Achievement Measures will be based on the New Mexico Standards-based Assessment;
- 15 percent of the remaining Student Achievement Measures are for district or charter school choice;
- 25 percent are based on teacher observations using the New Mexico Teacher Evaluation Advisory Council (NMTEACH) rubric; and
- 25 percent are based on multiple measures, of which half of this will be defined by the Professional Development Plan (Domain 1 and Domain 4 of the NMTEACH rubric).

Ms. Adams added that Frequently Asked Questions on PED's website explain that a teacher will always default to Group A, even if an educator teaches classes that fall within groups A and B.

For Group B teachers, Ms. Adams reported that PED's business rules state that:

- 35 percent of the evaluation must be composed of a common achievement measure and may be district developed and PED approved;
 - 15 percent of the remaining Student Achievement Measures are for district or charter choice and must be PED approved;
 - districts or charters may adopt up to 50 percent of a common measure for this portion of the evaluation;
- 25 percent are based on teacher observations using the NMTEACH rubric; and
- 25 percent are based on multiple measures, of which half of this will be defined by the Professional Development Plan.

For Group C teachers, Ms. Adams reported that PED's business rules state that:

- 35 percent of the evaluation must be composed of a common achievement measure and may be district developed and PED approved;
 - 15 percent of the remaining Student Achievement Measures are for district or charter choice and must be PED approved;
 - districts or charters may adopt up to 50 percent of a common measure for this portion of the evaluation;
- 25 percent are based on teacher observations using the NMTEACH rubric; and
- 25 percent are based on multiple measures.

Regarding the topic of teacher feedback and the online evaluation system, Ms. Adams reported that PED's Teacher and School Leader Effectiveness rule requires that written feedback from a school leader or an approved or certified observer must be provided to an observed classroom teacher within 10 calendar days after the observation is completed. Ms. Adams stated that, according to PED's *Why Do Teacher Evaluation?* PowerPoint, PED indicates that:

- informal feedback needs to be provided immediately (e.g., “wows and wonders”);
- both informal and formal written feedback must always include the impact on student achievement; and
- the online system provides an avenue for teachers to access video modules, email, as well as the data collection and reporting system.

Ms. Adams reported that for school leaders, among its provisions, the Teacher and School Leader Effectiveness rule requires that:

- every school leader must have an annual effectiveness evaluation, which must be conducted by a qualified person and approved by PED;
- all EES ratings for the performance of a school leader shall be based:
 - 50 percent on the change in a school’s letter grade that has been assigned pursuant to the Grading of Public Schools rule;
 - 25 percent based on the school’s multiple measures; and
 - 25 percent based upon documented fidelity observations of the school leader; and
- the effectiveness evaluation of school leaders must, whenever possible, include growth based on three years of data for students assigned to the public school, provided that the student achievement growth component of the effectiveness evaluation shall be based on the change in the school’s “A” through “F” letter grade pursuant to the Grading of Public Schools rule.

To conclude, Ms. Adams referred the committee to Attachment 7 of the LESC staff report, *April 27, 2013 NMTEACH PowerPoint*, which outlines the draft business rules that may be used to evaluate school leaders, who are divided into the following three groups:

- Group A principals are defined as all principals and assistant principals (certified administrators);
- Group B principals are defined as all principals and assistant principals (certified administrators) who perform observations but not summative evaluations; and
- Group C administrators are defined as certified administrators who do not observe or evaluate certified teachers.

Mr. Montañó then introduced Ms. Congdon, who commented on a newspaper article from the *Los Angeles Times* indicating that her math teaching was rated as most effective. She reported that the evaluation culture she experienced was positive, with principals, reading coaches, and multiple observers visiting the classroom, providing feedback, and helping to improve her teaching. Ms. Congdon then provided an overview of the NMTEACH section on the PED website and reviewed the evaluation plan, as well as the toolbox section which included teacher rubric domains for:

- planning and preparation;
- creating an environment for learning;
- teaching for learning; and
- professionalism.

Ms. Congdon then briefed the committee on the software tool used for:

- observation and evaluation management;
- professional learning; and
- talent management.

Referring to a PED handout, Mr. Montañó used what he termed the “Oak Tree Analogy” to explain the concept of the value-added model by evaluating the performance of two gardeners. Rather than simply comparing the growth of one oak tree tended by each gardener over a one-year period to determine added value, he noted, additional conditions including rainfall, soil quality, and temperature were factored in to determine the true value added by each gardener. Once these factors were quantified and added to the growth of each gardener’s tree, he stated, the gardener whose tree had the most growth was not the gardener who produced the most added value.

As the PED handout included 102 slides, the Chair requested that this item be included in the November interim committee agenda.

ATLANTA SCHOOLS TESTING SCANDAL AND WHAT IT TELLS US

The Chair recognized Mr. Robert E. Wilson, Attorney, Wilson, Morton & Downs, LLC, to brief the committee on the Atlanta schools testing scandal. In terms of his background, Mr. Wilson explained that he has been an attorney for 40 years and started doing investigative work when he was the District Attorney for DeKalb County, Georgia. Mr. Wilson also stated that he represents a school district with approximately 5,000 students located east of Atlanta and has been familiar with school law for the past 15 years.

Referring to his PowerPoint presentation, Mr. Wilson noted that for the Atlanta Public Schools district high-stakes testing became more of an issue for adults than for children, despite the fact that the tests were not designed to measure the performance of teachers. He also discussed the unintended consequences of basing 50 percent of a teacher’s evaluation on student performance, quoting social scientist Donald Campbell, who stated that “the more any quantitative social indicator is used for social decision-making, the more subject it will be to corruption pressures and the more apt it will be to distort and corrupt the social processes it is intended to monitor.” For Atlanta, this resulted in local officials making decisions based on enhancing the city’s image; thereby creating a culture in which it was “better to look good than to be good.”

Once it became apparent that many student successes did not make sense, Mr. Wilson explained, the *Atlanta Journal-Constitution* started to look into the issue despite efforts from the local Chamber of Commerce to force the newspaper to drop the investigation. Then, when the Governor of Georgia placed investigators within the district, test scores plummeted, he said. Next, according to Mr. Wilson, a blue ribbon commission was formed to investigate the allegations of cheating, and its findings came out in support of Atlanta Public Schools. After butting heads with longtime supporters, the Governor summarily rejected the commission’s findings and appointed Mr. Wilson, a democrat, and Mr. Michael Bowers, a republican and former State Attorney General, to conduct a de facto bipartisan investigation. To avoid any

perception that the report would be tampered with, Mr. Wilson said that, he and Mr. Bowers assured the Governor that when their report was completed, he would be the first to see it.

To develop the report, the attorneys reviewed the tests and then hired an expert statistician and an expert in psychometrics to analyze over 1,000 exams. According to Mr. Wilson, many erasures were found, and he referred to a standard deviations chart which showed that the chances of random occurrence were highly remote. The final report found:

- cheating as far back as 2001;
- cheating in 44 schools;
- 189 educators and 38 principals were involved;
- that in 30 schools, 82 principals and teachers confessed; and
- two to three times more were estimated to be involved.

Noting that children are the losers in the testing scandal, Mr. Wilson testified that Atlanta is still in shock and yet to recover. Alluding to the culture of fear within Atlanta Public Schools, he described how teachers were threatened with losing their job if they refused to cheat and noted that the principal who was the biggest cheater was highly praised for his misdeeds. At first, he said, no one out of hundreds of teachers confessed to cheating, but when agents from the Federal Bureau of Investigation interviewed individuals, many of them confessed, noting their initial refusals were due to threats of retaliation.

He continued his presentation, stating that the *Atlanta Journal-Constitution* looked at approximately 1.6 million records across the country, including New Mexico, and found widespread evidence of cheating. Noting that high-stakes tests have very low security, Mr. Wilson explained that most funds are spent on administering the tests, not protecting them. He also listed several warning signs, including:

- significant increases or decreases in test scores;
- unusual answer patterns;
- high wrong-to-right erasures; and
- reports of suspicious conduct or cheating.

To prevent incidents of cheating in the future, Mr. Wilson suggested some fundamental procedures for school leaders, such as interviewing and consulting with experts. He then noted the lessons learned from the Atlanta scandal, including:

- the importance of making tests be more about children than adults; and
- the practice of teachers and instructional support staff not testing their own students on state mandated standardized tests, if possible.

In addition, he said that school system leaders should:

- surround themselves with people who will speak honestly;
- be willing to listen to what they are told;
- be more involved at the school level – not insular;

- be vigilant in ensuring test protocols are followed; and
- heed warning signs indicating those protocols may have been breached.

Mr. Wilson concluded by stating that, in his opinion, high-stakes testing leads to high-stakes cheating.

Committee Discussion

A committee member commented that she does not think the testing culture in New Mexico is as volatile as the testing culture was in Georgia at a time when states had to comply with the federal *No Child Left Behind Act of 2001* (NCLB). In reply, Mr. Wilson asserted that, over time, high stakes testing can create an environment where “push comes to shove” and livelihoods are put on the line. Another committee member observed that New Mexico has not reached that point, but acknowledged that tensions are rising as stakeholders hear it is likely that teacher evaluations will be tied to salaries, which may eventually create a culture of fear.

Another committee member observed that, although problems exist with the proposed evaluation system, they need to be worked out because the current teacher evaluation system is ineffective and has to be changed.

When asked about the impact of high-stakes testing in other states, Mr. Wilson alluded to a lack of concern for local control and a serious nationwide disconnect, where 75 percent of parents are satisfied with education, yet 75 percent of lawmakers say that schools are failing. Without public education, he said, most Americans would be deprived of a great opportunity to improve their lives.

In response to a committee member who asked for advice on what New Mexico should do, Mr. Wilson commented that he knew more about what the state should not do, but suggested that teachers should learn how to teach, and school leaders should observe and coach them.

Regarding the connection between NCLB and Race to the Top (RttT), a committee member observed that politicians lack the courage to admit that public education cannot reach 100 percent student proficiency in reading and math. Mr. Wilson then explained that the most secure nationwide test, the National Assessment of Educational Progress, indicates that American students have been improving their scores for years and narrowing the achievement gap, but this is not reported.

Referring to a study indicating that New Mexico education is under-funded by 15 percent, a committee member observed that competing for small pots of money offered by the RttT competition does not solve the problem. In addition, she expressed concerns about limited school time, noting that teachers need time to promote healthy relationships with their students.

Regarding the research on teacher evaluation, a committee member asked Mr. Wilson to discuss how student performance is measured in comparison to a norm. In reply, Mr. Wilson said that Georgia used a state norm for student performance to evaluate teachers, and he assumed that later on the evaluation will use a national norm. He also noted cases where bad teachers received good evaluations due to higher performing students that had better parental resources and support, which shows that *who* you teach makes a difference.

When a committee member asked why respected researchers are being ignored when they say it is wrong to evaluate teachers using a test that is not designed for such a purpose, Mr. Wilson said that the reasons are complicated and political. He added that some people do not buy into research, and acknowledged that NCLB and RttT had no research.

The Chair emphasized the importance of not politicizing testing and evaluation. He also discussed the need to glean the value of what happened in Atlanta and asked whether trigger points are needed in our system to prevent a scandal. In response, a committee member explained that the schools do have a review function that serves as a trigger and then expressed appreciation for Mr. Wilson's comment that there could be a use for standardized tests to account for issues faced by students coming in the door.

EVALUATION PILOTS UPDATE

The Chair recognized Ms. LaNysha Adams, LESC staff; from the South Valley Academy (SVA): Ms. Katarina Sandoval, Principal and Co-founder and Ms. Julie Radoslovich, High School Head Teacher; and from Deming Public Schools: Ms. Nancy Patterson, Assistant Superintendent of Human Resources, Ms. Teri Trejo, Director of Accountability and Assessment, and Mr. Bryan Marshall, Dean of Instruction, for a discussion of the teacher and principal evaluation pilot.

Ms. Adams explained that, during the 2012 interim, the LESC received a report from the Public Education Department (PED) indicating that 68 schools, four of which were charters, volunteered to participate in the project during school year 2012-2013. She noted that, in the current interim, superintendents have expressed support as well as concern for the teacher and principal evaluation system, particularly with regard to the timeline for implementation. Referring to an attachment in her staff report, she stated that the superintendent of one of the districts that had participated in the pilot stated that "we are moving forward too fast with all components and my feeling that we should implement this process in two phases: protocols on the observation system this year and the online system with full implementation next school year."

In a review of evaluation ratings, Ms. Adams stated that for:

- kindergarten teachers with no prior experience, ratings will be based on 75 percent observations according to Domain 2 and Domain 3 of the New Mexico Teacher Evaluation Advisory Council (NMTEACH) Observation Protocol and 25 percent multiple measures;
- all other grades with first-year teachers, ratings will be based on 50 percent observations according to Domain 2 and Domain 3 of the NMTEACH Observation Protocol and 50 percent multiple measures;
- all other grades with second-year teachers, ratings will be based on 25 percent student achievement, 50 percent observations according to Domain 2 and Domain 3 of the NMTEACH Observation Protocol, and 25 percent multiple measures; and
- all other grades with third-year teachers, ratings will be based on 50 percent student achievement, 25 percent observations according to Domain 2 and Domain 3 of the NMTEACH Observation Protocol, and 25 percent multiple measures.

Ms. Adams explained that according to the Frequently Asked Questions listed on the PED website relating to end-of-course (EoC) assessments:

- starting in 2014, passing the EoC exams will be the primary way in which students can demonstrate competency in social studies and writing, which are not assessed on the New Mexico Standards-based Assessment or the High School Graduation Assessment;
- the EoCs may be used by classroom teachers either to replace their final exams or in addition to their final exams;
- students may demonstrate competency by passing the EoC exam, even if they fail a course;
- all students will need to take the social studies and the English III/Writing EoC exams;
- the EoC exams should be administered during a set testing window during the last two weeks of the fall and spring semesters;
- districts may develop their own EoC exams and submit them to PED for approval;
- neither teachers nor school staff other than the district test coordinators and charter school test coordinators are permitted to review the EoC exams prior to their administration; and
- in the summer of 2012, PED worked with committees of teachers to create six EoC exams in:
 - Algebra II;
 - Biology;
 - Chemistry;
 - Integrated Math III;
 - English III; and
 - US History.

She added that the PED website also indicates that the department is currently developing 30 EoC exams and stated that Attachment 2 of the staff report outlined student results for all EoC exams administered during school year 2012-2013.

Ms. Sandoval then reported that the SVA has been a district-authorized charter school since 2000. Currently, she noted, the SVA student population consists of 95 percent Hispanic students, 93 percent qualify for free or reduced-price meals and over 80 percent speak Spanish as their first language. Among other statistics, she stated that:

- PED ranked the SVA as one of the top 10 percent of schools in the state for growth among students with learning disabilities and economic disadvantages;
- in 2012, the *US News and World Report* ranked SVA the third best high school in the state; and
- in 2013, *US News and World Report* ranked SVA the second best high school in the state.

Ms. Sandoval explained that the motive for the SVA to be part of the pilot was to help the school get better results and to contribute the school's culture of improvement. She stated that the yearlong pilot allowed time for staff to review the rubric, the meaning behind each of the four domains, and understand how it would improve teacher practice.

Next, referring the committee to a handout, Ms. Radoslovich explained that she wrote an op-ed article to urge PED to consider a more conservative timeline for administrators to truly learn how the evaluation system works after understanding the pilot results. She emphasized that the tool was only valuable if school leaders receive proper training and support.

Ms. Radoslovich also explained that she spent an average of three hours conducting each teacher's observation, which comprised a meeting with the teacher before the observation, review of the teacher's lesson, one hour of lesson observation, one hour to align the score, and 40 minutes for follow-up review of observation results and a discussion with teacher.

Ms. Radoslovich stated that the SVA was originally excited about the design of their custom evaluation plan, which included locally designed student achievement and multiple measures. She explained that the SVA proposed that the action-research project would account for 25 percent of teachers' evaluations and emphasized that, through these projects, teachers have implemented strategies which have been proven to be effective in closing the achievement gap at the SVA. Ms. Radoslovich stated that, even though teachers have received national recognition for their projects, PED rejected this component of the SVA custom plan for teacher evaluations with no explanation. She noted that in April 2013, Dr. Linda Darling Hammond featured the SVA work in her new book *Getting Teacher Evaluation Right*, and that the Kappa Magazine will publish the SVA's work in an upcoming issue this academic year.

Ms. Radoslovich further explained that the action-research projects are a valid measure of teacher effectiveness and an indicator of the SVA teachers' growth due to their high student achievement and high teacher retention. To conclude, she expressed frustration when she learned that PED replaced action-research efforts with EoC exams and teacher attendance.

Finally, Ms. Patterson reported that, while two schools from Deming Public Schools (DPS), Bell Elementary School and Red Mountain Middle School, participated in the pilot, the district decided to train administrators and teachers throughout the district to ensure that they were aware of the new evaluation process. She reported that PED training scheduled to occur in July did not take place, but that DPS continued to implement the teacher and principal evaluation system. After the pilot, she emphasized, no data was given to schools nor districts about student achievement or multiple measures.

Mr. Marshall reported that Bell Elementary encountered a unique problem because the instructional audit walkthrough form did not align with the NMTEACH walkthrough form. He commented that the pilot provided DPS with time to understand each domain and that it would have been nice to have Teachscape rolled out slowly to fully understand each component. Mr. Marshall indicated that it would take an additional year to learn the new components of the evaluation system because it took one year to learn the evaluation rubric during the pilot.

To conclude, Ms. Patterson stated that many principals are frustrated about the lack of clarity regarding how they will be evaluated. She emphasized that DPS has not had any training on how the principal evaluation will be implemented. Ms. Patterson commented that she understands much of the rush in implementing the teacher and principal evaluation system is coming from federal requirements, but stated that this has been the hardest year to fill positions as several teachers have left and many do not want to teach.

Committee Discussion

A committee member asked the SVA about their EoC exams and if they submitted them for PED approval for the purposes of teacher evaluation. Ms. Sandoval explained that last spring districts and charters were told by PED that EoC exams could be used as an alternative demonstration of competency if students failed the New Mexico Standards-based Assessment.

A committee member asked if the EoC exams were based on standards that were supposed to be taught. Ms. Sandoval replied that all exams have standards incorporated into them based on the skills that are measured, but the way students demonstrate mastery differs depending on the test.

A committee member asked for clarification from the SVA on why they would prefer only New Mexico Standards-based Assessment scores to be incorporated into their evaluation system. Ms. Sandoval stated that instead of EoC exams, locally determined measures should be incorporated into teachers' evaluations.

A committee member asked if the SVA received a response from PED as to why their custom plan for locally determined measures was rejected. Ms. Sandoval stated that she asked PED for a written response addressing why their custom plan was not approved, but PED did not provide a response.

CUSTOM EVALUATION PLANS

The Chair recognized Ms. LaNysha Adams, LESC staff; Dr. Cindy Sims, Director of Personnel and Staff Accountability, Moriarty-Edgewood Schools; and from Santa Fe Public Schools (SFPS): Dr. Joel D. Boyd, Superintendent, Dr. Almudena (Almi) Abeyta, Chief Academic Officer, and Dr. Richard Bowman, Chief Accountability and Strategy Officer, for a discussion relating to custom evaluation plans.

Ms. Adams reported that the LESC staff report included an overview of:

- school district requirements for submitting custom plans to the Public Education Department (PED);
- PED-approved alternative options for multiple measures and student achievement;
- how the nine teacher competencies relate to the four domains of the New Mexico Teacher Evaluation Advisory Council (NMTEACH) Observation Protocol; and
- three examples of PED-approved custom plans.

Ms. Adams explained that districts were given two evaluation options to: (1) fully adopt the state default plan; or (2) develop custom plans and seek PED approval. Regardless of the option the school district selected, she stated, plans for teacher evaluation had to be divided into three groups according to PED's Business Rules. Referring the committee to Attachment 1, of the LESC staff report, *Alternative Measures of Student Achievement*, Ms. Adams explained that the Teacher and School Leader Effectiveness rule allows customized plans to "encourage districts to stay focused on their particular goals."

Ms. Adams emphasized that an essential component of both the state default plan and districts' custom plans for teacher evaluation was the NMTEACH Observation Protocol. She explained that, for all teachers following the state default plan or a custom plan, across the three groups as specified in PED's Business Rules, 25 percent of teachers' evaluations are based on Domain 2 (Creating an Environment for Learning) and Domain 3 (Instruction) of the NMTEACH Observation Protocol.

Referring to Attachment 2, *List of PED-approved Teacher Evaluation Plans*, which showed all of the school districts and charter schools' plans approved by PED, Ms. Adams reported that:

- of the 87 traditional public school districts with plans posted on the NMTEACH section of PED's website:
 - 18 are following the state default plan; and
 - 69 have PED-approved custom plans for teacher evaluation;
- of the 49 state-authorized charter schools with plans posted on the NMTEACH section of PED's website:
 - 18 are following the state default plan; and
 - 31 have PED-approved custom plans for teacher evaluation; and
- of the 39 district-authorized charter schools with plans posted on the NMTEACH section of PED's website:
 - 13 are following the state default plan; and
 - 26 have PED-approved custom plans for teacher evaluation.

Ms. Adams explained that prior to 2012, when the Teacher and School Leader Effectiveness rule was first codified by PED, the Performance Evaluation System Requirements for Teachers rule primarily governed the requirements for a highly objective statewide standard of evaluation for teachers from early childhood through grade 12. Among its provisions, she explained, the Performance Evaluation System Requirements for Teachers rule:

- identified the specific evaluation/supervision standards and indicators and requirements for a competency-based evaluation system for teachers; and
- required that:
 - all teachers of the core academic subjects be highly qualified, as defined in the rule;
 - the school district must ensure, through proper annual teaching assignment and through annual professional development plans (PDPs) and evaluations, that all teachers assigned to teach in core academic subjects be highly qualified;
 - every public school teacher must have an annual performance evaluation based on an annual PDP that meets the requirements of the state's high objective uniform standard of evaluation as provided in 6.69.4.10 NMAC; and
 - the format for this evaluation shall be established by PED and must be uniform throughout the state in all public school districts.

Other provisions in the rule, Ms. Adams stated, detail the nine teacher competencies associated with each licensure level. She noted that the nine teacher competencies and the associated Professional Development Dossier strands vary for each level of licensure. Additionally, she explained, under the Performance Evaluation System Requirements for Teachers rule, evaluation of teachers was based on whether a teacher meets the nine competencies for a given licensure level.

According to PED, Ms. Adams stated:

- every aspect of the nine teacher competencies can be found in the four domains in the NMTEACH Observation Protocol; and
- each effectiveness rating aligns with the *School Personnel Act* because teachers who receive effectiveness evaluation system (EES) ratings of exemplary, highly effective, or effective will meet competency and teachers who receive minimally effective or ineffective EES ratings will not meet competency.

Referring the committee to her staff report, Ms. Adams reported that the New Mexico Virtual Academy (NMVA), a district-authorized charter school in Farmington that provides a virtual (online) curriculum for grades 6-12 statewide, has been approved for a custom plan of teacher evaluation by PED. She then reviewed the NMVA written response regarding their evaluation of teachers stating that: “in addition to the NM nine teacher competencies and indicators, teachers will also be evaluated based on six domains specific to teaching at the NMVA, namely, planning and preparations, communications, instruction and achievement, virtual environment, professional responsibilities, and retention.”

Dr. Sims described how the “Training Teachers” portion of the NMTEACH section of PED’s website contains links that do not work, which creates confusion and frustration throughout the district. She reported that during training from PED, there were three types of observations: scheduled observations, un-scheduled observations, and walkthroughs; however, according to another online training on September 25, there are only two types of observation (scheduled observations and walkthroughs). She emphasized that districts needed accurate, clear communication to do the new evaluation system correctly in order to make implementation successful.

Dr. Sims concluded her presentation by stating that Moriarty-Edgewood Schools was committed to implementing the new evaluation system with fidelity, focusing on improving instruction and student learning, but that this would be difficult given the current problems in the Teachscape software and without additional time and improved communication from PED.

Dr. Boyd reported that the SFPS framework was developed prior to the current PED rule. He emphasized that the creation of the new SFPS evaluation system was focused on an aligned accountability system where objective, not subjective, measures would account for a teacher’s evaluation. He concluded by stating that creating a clear, objective, fair, and aligned system was important for SFPS.

Dr. Bowman explained that the SFPS custom plan is different from the state plan because, instead of three groups of teachers, the district simplified teacher groups into teachers who teach tested and non-tested subjects. He indicated that the plan was approved for both groups of

teachers, primarily because SFPS included achievement growth measures. He noted that all teachers must develop achievement growth measures regardless of the subject they teach and that achievement growth measures are rated on a set of quality criteria for each measure that are included in the administrator's evaluation.

Committee Discussion

A committee member asked about districts' understanding of consequences for teachers receiving minimally effective or ineffective ratings in the teacher evaluation system. Dr. Sims replied that it was her understanding that these ratings would require teachers to be placed on improvement plans or professional growth plans and monitored for improvement.

A committee member stated that, under the old system, there was no set time on a personal improvement or growth plan whereas in the new rule it requires at least 90 days. Dr. Sims added that adequate time in which to demonstrate growth and mentoring has to be provided to help teachers improve.

TEACHER FEEDBACK

The Chair recognized the following teachers who expressed no objection to teacher evaluation, but requested that the LESC consider endorsement of measures that provide an additional year before its implementation to expand the short timeline currently in place:

- Ms. Michele Lockhart-Henry, English Teacher, Rio Grande High School, Albuquerque Public Schools (APS);
- Ms. Heather Sanchez, Music Teacher, Rio Grande High School, APS;
- Mr. Ismael Renteria, Chemistry Teacher, West Mesa High School, APS;
- Ms. Andrea Determan, Grade 4 Teacher, Barranca Mesa Elementary School, Los Alamos Public Schools;
- Ms. Betty Patterson, President, National Education Association of New Mexico, Jornada Elementary School, Las Cruces Public Schools;
- Ms. Mary McGowan, Resource Teacher, Ann Parish Elementary School, Los Lunas Public Schools; and
- Ms. Bernice Garcia-Baca, Counselor, Aspen Community School, Santa Fe Public Schools.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized the following individuals for community input:

- Ms. Alicia Duran, Volcano Vista High School, Albuquerque Public Schools, who asked the committee to consider working with the Public Education Department to provide accurate information to schools regarding the teacher and principal evaluation system;

- Ms. Kathy Sandoval, Albuquerque Institute for Mathematics and Science, who discussed the importance of accurate information in regards to the teacher and principal evaluation software program; and
- Ms. Leila Pochop, special education teacher, who emphasized her concern related to frequent standardized testing of students.

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 5:31 p.m.

**MINUTES
LESC MEETING
OCTOBER 17, 2013**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:25 a.m., on Thursday, October 17, 2013, 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 Rick Miera, Vice Chair, Nora Espinoza, Jimmie C. Hall, Dennis J. Roch, Sheryl M. Williams Stapleton, and Mimi Stewart.

The following advisory members of the LESC were present:

Senators Jacob R. Candelaria, Lee S. Cotter, Linda M. Lopez, John Pinto, and William P. Soules; and Representatives Alonzo Baldonado, Nathan “Nate” Cote, Stephanie Garcia Richard, Christine Trujillo, and Bob Wooley.

The following advisory members of the LESC were not present:

Senators Daniel A. Ivey-Soto and Pat Woods; and Representatives George Dodge, Jr., David M. Gallegos, Timothy D. Lewis, Tomás E. Salazar, and James E. Smith.

SCHOOL-BASED HEALTH CENTERS

The Chair recognized Mr. David Craig, LESC staff; Mr. Adrian Carver, Advocacy Committee Chair, New Mexico Alliance for School-Based Health Care (NMASBHC); Ms. Paula LeSueur, President, NMASBHC; and Dr. Winona Stoltzfus, Health Systems Bureau Medical Director and School Health Officer, Public Health Division, Department of Health, for a discussion relating to school-based health centers statewide.

Referencing an LESC staff developed fact sheet, Mr. Craig stated that, according to NMASBHC, a school-based health center (SBHC):

- brings the healthcare provider's office into the school – where the kids are;
- allows nearly 50,000 students to have access to services through New Mexico's SBHCs, which provide critically needed physical, behavioral, and oral health services;
- has a positive effect on students' health-risk behaviors, health outcomes, and academic performance;
- improves school attendance; and
- reduces student discipline referrals, the need for parents to miss work to take their children to a doctor, and overall healthcare costs.

In his testimony, Mr. Carver reported that:

- there are about 80 SBHCs in New Mexico;
- SBHCs are located in all but three counties;
- many SBHCs are on the campuses of middle and high schools but some are in elementary schools or serve whole school districts;
- SBHCs offer primary, behavioral, and oral health care, as well as prevention, education, and "youth center" services;
- there is evidence of student satisfaction and strong parental support for SBHCs; and
- SBHCs complement, and do not duplicate, services being provided elsewhere.

He emphasized that SBHCs positively impact student achievement by:

- offering convenient access to care;
- increasing prevention or early intervention of health issues;
- reducing barriers to learning; and
- improving attendance and "seat time."

Since 2009, Mr. Carver reported, the program has experienced budget reductions in both physical and behavior health service delivery hours. As an example, he noted that in FY 09 these centers delivered approximately 800 hours/week of physical and behavioral health services, while in FY 13 it is estimated that only 650 hours of services/week have been delivered. Also in FY 09, Mr. Carver emphasized, students made 60,187 SBHC visits, while in FY 12 only 42,900 visits were documented.

To conclude, Mr. Carver stated that NMASBHC is requesting the Legislature to consider the restoration of \$1.0 million to the Department of Health budget.

Committee Discussion

In response to questions about certain medication prescriptions that may be provided with or without parental consent, including psychotropic medication, Dr. Stoltzfus stated that state statute provides for children age 14 and over to obtain such medications on their own.

Ms. LeSueur referenced a disclosure form that parents are provided when these children receive services for the first time in a SBHC.

In response to a question related to expanded Medicaid services, Mr. Carver indicated that he would provide the committee with information on how much SBHCs are projected to receive with Medicaid expansion.

BRAIN DEVELOPMENT

The Chair recognized Ms. Candy Meza, LESC intern; Mr. David Beal, Program Director, International Brain Education Association (IBREA); and Ms. Lois Vermilya, Executive Director, Family Development Program, University of New Mexico (UNM), for a report on brain development, specifically a presentation focused on how we learn and what may need to be considered in developing state policy.

As background information, Ms. Meza provided the committee with a brief overview of her staff report relating to the oral presentations from IBREA and the UNM Family Development Program: Mind in the Making: New Mexico. She reviewed the physical brain exercises used by IBREA and highlighted related initiatives, including the five essential steps used by IBREA when teaching brain education. With regard to the Family Development Program at UNM, Ms. Meza reported that the program was the first of six national pilot sites to launch Mind in the Making as a major early childhood initiative for New Mexico.

Mr. Beal directed the committee to two videos focused on providing an overview of brain education in public schools. The first video highlighted the pilot brain education program in the Zuni Middle School. The video, he noted, highlights the efforts made by Zuni Public Schools to redesign and restructure the way material is being taught and the contribution of brain education to a student's overall education. The second video, he emphasized, provides testimony from principals and administrative staff from schools in New York who have adopted a brain education program and highlight the effects it has had on classroom management, education improvements, and overall human development.

With specific reference to brain education program delivery in the United States and abroad, Mr. Beal reported that more than 300 schools in the United States have adopted a brain education program, which has benefitted more than 10,000 teachers and 30,000 students. He stated that IBREA is currently supporting 144 schools in El Salvador as a nationally endorsed program, and that the Ministry of Education in El Salvador has decided to expand the program to 180 schools in the second half of 2013.

Mr. Beal then led the committee in a few brain education exercises that focus on the five essential steps in brain education aimed to increase brain potential and overall well-being. They include:

- Step 1: Sensitizing
 - awaken the brain-body senses;
 - stimulate blood circulation to improve the body's overall physiological functioning; and
 - enhance awareness of the brain and its function.

- Step 2: Versatility
 - focus on flexibility to free the person from fixed habits or patterns; and
 - open the brain to new information, making it more adaptable to new experiences and situations.
- Step 3: Refreshing
 - train to release negative emotional memories and habits; and
 - clear away emotional residue of earlier (perhaps traumatic) experiences and release the associated energy toward new perspectives and attitudes.
- Step 4: Integrating
 - integrate the different functional areas of the brain to release latent capabilities; and
 - improve communication and cooperative interaction between the brain's right and left hemispheres.
- Step 5: Mastering
 - help achieve greater mastery (executive control) over the brain;
 - develop brain muscles for making free decisions and carrying them out – strengthening the power of choice and volition; and
 - create total authorship of one's life.

To conclude, Mr. Beal proposed a three-school pilot project in New Mexico, where teachers will receive training in teaching brain education to their students.

Referring to a PowerPoint presentation in the committee notebooks, Ms. Vermilya described seven executive functions for the prefrontal cortex of the brain necessary in managing attention, emotion, and behavior, including:

- focus and self-control, which involves paying attention, remembering the rules, thinking flexibly, and exercising self-control; this helps children achieve their goals and manage distractions;
- perspective taking, which enables children to understand that other people have different likes, dislikes, thoughts, and feelings; involves figuring out what others think and feel, and forms the basis of children's understanding of the intentions of their parents and teachers;
- communicating, which uses speaking, reading, writing, language development requirements, and rich conversations with children where they constantly hear many words; it requires helping children determine what they want to communicate and understand how their communications will be understood by others;
- making connections by helping students figure out what is the same and what is different, sorting things into categories, discovering patterns, exploring confounding information, and making unusual connections;

- critical thinking, which promotes curiosity and experimentation, determining valid and reliable knowledge, creating and testing theories, disentangling cause and effect, learning from experience, and learning from others;
- taking on challenges, which provides children the ability to manage stress instead of avoiding or simply coping with challenges, which will help students do better in school and in life; and
- self-directed engaged learning, which helps lifelong learners to change as the world changes in order to reach their full potential.

Ms. Vermilya provided members with an overview of statewide parent and teacher training skills. She stated that the executive function skills are foundational tools for lifelong learning and academic success. To conclude, Ms. Vermilya emphasized the need to support early brain development because a significant portion of brain growth occurs before a child reaches five years of age.

Committee Discussion

In response to a committee member's question regarding cost and implementation of brain education pilot programs in the three schools in New Mexico, Mr. Beal directed committee members to the brain education program proposal handout in their notebooks. He stated that a program for schools consists of a series of 15 weekly lessons lasting 45 to 60 minutes, along with daily routines. Mr. Beal also noted that the total cost may vary according to the size of the participating school.

A committee member asked about the balanced approach to learning from the executive functions, to which Ms. Vermilya replied that the prefrontal cortex is the part of the brain that can compensate for using the left and right side of the brain.

EARLY CHILDHOOD EDUCATION

The Chair recognized Mr. Kevin Force, LESC staff, for testimony regarding implementation of the *Early Childhood Care and Education Act* (Laws 2011, Chapter 123). Mr. Force offered a brief review of the history and provisions of the act, including:

- a review of seven core principles, arising out of collaborative efforts of the New Mexico Business Roundtable (NMBR) and the New Mexico Early Childhood Development Partnership, which essentially became the policy bases of the act:
 1. early childhood learning and development;
 2. standards that are aligned with the state's K-12 academic standards;
 3. teachers and providers who possess the necessary skills, knowledge, and attitude to help young children prepare to be successful in school;
 4. supporting parents as children's first teachers, and providing high-quality educational options to parents;
 5. embracing accountability for measurable results;

6. building crosscutting partnerships to govern, finance, sustain, and improve early childhood education; and
 7. evaluation and return on investment, as accomplished through proper allocation of resources to programs that are shown to lead to positive child outcomes;
- the establishment of the Early Learning Advisory Council (ELAC) and its designation as the state's official council for the Head Start program, as required by federal law;
 - the membership of the council, composed of three *ex officio* members, three members appointed from, and by, the NMBR Board of Directors, and nine other members, from various other stakeholder groups, appointed for staggered terms by the Governor;
 - the creation of the Early Childhood Care and Education Fund, a non-reverting fund administered by the Children, Youth and Families Department (CYFD); and
 - requirements that ELAC make recommendations to the Legislature and CYFD on the best manner of leveraging available program funds, as well as general recommendations regarding the coordination and alignment of an early childhood care and education system in New Mexico, particularly regarding such factors as:
 - the consolidation and coordination of funding streams;
 - seamless transition of a child's progression from prenatal to early childhood programs, and thence to kindergarten;
 - the parents' decisive role in the planning, operation, and evaluation of programs that aid families in the care and education of children;
 - the development and management of effective data collection systems;
 - the diversity and cultural heritage of families and communities;
 - professional development for providers; and
 - the establishment of an effective administrative framework.

After concluding these introductory remarks, Mr. Force then introduced to the committee Mr. Larry Langley, CEO of NMBR and Chair of ELAC, for a more focused discussion of the council's efforts to successfully implement the provisions of the act. Mr. Langley then reviewed, for the committee's understanding, several aspects of the council's operations and focus:

- the background and initial findings of the council, including:
 - the purpose of the act, which is to establish a comprehensive early childhood care and education system through an aligned continuum of state and private programs; and
 - elements of a successful early childhood care and education system:
 - developmental, cultural, and linguistic appropriateness, including the implementation of program models, standards, and curriculum, based on research and best practices;
 - a system with data-driven methodology and foundation, including the identification and prioritization of communities most at risk but still universally available to all those who wish to participate;
 - accountability, via developmentally appropriate methods of measuring, reporting, and tracking a child's growth and development, as well as by the improvement of the system's programs;

- accessibility, especially for those children most at risk for failure in school;
 - establishment and coordination of a system of the highest possible quality, through the utilization of qualified practitioners who have completed specialized training in early childhood growth, development, and learning that is specific to the practitioner’s role in and the maintenance of quality rating methods for the programs throughout the system;
 - full alignment within each community to ensure the most efficient and effective use of resources by the combination of funding sources and support of seamless transitions both for children within the system, and for those transitioning into kindergarten;
 - a focus on family within the context of the system by recognizing that parents are the first and most important teachers of their children and then providing the support necessary for parents to assume this role in their children’s development; and
 - partnership between the state and private individuals or institutions with an interest or expertise in early childhood care and education;
- the council’s mission statement: “To create a quality, sustainable, and seamless Early Care and Learning System, responsive to each child, from birth to age 5, and their family across New Mexico, by building partnerships, integrating systems, and making strategic, research-based and data-driven recommendations to policy makers and stakeholders”;
 - the council’s vision statement: “To be the collective voice to move forward the Early Care and Learning System in New Mexico”;
 - the council’s three long-term priorities:
 1. accessibility to high-quality early childhood programs, including:
 - children with disabilities, particularly children with significant or multiple disabilities;
 - full participation of children from diverse linguistic and cultural backgrounds, including their family composition;
 - support for children with challenging behaviors; and
 - addressing the needs of New Mexico’s “Early Childhood Investment Zones”;¹
 2. improve school readiness (now and at third grade). According to federal Head Start regulations, “school readiness” means that children are ready for school, families are ready to support their children’s education, and schools are ready for children. Head Start sees “school readiness” as children possessing the skills, knowledge, and attitude necessary for success in school and later in life. Specifically, a system that improves readiness for success in kindergarten and that appropriately reflects the ages of children from birth to five years should include the expectations of children’s progress across domains of:
 - language and literacy development;
 - cognition and general knowledge;

¹ For a more detailed explanation of the nature and purpose of “Early Childhood Investment Zones,” please see the discussion on Race to the Top – Early Learning Challenge grant, below.

- approaches to learning;
 - physical health and well-being, and motor development; and
 - social and emotional development; and
3. high-quality early childhood workforce; the council determined that an effective and well-qualified workforce for the New Mexico early childhood care and education system requires educators with appropriate training and credentials. This workforce would need a range of competencies to support children’s success in school. Ensuring access to higher education and implementing an integrated system of professional development are key to the preparation, support, and retention of highly qualified early care and learning staff; and
- strategies and best practices to address the council’s three priorities, such as:
 - for Priority 1:
 - estimation of full costs of statewide implementation of all programs;
 - review of other states’ strategies for funding early childhood care and learning;
 - expansion of programs into new investment zones;
 - raising the percentage of the poverty level at which subsidies may be awarded; and
 - the expansion of Pre-K to age 3 to promote service in rural areas;
 - for Priority 2:
 - teacher competency;
 - family engagement, mother’s level of education, and home visits;
 - New Mexico Pre-K;
 - K-3 Plus;
 - alignment of standards, curriculum, and professional development; and
 - promoting transition between early learning and the public school system; and
 - for Priority 3:
 - identification of common denominators;
 - obtaining feedback from practitioners, especially at the grass-roots level;
 - determination of common training and collaboration; and
 - the review of pertinent work from other states and accessible data.

Mr. Langley then introduced to the committee ELAC’s own committee chairs, who gave a brief explanation of the efforts undertaken by their committee to advance the implementation of the act:

- Ms. Jo-Lou Ottino, Chair of the Access to Quality/Early Childhood Programs Committee, who indicated that her committee is working to expand services, particularly high-quality child-care, into all identified investment zones. Ms. Ottino noted that her committee is working with Dr. Peter Winograd and the Center for Education Policy Research, and that

Race to the Top funds are available to help increase program infrastructure for these endeavors.

- Ms. Rebecca Dow, Chair of the School Readiness Committee, who informed the LESC that there are several main aspects to the work that the School Readiness Committee contemplates regarding entry into school at, or above, age level, possessed of the attributes necessary to succeed in school, such as:
 - partnering with the Public Education Department (PED) to identify ready schools;
 - alignment of home development and curricula with the appropriate state standards; and
 - transitioning into a standardized educational system.
- Ms. Elaine Gard, Chair of the Workforce Development Committee, who informed the LESC that the development of a highly qualified workforce is the lynchpin goal of her committee through identification of specific competencies and work with the Early Childhood Higher Education Task Force. The Workforce Development Committee has noted that early childhood educator pay levels are not commensurate with the work that they do, and that help is needed to supplement their incomes, to help encourage highly qualified educators and caregivers to enter and remain in this field of work.
- Ms. Erica Stubbs, Chair of the Finance Committee, who indicated that her committee focuses on collaboration among all potential funding sources to create multiple pathways for families in need of services. The committee will also work toward expanding current operations and improving services.
- Ms. Barbara Tedrow, Chair of the Public Policy Committee, noted ELAC interest in all seven systems of early childhood development in New Mexico (home visitation, early intervention, family support, child-care, early childhood special education, early childhood education/Head Start, and PreK) and indicated that ELAC would be ready to help with the analysis of potential legislation and related bills, with a particular focus on the potential of unintended consequences.

Mr. Langley then closed his presentation by noting that the provisions that created the council sunset in 2017, but he hopes to accomplish its goals by 2015 or 2016 and will be making regular reports and recommendations based upon their work.

Committee discussion of this section of the early childhood presentation focused on workforce development. One member noted that, salaries being a major issue, “you get what you pay for” and that, at \$7.00 or \$8.00 an hour, finding high-quality early childhood caregivers and educators was problematic. In response to a specific query about funding sources, Mr. Langley noted that ELAC is open to, and will examine, all potential sources of funding.

Mr. Force then reviewed the recent history of the Race to the Top – Early Learning Challenge (RttT – ELC) grant, the purpose of which is to improve the quality of early learning and development programs and services and close the achievement gap for children with high needs. The grant application was a joint effort by PED, CYFD, and the Department of Health (DOH), with PED taking administrative lead, although CYFD receives the majority of the funds and

manages the majority of the programs. While New Mexico did not receive any funds in Phase I of the program, the state was awarded \$25.0 million, to be paid out over four years, in Phase II, with an additional \$12.5 million being allocated in July of 2013; that \$12.5 million, however, is to be dedicated to the Tiered Quality Rating and Improvement System (TQRIS), explained in greater detail below.

Funds supporting New Mexico's Race to the Top program go to help students from birth through third grade by targeting several projects, including:

- expanding the current TQRIS through implementation of New Mexico's curriculum planning process, based on the state early learning guidelines for birth through kindergarten, by establishing common standards for all pertinent, publicly-funded programs and using a common assessment system as the basis for quality improvement;
- focusing on early childhood investment zones, which are those areas where children are at greatest risk, based on socio-ecological risk factors, where families have limited access to quality early childhood services, but where the communities have the greatest will and capacity for creating quality early learning programs;
- expanding professional development opportunities through increasing the number of available New Mexico Teacher Evaluation Advisory Council (NMTEACH) scholarships, developing Masters-level courses for early childhood studies, and implementation of a comprehensive institute for early childhood education faculty to ensure research is a part of appropriate degree curricula;
- developing a cross-agency early childhood data system through the assignment of a unique identifier to each child as they enter the system, the creation of a data-warehouse, and the expansion of the ability to analyze and map that data for better policy planning; and
- developing a universal kindergarten assessments tool and process.

The committee was then introduced to the agency representatives for the administration of the RttT – ELC grant:

- Mr. Dan Haggard, Deputy Director for Program, Early Childhood Services Division, CYFD;
- Mr. Andrew Gomm, Program Manager, Family Infant Toddler Program, Developmental Disabilities Supports Division, DOH; and
- Ms. Melinda Webster, Literacy Program Director, PED.

The Chair recognized Mr. Haggard who made note of the three key elements of the RttT – ELC grant proposal:

1. a focus on at-risk children, which offers the highest public return on investment;
2. long-term commitment to early childhood development; and
3. a market-oriented approach that rewards successful outcomes in order to encourage high-quality, innovative practices.

The Chair then recognized Mr. Gomm, who emphasized the importance of tracking children across systems, via their assigned unique identifier, for mapping capabilities using the resulting

longitudinal data and eventual expansion to the public so that they can map where the best programs are for their own children.

Finally, the Chair recognized Ms. Webster, who noted the use of the New Mexico Early Learning Guidelines for the development of the kindergarten assessment and informed the committee that PED has released a request for proposals for vendors to complete work on the assessment, which should be ready for implementation in fall of 2015.

Committee Discussion

Committee discussion focused on funding and participation of private providers, who were noted to already be using unique identifiers. Funding, according to Mr. Gomm, is for the development of program infrastructure, not direct subsidizing of providers. Mr. Haggard noted that the issue of parents disenrolling their children from early childhood care due to expense is concerning; early child-care can cost more than college tuition, and that one focus of current work should be the ability to pay for quality without over-subsidizing.

When questioned regarding the need for additional funding and restructuring of the current TQRIS, Mr. Gomm responded that, while the previous system worked well, it did not adequately address the growth of existing programs, identification of new methods, and ongoing scientific research.

When questioned about the progress on the kindergarten assessment, Ms. Webster replied that the assessment will be developed using previous benchmarks and assessments as the basis for a new test and focused on working toward an assessment that is appropriate for a cross-section of kindergarten students.

The Chair closed discussion of this topic by urging presenters to reach out to newer members of the LESC to update them on the work that is being done in this area.

LEGISLATIVE FINANCE COMMITTEE (LFC) PROGRAM EVALUATION REPORT: CHILDREN, YOUTH AND FAMILIES DEPARTMENT (CYFD) IMPACT OF CHILD CARE AND HEAD START ON STUDENT ACHIEVEMENT

The Chair recognized Representative Luciano “Lucky” Varela, Legislative Finance Committee (LFC) Chair, who encouraged LESC members to review the evaluation report and suggested that the LESC and LFC work together with the New Mexico congressional delegation to have a more active role in controlling Head Start resources to provide quality daycare that addresses not only education, but brain development as well.

The Chair then recognized Dr. Jon Courtney, Program Evaluator and Ms. Rachel Mercer-Smith, Program Evaluator, LFC staff; and Ms. Diana Martinez-Gonzalez, Director, Early Childhood Services Division and Mr. Dan Haggard, Deputy Director for Program, Early Childhood Services Division, Children, Youth and Families Department (CYFD) staff, to discuss the LFC evaluation report, *CYFD Impact of Child Care and Head Start on Student Achievement*.

Referring to his presentation slides, Dr. Courtney stated the evaluation found that:

- New Mexico has increased its investments in early childhood, but it is not getting the results it needs from the largest investments;
- although the state is moving to upgrade the quality of child care, it cannot forget Head Start; and
- there are opportunities to improve quality due to Race to the Top (RttT) and FOCUS (FOCUS is the revised Tiered Quality Rating and Improvement System for early learning and development programs).

Providing the committee with some background, Dr. Courtney explained that:

- since FY 12, the Legislature has increased early childhood funding by 44 percent;
- overall, the majority of low-income families are receiving some form of early childhood programming (child-care, PreK, Head Start);
- New Mexico received a \$37.5 million Race to the Top – Early Learning Challenge (RttT – ELC) grant;
- in 2012, 81 percent of children were in licensed care compared to 67 percent in 2009;
- in New Mexico, one quarter of children entering kindergarten are unable to read one letter, based on available data; and
- more than 80 percent of children from low-income families are behind on the first day of kindergarten.

Dr. Courtney emphasized that the LFC evaluation focused on the impact of the two largest early childhood programs in New Mexico on student achievement:

- Child Care – which will spend about \$108 million this year for approximately 20,000 children (ages 0-13), quality ratings, and administration; and
- Head Start – which will spend about \$43.0 million this year for approximately 7,000 children (ages 3 and 4).

Since 2004, he noted, LFC evaluations have observed two competing missions for child-care: welfare, which minimizes per child spending to serve more children; and quality, which increases per child spending resulting in fewer children being served. He indicated that, currently, state and federal law is moving the mission of child-care toward the quality aspect.

Regarding the methodology used for the evaluation, Dr. Courtney said that LFC staff merged child-care data with PreK participation data from the University of New Mexico and Public Education Department enrollment, and standards-based assessment data. The merged cohort, he said, included about 50,000 third grade students in school year 2011-2012, approximately 6,200 of who received child-care between 2005 and 2008. Analyses, he stated, also looked at differences among rating levels and amounts of service provided based on two years of quarterly participation data. He noted that all analyses yielded similar results.

Among cohort students who took the Dynamic Indicators of Basic Early Literacy Skills assessment when they entered kindergarten, Dr. Courtney said, small differences were observed among children who participated in a year of child-care, and PreK participants were still more

likely to achieve benchmark levels. Dr. Courtney also noted that participating in child-care is not associated with better outcomes on third grade reading or math New Mexico Standards-based Assessment scores compared with non-participants regardless of the program's star level or duration of attendance. Noting that children participate in child-care for brief periods of time, he added that consistent toddler-caregiver relationships are essential for optimal child development.

To conclude, Dr. Courtney reported that the evaluation found that participation in PreK programs is associated with:

- an increase in reading and math New Mexico Standards-based Assessment scores by 4.0 to 5.0 percent;
- a 43 percent reduction in special education participation; and
- an 83 percent reduction in third grade retention.

Ms. Mercer-Smith discussed the new quality standards in FOCUS, which reflect significant improvements to old AIM HIGH standards. She noted that FOCUS standards approach but do not quite reach PreK standards in categories that include demonstration of all early learning guidelines, teacher qualifications, and environmental quality. She added that most children do not receive care in five-star settings, where FOCUS standards are most similar to PreK standards.

Ms. Mercer-Smith reviewed validated tools to evaluate classroom quality, such as the Early Childhood Environmental Rating Scale (ECERS) and the Classroom Assessment Scoring System, and stated that research suggests higher ratings on these tools are associated with improved student outcomes. She also briefed the committee on the \$37.5 million RttT – ELC grant and commented that the RttT grant Phase II application suggests that \$28.0 million in state funds will also be allocated to implement RttT activities.

Noting that FOCUS will leave 70 percent of providers in the old system after RttT – ELC grant funding runs out, Ms. Mercer-Smith discussed opportunities with the RttT grant, which include:

- implementing FOCUS more quickly to bring more providers under the system by the end of the grant period;
- implementing the attendance system as described in the initial application grant; and
- bringing Head Start into the developing data system.

To conclude, Ms. Mercer-Smith listed the following recommendations for the Legislature to consider:

- establish a framework for high-quality child-care in statute through a child-care accountability act;
- provide funding to pilot a high-quality, wrap-around early childhood education program, such as Educare;
- ask the New Mexico congressional delegation to support the federal government providing Head Start grants to the state for administration;
- establish requirements in statute to improve Head Start through an accountability act;
- accelerate the evaluation of Head Start quality;

- establish data-sharing requirements between RttT – ELC agencies and Head Start agencies by December 2013 to begin collecting data on participation, including historical participation to facilitate baseline performance calculations; and
- research examples of better integrated Head Start and state early childhood systems.

Committee Discussion

A committee member had a variety of questions relating to data and variations in star levels. He noted that he would email these questions to CYFD for a response.

Expressing concern that some child-care providers no longer wish to participate in the program, a committee member asked what was the best rating score, and in reply, Ms. Mercer-Smith said seven stars. The committee member commented that some private facilities have no funds to make improvements and noted how several had to shut down. She suggested that the ratings should be used as a guide, not to shut anybody out. In response to a statement on slide 20 of the presentation noting that all PreK programs must score a five on the ECERS, Mr. Haggard replied that this is no longer a standard.

Regarding a question on cost containment measures, Ms. Martinez-Gonzalez stated that CYFD had implemented a requirement for parents to apply for child-care support. Because about 75 percent of the clients report a single income, she said, the department is monitoring applications to determine whether the incomes reported include child support.

In response to a question regarding the possibility of New Mexico absorbing Head Start services into its statewide program, Dr. Courtney said the LFC offered a number of solutions and referred to the recommendations beginning on page 40 of the evaluation report, which include:

- increased oversight of Head Start;
- awarding funds to New Mexico as a block grant; and
- creating a state point of contact (SPOC) to allow legislators to have a say in the allocation of federal funding for Head Start (many states have a SPOC, but New Mexico does not have one).

DIRECTOR'S REPORT

Due to a lot of questions, the Director's Report was moved to Friday, October 18, 2013.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized the following individuals for community input:

- Mr. Neel Holcombe, President, New Mexico Head Start, responded to the Legislative Finance Committee (LFC) program evaluation of early childhood programs by noting that:

- some Head Start programs *do* participate in the FOCUS pilot project (FOCUS is the revised Tiered Quality Rating and Improvement System for early learning and development programs);
 - those programs put together school readiness reports based on aggregate data that is aligned with early childhood guidelines;
 - although coordination problems with the state have existed for years, Head Start is not solely to blame for this and does collaborate with the state;
 - LESC members are encouraged to communicate with Head Start grantees; and
 - on a positive note, that the LFC evaluation has been useful to Head Start due to its focus on school readiness.
- Ms. Martha Shweder, Director, Playschool of the Arts Child Care Center in Santa Fe, expressed concern that the \$25.0 million grant for Race to the Top had no funding for providers.
 - Ms. Tina Klose, Program Coordinator, Children in Need of Services (CHINS) in Alamogordo, indicated that CHINS now has three centers in that city, one of which is a FOCUS program. She attributed a decrease in the number children being served to not funding parents, many of whom found less expensive alternatives and do not return to the program.
 - Ms. Rebecca Dow, Founder and Director, AppleTree Educational Center in Truth or Consequences, noted that the federal government says it costs about \$13,500 per year to provide each child with a quality Pre-K education. She emphasized that recruiting and retaining quality staff remains a challenge.
 - Ms. Joan Baker, the owner of an early childhood center in Edgewood, testified that she will not be able to retain her business. She reported that Educare (a partnership composed of philanthropists, Head Start and Early Head Start providers, and school officials dedicated to narrowing the achievement gap for children in their communities) provides about \$1,500 per month for each child, but Ms. Baker receives only \$326 per month. She wants the Early Learning Advisory Council to consider quality early childhood education as a partner.
 - Ms. Lindsay Theo, representing Educators United, said that Educare spends \$14,500 per year on each child, while her providers spend \$4,900 per child, which amounts to \$4.70 per hour for Pre-K teachers, of which \$1.70 is subsidized. Noting that staff works very hard with limited resources, she emphasized the need to invest in child-care centers and give them the opportunity to pay quality teachers to work in the classroom.
 - Ms. Debra Baca, Director, Early Child Programs for Youth Development, Inc. (YDI), stated that YDI serves families at 100 percent of poverty or below, has a staff of teachers who all have degrees, and provides a research-based curriculum aligned with early childhood guidelines. She added that every Head Start program provides an annual report, collaborates on state initiatives, and works with parents to provide job training and placement. Ms. Baca invited the committee to attend a Head Start Literacy Night and read to the children.

- Ms. Marilyn Wagner, from Generations of Learning Preschool/Daycare Center in Roswell, stated that she believes parental involvement is the solution and emphasized the highest need to develop a plan. Ms. Wagner also commented that New Mexico ranks among the quarter of states in child-care regulations, but is 50th in education, which indicates that more regulation is not the solution.
- Mr. Tom McGaghie, Director, Adult Basic Education (ABE), New Mexico State University-Grants, informed the committee that the ABE community still has concerns with the implementation of a new General Educational Development test and wants to look at alternatives. He then distributed two handouts to the committee: (1) highlights from an Organization for Economic Cooperation and Development (OECD) study that polled 166,000 adults in 33 countries and found that United States adults scored poorly on international tests; and (2) an editorial in the *Albuquerque Journal* that addresses the OECD study and the difficulties faced by children trying to move ahead when their parents are behind.
- Ms. Carol Sanders-Reed, representing the Albuquerque Association for Gifted and Talented Students (AAGTS) distributed a handout and referred to a Public Education Department (PED) special education report released on August 21. She informed the committee that census-based funding for special education will not meet student needs. After recommending that the Legislature maintain current funding and keep gifted students as a part of special education, Ms. Sanders-Reed stated that AAGTS wants individual education plans for gifted students and requests that PED fill the Gifted Education Coordinator position that has been vacant since 2010.
- Ms. Pam Roy, Executive Director, New Mexico Farm to Table, reported on the status of \$100,000 appropriated to PED to provide New Mexico produce for school meals. She said that approximately 240,000 students in 60 of 89 school districts enjoyed local produce last year, and cafeterias are reporting less plate waste. Ms. Roy indicated that her group will return to the Legislature next year with a funding request for \$1.44 million.
- Ms. Loretta Sanchez, from Holy Rosary in Albuquerque, stated that during the last six months, Albuquerque Interfaith has met with teachers and scientists to understand what to expect from teacher evaluation. She emphasized that no one wants “to let teachers off the hook,” and Albuquerque Interfaith wants all teachers to be held accountable.
- Ms. Pauline Artery, a retired teacher, explained that teachers and school leaders do not fear change as long as it is a good thing and not being forced on them. She added that the evaluation process is lowering morale, which is not a good practice.
- Ms. Jenn Gable, a science teacher at South Valley Academy (SVA), Albuquerque Public Schools, expressed concern with the teacher evaluation rubric, which she said has value as a tool to promote quality instruction, but should not be used to label teachers as ineffective.

- Ms. Annette Sanchez, a social studies teacher at SVA, expressed concern that PED rejected the SVA Professional Development Plan as part of their teacher evaluation. She also noted that more training is needed to address the needs of SVA students, the majority of whom receive free or reduced-price meals and are English language learners.
- Mr. Andrés Plaza, a bilingual chemistry teacher at SVA, commented that his work on teacher evaluation received national recognition and yet PED discouraged the teacher evaluation system at SVA. He described PED's 15-page rubric as "punitive," and asserted that New Mexico needs to work at making teaching more desirable for talented educators.
- Mr. Robert Baade, Director, Robert F. Kennedy Charter School, informed the committee that their school moved from an "F" school grade to a "C" in two years due to hard work by the staff. He then commented that working on multiple efforts (evaluation, Common Core State Standards, and new assessments) at the same time is counterproductive and asked the LESC to consider working on one initiative at a time. Mr. Baade also referred to a report which recommended that legislative funding for education should be 13 percent above 2008 levels.

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 5:50 p.m.

**MINUTES
LESC MEETING
OCTOBER 18, 2013**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:13 a.m., on Friday, October 18, 2013, 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 Rick Miera, Vice Chair, Nora Espinoza, Jimmie C. Hall, Sheryl M. Williams Stapleton, and Mimi Stewart.

The following voting member of the LESC was not present:

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

DIRECTOR'S REPORT

a. Approval of September 2013 LESC Minutes

On a motion by Representative Miera, seconded by Senator Kernan, the committee approved the September 2013 minutes.

b. Informational Items

Ms. Frances Ramírez-Maestas, LESC staff, noted that for the committee's review, material for the following items were included in the committee notebooks:

- LESC Financial Reports for July 2013, August 2013, and September 2013 (FY 14);
- a staff brief on Administrative Rulemaking noting the Public Education Department's proposed amendments to the Teacher and School Leader Effectiveness rule; and
- a staff brief on Continuing Action Regarding Charter Schools by the Public Education Commission.

CHILDHOOD OBESITY: POLICIES AND INTERVENTIONS

The Chair recognized Mr. Travis Dulany and Mr. Ian Kleats, LESC staff; Dr. Susan Scott, MD, JD, Professor Emerita of Pediatrics, Department of Pediatrics, School of Medicine, University of New Mexico (UNM); Dr. Chad Kerksick, Assistant Professor, Exercise Physiology, Department of Health Exercise and Sport Sciences, College of Education, UNM; Ms. Ann Paulls-Neal, Physical Education Teacher, John Baker Elementary School, Albuquerque Public Schools, and Executive Director of the American Association for Health, Physical Education, Recreation, and Dance (AAHPERD)-New Mexico; Mr. Joshua Cales, AAHPERD Student Delegate, UNM Southwest District Convention; and Mr. Dean Hopper, Director, School and Family Support Bureau, Public Education Department (PED), for a presentation on policies and interventions regarding childhood obesity.

Mr. Dulany began by noting that, for the 2013 interim, the LESC requested a presentation on childhood obesity in New Mexico to include:

- a discussion of successful school-based interventions and policies aimed at improving child health, with specific emphasis on healthy lifestyles and selecting good food choices;
- an analysis of foods served in schools, including an evaluation of nutritional values;
- school meal nutrition best practices within New Mexico and other states; and

- district and state policies governing the availability and sale of soft drinks and high fat/sugar/processed carbohydrate snack foods in schools.

He also noted that, in researching the topic, it appears that the best practices and academic research place as equal an emphasis on physical education (PE) and physical activity as they do nutrition. As a result, Mr. Dulany stated, LESC staff arranged for presentations to the committee that cover both student nutrition and student physical fitness. He then provided an overview of information contained in the committee staff report, including provisions in current law, National Association for Sport and Physical Education best practices, and physical activity among New Mexico students.

Mr. Kleats noted that, according to the PED Student Nutrition Bureau website, the federal government funds and oversees the following school nutrition programs through the US Department of Agriculture (USDA):

- the National School Lunch Program, which includes:
 - the Afterschool Snack Program; and
 - the Seamless Summer Program;
- the School Breakfast Program; and
- the Fresh Fruit and Vegetable Program.

Regarding federal nutrition guidelines, he stated, the federal *Healthy, Hunger-Free Kids Act of 2010* (HHFKA) reauthorized the USDA's school nutrition programs through the federal *Child Nutrition Act* and allocated \$4.5 billion nationwide over 10 years in order to increase the number of low-income children who are eligible for free or reduced-price school meals and expand a program that provided after-school meals to at-risk children. Other provisions in the HHFKA, he added, introduced certain changes to the *Child Nutrition Act* related to student nutrition and childhood obesity, among them that:

- the USDA has the authority to establish national nutrition standards for all food products sold on school grounds – vending machines, lunch lines, and school stores;
- the USDA must develop new meal patterns and nutrition standards for meals and snacks in schools, which must be consistent with recommendations of authoritative agencies and current nutrition science; standards must be reassessed every 10 years or sooner;
- water must be available and free of charge during school meals;
- schools will be eligible for performance-based incentives – an increase of the federal reimbursement for school meals of \$.06 per meal – for supplying breakfast and lunches that meet nutrition standards outlined in bill;
- federal funds are to be allocated for school gardens and farm-to-school programs in which schools partner with local farms to provide nutritious, local foods for meals;
- funding will be available for state agencies and local community organizations to promote nutrition education and obesity prevention including education on healthy food choices and physical fitness programs, with participating programs receiving consultation from nutrition education professionals, academic and research experts, and community organizations that serve low-income populations; and

- the USDA and federal Health and Human Services Department must establish programs to promote healthy eating and reduce childhood obesity, with a focus on using the principles of behavioral economics research to influence healthy choices from a young age.

Mr. Kleats then informed the committee that two state nutrition programs exist: (1) Breakfast after the Bell, which provides for legislative appropriations of \$1.92 million in FY 14 to provide funding for schools to serve breakfast to students after the instructional day has begun; and (2) the New Mexico Produce in Schools program, for which the Legislature appropriated \$100,000 in FY 14 for the purchase of New Mexico-grown fresh fruits and vegetables for school meal programs, although the appropriation was not tied to any nutritional standards.

After discussing legislation from the 2013 legislative session that did not pass, Mr. Kleats provided three policy options for committee consideration:

1. provide an additional subsidy to schools adhering to federal nutrition standards;
2. integrate reporting of schools' weekly meal plans into the online nutrition claims system currently maintained by PED; and/or
3. provide an appropriation for nutrition analysis software to assist districts in complying with federal nutrition guidelines.

Dr. Scott explained that, when she completed her fellowship in 1983, she was fully trained in diagnosis and treatment of Type 1 diabetes, but not Type 2; however, today Type 2 is becoming more common in children, and obesity is a high risk factor for its development. In addressing the issue, Dr. Scott reported, two interventions are used in concert with each other – nutrition and exercise. Both of which, she stated, allow the person to control the way in which his or her body processes food. She further commented that successful changes in eating behavior require the input of the community in order to allow culture to continue to be honored. That is, teaching good eating habits require culturally appropriate education on the topic.

Regarding exercise, Dr. Scott stated that while the efforts of exercise research have been on the long term prevention of illness, additional findings show that exercise among school-aged children results in enhanced learning, better memory, and better test-taking. The area of the brain that controls memory grows over time when planned exercise programs are put in place, and it is likely that, as the body exercises, using muscle in the most appropriate way results in improved blood flow to the brain as well as lower insulin levels, she added. Dr. Scott concluded by noting that exercise is an excellent way for school-aged children to improve both their muscles and brains, and the committee may wish to consider statutory language that specifies the amount of time each child should exercise in the public school setting.

Dr. Kerksick reported that his research interests center upon the impact of exercise and nutritional interventions and their influence on the health of muscle. The results of such research show that being sedentary negatively impacts health, meanwhile regular exercise increases short-term learning and performance on tests. He concluded by stating that, although some of his colleagues complicate the message, activating muscle through purposeful movement will benefit nearly all aspects of health and, most importantly, benefits learning.

Ms. Paulls-Neal and Mr. Cales discussed the importance of quality PE programs taught by teachers who are best suited to train students to be active. Such teachers receive training and education in order to help their students acquire the skills necessary to enjoy and participate in physical activity both in adolescence and later on in adulthood. To demonstrate the positive attitude toward PE that can be achieved through a quality PE program, Ms. Paulls-Neal distributed letters from students in her class discussing the things they enjoy most about PE.

Finally, Mr. Hopper discussed provisions in current law regarding elementary PE that were enacted in 2007. He commented that PED initially proposed the elementary PE program with a four year phase-in of funding; however, because the funding was not implemented over the four year period, only 40 to 50 percent of elementary schools in the state are still receiving funding for their PE courses.

Committee Discussion

In response to a committee member's question regarding the Breakfast after the Bell program, Mr. Hopper and Mr. Kleats confirmed that PED requires food to be distributed to students during instructional time in the classroom, rather than in the cafeteria.

In response to a committee member's question relating to end-of-course exams for PE, Mr. Hopper replied that PED is developing end-of-course exams for PE in both pencil-and-paper and performance-based formats.

In response to a committee member's question regarding the New Mexico Produce in Schools program, Mr. Kleats informed the committee that, according to prior PED testimony, the \$100,000 appropriation is being used in collaboration with farmer's market organizations in order to provide New Mexico produce as an option to students; however, also according to PED testimony, the \$100,000 will not be distributed to all schools, as it would result in only pennies per student and likely have minimal impact.

In reply to a committee member who asked how much funding was made available for the elementary PE program referenced by Mr. Hopper, Mr. Dulany stated that \$8.0 million was appropriated in both FY 08 and FY 09, resulting in a total of \$16.0 million added to the State Equalization Guarantee base.

A committee member asked about the teaching of yoga in public school PE programs, to which Ms. Paulls-Neal replied that, although students know the activity as yoga, she only refers to it as "stretching and mat exercises," and students are able to opt out of the activity for religious purposes.

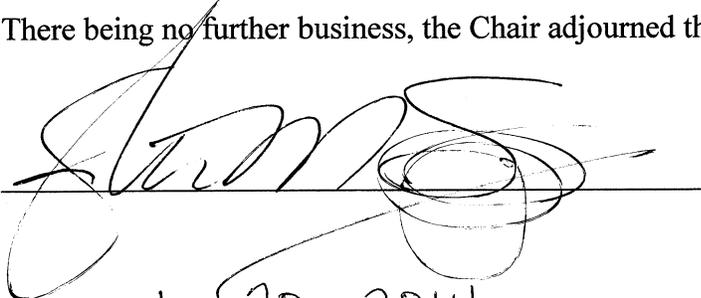
A committee member requested that PED provide information on schools that have received funding for elementary PE and the outcomes of those programs.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized Ms. Carol Miller, President, Ojo Sarco Community Center, who asked the committee to consider making the Dolly Parton’s Imagination Library a statewide program. She noted that the cost of the program is about \$26 per year, and a book is mailed to a child’s home once a month. She also indicated that the program encourages reading and writing at an early age.

ADJOURNMENT

There being no further business, the Chair adjourned the LESC meeting at 11:35 a.m.



Chair

1-20-2014

Date